

Probation

- Structuring the Exercise of Sentencing Discretion in the Federal Courts 83170 Brian Forst
William M. Rhodes
- Zero—Sum Enforcement: Some Reflections on Drug Control 83171 P. Andrews
C. Longfellow
F. Martens
- Inreach Counseling and Advocacy With Veterans in Prison 83172 Bruce Pentland
Ray Scurfield
- The Probation Officer and the Suicidal Client Frederick F. Casucci
Gary K. Powell
- An Experiential Focus on the Development of Employment for
Ex-Offenders 83173 Stanley S. Nakamura
- Alienation and Desire for Job Enrichment Among Correction Officers 83174 Hans Toch
John Klofas
- S in Corrections Wiley Hamby
J.E. Baker
- signing the Criminal Justice System: A Commentary on Selected
ential Strategies 83175 Tommy W. Rogers
- egies for Maintaining Social Service Programs in Jails 83176 Henry Weiss
- ises and Realities of Jail Classification 83177 James Austin
Paul Litsky
- e Victim Compensation: A Survey of State Programs 83178 Gerard F. Ramker
Martin S. Meagher
- ical Probation: A Skills Course — Probation Officers Do Make a
erence 83179 Marilyn R. Sánchez

MARCH 1982

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

WILLIAM E. FOLEY
Director

JOSEPH F. SPANIOL, JR.
Deputy Director

WILLIAM A. COHAN, JR.
Chief of Probation

EDITORIAL STAFF

DONALD L. CHAMLEE
Deputy Chief of Probation
Editor

WILLIAM A. MAIO, JR.
Managing Editor

MILLIE A. RABY
Editorial Secretary

ADVISORY COMMITTEE

WILLIAM E. AMOS, ED. D., Professor and Coordinator, Criminal Justice Programs, North Texas State University, Denton

RICHARD A. CHAPPELL, Former Chairman, U.S. Board of Parole, and Former Chief, Federal Probation System

ALVIN W. COHN, D. CRIM., President, Administration of Justice Services, Inc., Rockville, Md.

T.C. ESSELSTYN, PH.D., Emeritus Professor of Sociology, San Jose State University

BENJAMIN FRANK, PH.D., Chief of Research and Statistics (Retired), Federal Bureau of Prisons, and former Professor, Southern Illinois University and The American University

DANIEL GLASER, PH.D., Professor of Sociology, University of Southern California

RICHARD A. MCGEE, Chairman of the Board, American Justice Institute, Sacramento

BEN S. MEEKER, Chief of Court for the Northern

LLOYD E. OHLIN, PH.D., Professor of Criminology, Harvard University Law School

MILTON G. RECTOR, Director, National Council on Crime and Delinquency, Hackensack, N.J.

GEORGE J. REED, Commissioner (Retired), U.S. Parole Commission

THORSTEN SELLIN, PH.D., Emeritus Professor of Sociology, University of Pennsylvania

E. PRESTON SHARP, PH.D., Executive Director, American Correctional Association (Retired)

CHARLES E. SMITH, M.D., Professor of Psychiatry, The School of Medicine, University of North Carolina, Chapel Hill

MERRILL A. SMITH, Chief of Probation (Retired), Administrative Office of the U.S. Courts

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Federal Probation/Administrative
Office of the U.S. Courts

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

FEDERAL PROBATION QUARTERLY

Administrative Office of the United States Courts, Washington, D.C. 20544

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME XXXXVI

MARCH 1982

DATE 24 1982

NUMBER 1

This Issue in Brief

Structuring the Exercise of Sentencing Discretion in the Federal Courts.—Brian Forst and William Rhodes report results of a major study of Federal sentencing practices, focusing on highlights that have special relevance to the probation community: survey results on the purposes of sentencing, an analysis of recent sentencing decisions, and an analysis of the information contained in the presentence investigation report. The survey revealed that Federal probation officers and judges, on the whole, regard deterrence and incapacitation as more important goals of sentencing than either rehabilitation or just deserts. The judges individually, on the other hand, are divided over the goals of sentencing.

Zero-Sum Enforcement: Some Reflections on Drug Control.—This article reflects upon the dilemmas in drug control efforts and suggests that current policy and practices be reviewed and modified in order to evolve a "more coherent" approach to the problem. The authors critique the methods of evaluating drug enforcement efforts and provide a series of rationales that can be employed in the decisionmaking process.

Inreach Counseling and Advocacy With Veterans in Prison.—A self-help model of direct and indirect services is provided through a Veterans Administration veterans-in-prison (VIP) pilot program. Authors Pentland and Scurfield describe objectives and methodology of the program, including the formation of incarcerated veterans into self-help groups, organization of community-based resources into VIP teams that visit the prisons, serving veteran-related issues and services such as discharge upgrading and Agent Orange, and a diversionary program for veterans in pretrial confinement.

The Probation Officer and the Suicidal Client.—This article by Federal probation officers Casucci and Powell attempts to provide the probation officer with enough information to be able to

recognize and deal effectively with the suicidal client. The authors furnish an overview of the problem of suicide, a profile of the suicidal client, and the therapeutic response of the probation officer in this crisis situation.

An Experiential Focus on the Development of Employment for Ex-Offenders.—U.S. Probation Officer Stanley S. Nakamura of the Northern District of California states that a concerted effort

CONTENTS

Structuring the Exercise of Sentencing Discretion in the Federal Courts	Brian Forst William M. Rhodes	3
Zero-Sum Enforcement: Some Reflections on Drug Control	P. Andrews C. Longfellow F. Martens	3171 14
Inreach Counseling and Advocacy With Veterans in Prison	Bruce Pentland Ray Scurfield	3172 21
The Probation Officer and the Suicidal Client	Frederick F. Casucci Gary K. Powell	29
An Experiential Focus on the Development of Employment for Ex-Offenders	Stanley S. Nakamura	31
Alienation and Desire for Job Enrichment Among Correction Officers	Hans Toch John Klofas J.E. Baker	3174 35 44
BARS in Corrections	Wiley Hamby	44
Redesigning the Criminal Justice System: A Commentary on Selected Potential Strategies	Tommy W. Rogers	3175 49
Strategies for Maintaining Social Service Programs in Jails	Henry Weiss	3176 55
Promises and Realities of Jail Classification	James Austin Paul Litsky	3177 58
Crime Victim Compensation: A Survey of State Programs	Gerard F. Ramker Martin S. Meagher	3178 68
Practical Probation: A Skills Course—Probation Officers Do Make A Difference	Marilyn R. Sanchez	77
Departments:		
News of the Future		81
Looking at the Law		85
Reviews of Professional Periodicals		86
Your Bookshelf on Review		91
It Has Come to Our Attention		97

has been made in his District to establish an employment program that would provide real assistance to those clients interested in working. Integrity, friendship, patience, professionalism, trust, placement, and followthrough are the basis of a successful employment program, he concludes.

Alienation and Desire for Job Enrichment Among Correction Officers.—Responses to a correction officer opinion survey suggest that C.O.'s hold attitudes toward their job that are similar to those of other contemporary workers, report Hans Toch and John Klofas. Like other urban workers, urban C.O.'s tend to be very alienated; like workers generally, most C.O.'s are concerned with job enrichment or job expansion.

BARS in Corrections.—Evaluating the job performance of employees is a perennial problem for most correctional organizations, according to Wiley Hamby and J.E. Baker. The use of Behaviorally Anchored Rating Scales (BARS) appears to be a viable alternative for evaluating the performance of employees in corrections, they maintain.

Redesigning the Criminal Justice System: A Commentary on Selected Potential Strategies.—Selected strategies are highlighted by Attorney Tommy W. Rogers which would appear worthy of consideration in any contemplated alteration of the criminal justice system. Suggestions are made concerning modification of the criminal law detection and apprehension strategies, improving the administrative and judicial efficiency of courts, redressing system neglect of victims, and utilization of research in planning and legislation.

Strategies for Maintaining Social Service Programs in Jails.—Social services within jails and community-based alternatives to incarceration are vulnerable to cutbacks, asserts Henry Weiss of the Wharton School in Philadelphia. His article suggests a number of strategies for maintaining the improvements in service delivery that have been so painstakingly won over the past 15 years.

Promises and Realities of Jail Classification.—The process by which jails reach classification decisions has rarely been studied due to the preoccupation of the field with predictive models, assert James Austin and Paul Litsky of the National Council on Crime and Delinquency Research Center. The authors' opinions expressed in this article are based on their findings of a comparative process study of four jail classification systems.

Crime Victim Compensation: A Survey of State Programs.—Compensating crime victims for injuries sustained as a result of their victimization has evolved into a highly complex practice, report Gerard F. Ramker and Martin S. Meagher of Sam Houston State University. Their study showed that the state compensation programs in existence today are subject to similarities in certain organizational characteristics and also appear to share certain disparities.

Probation Officers Do Make a Difference.—This article by Marilyn R. Sánchez of the Hennepin County (Minn.) Probation Department examines the successful interaction between probation officer and client. Her article discusses a three-issue model for feedback from probationers: (1) the "exit interview" with the probationer, (2) presentations in schools, and (3) the postprobation checkoff list.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Crime Victim Compensation: A Survey of State Programs

BY GERALD F. RAMKER AND MARTIN S. MEAGHER
Sam Houston State University, Huntsville, Texas

COMPENSATING victims of crime, as a matter of governmental policy or principle, enjoys an ancient history stretching back some 4000 years to the Babylonian Code of Hammurabi. The rationale for this type of compensation is evident in Meiner's (1978: 7) citation of that historic digest:

If the brigand has not been taken, the man plundered shall claim before God what he has lost; and the city and sheriff in whose land and boundary the theft has taken place shall restore to him all that he has lost.

The history of victim compensation in the United States dates back a relatively scant 16 years. Pioneering legislation passed in California in 1965 enacting this country's first state program set in motion a trend that to date includes a total of 30 states.

These programs have evolved and grown in many facets of their operation, including budgetary allotments, amounts awarded to claimants, applications for funds and a host of other administrative and organizational characteristics.

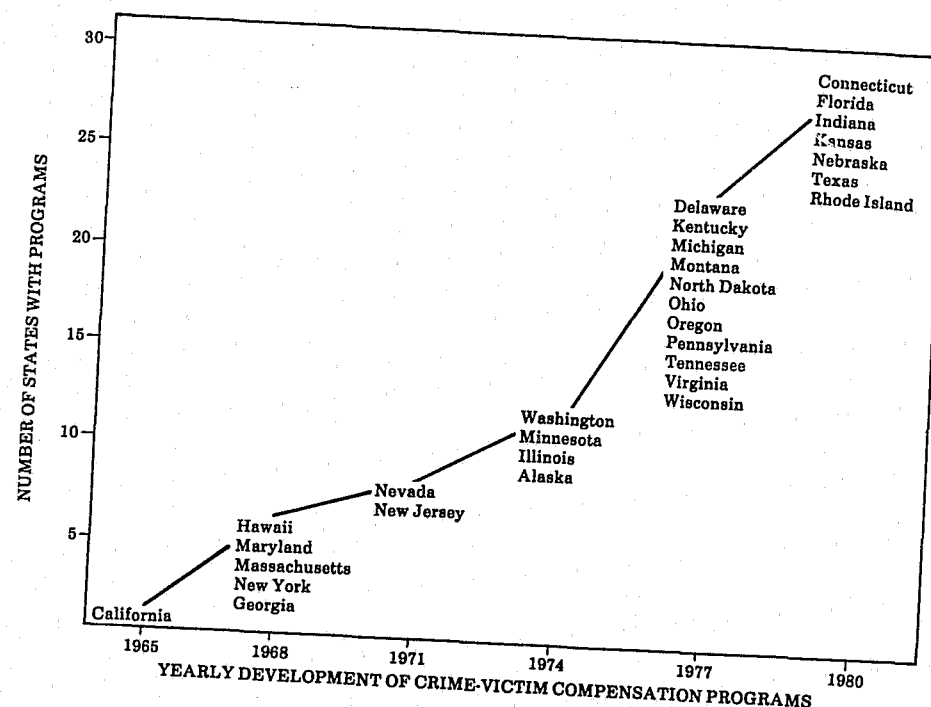
In presenting the results of a recent survey of the existent state compensation programs, this article will attempt to unravel various issues involved in crime victim compensation as well as give an indication of developing trends in the area of victim-related programs.

Expansion of State Crime Victim Compensation Programs

The growth of victim compensation programs in the United States is a comparatively recent phenomenon. While affirming the generally increasing trend in the number of states compensating crime victims, figure 1 reveals the majority of state compensation programs have been enacted within the past 5 years. Prior to 1977, only 12 states had programs in operation but the next 3 years witnessed tremendous proliferation of victim compensation programs; 18 more programs were enacted bringing the total number of states with victim compensation legislation to 30.

FIGURE 1

Growth of Crime Victim Compensation Programs



Expenditures of State Crime Victim Compensation Programs

Increased growth in the size and operation of the states' compensation programs is supported in an examination of various budgetary characteristics for the 3-year period 1978 to 1980. Table 1 provides this analysis of the total budgets and administrative costs of the existent state programs.

As these data indicate, over the last 3 years the total budgets of the individual programs have steadily increased. A further examination reveals that the average budget for an operating state program in 1978 totaled approximately \$1,234,100 while in 1980 this amount had increased to \$1,652,400, an increase of 34 percent.

Furthermore, program budgets for all state programs amounted to more than \$22,214,000 in 1978 while in 1980, \$36,352,000 was spent in operation

of the programs, representing an increase of 64 percent. This relationship holds constant for the administrative costs of these programs as well. Administrative costs amounted to \$3,635,100 in 1978 and climbed to more than \$6,504,100 in 1980.

Considering the amounts of money being spent in the operation of state crime victim compensation programs, it should come as no surprise that the issue of expenditures is subject to much review by authors and legislators. One persistent debate centers on the Federal Government's role in compensating victims of crime.

Proposals for Federal involvement in the financial operation of victim compensation programs can be traced to the year the California program was enacted. In 1965, Texas Senator Ralph Yarborough introduced to Congress a scheme outlining a national compensation program for crime victims. Unsuccessful in that year, and in 1967 and

TABLE 1
PROGRAM BUDGETS
CRIME VICTIM COMPENSATION PROGRAMS BY STATE
FISCAL YEAR ENDING 1978 TO 1980

State	Total Budget 1978	Total Budget 1979	Total Budget 1980	Administrative Budget 1978	Administrative Budget 1979	Administrative Budget 1980	Funding Source
Alaska	\$ 340,000	\$ 340,000	\$ 340,000	\$ 73,884	\$ 91,456	\$ 92,821	GSR
California	6,462,245	6,462,245	6,462,245	869,230	1,308,892	1,633,018	BOTH
Connecticut	(b)	(a)	(a)	(b)	(a)	(a)	SUR
Delaware	242,139	328,183	362,440	87,942	123,849	124,923	SUR
Florida	1,112,705	2,704,434	2,577,631	142,506	425,486	452,486	SUR
Georgia	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	307,092	224,060	674,497	61,290	66,357	75,962	GEN
Illinois	(a)	(a)	(a)	(a)	(a)	261,000	GEN
Indiana	(a)	120,000	50,000	(a)	(a)	(a)	BOTH
Kansas	(b)	214,190	158,128	(b)	64,190	61,128	GEN
Kentucky	366,000	413,343	422,036	121,836	217,766	163,669	GEN
Maryland	1,332,539	2,645,230	2,627,229	140,234	143,604	150,163	GEN
Massachusetts	(a)	(a)	(a)	(a)	(a)	(a)	GEN
Michigan	750,000	1,500,000	1,500,000	95,827	92,457	128,438	GEN
Minnesota	375,000	375,000	500,000	50,000	55,000	60,000	BOTH
Montana	195,000	195,000	172,258	14,614	28,881	44,021	SUR
Nebraska	15,047	41,879	82,685	15,047	27,013	42,522	GEN
Nevada	(b)	(b)	(b)	(b)	(b)	(b)	GEN
New Jersey	1,252,239	1,273,889	1,940,793	269,209	195,889	223,253	BOTH
New York	5,052,395	6,217,613	6,591,483	739,317	859,811	959,178	GEN
North Dakota	(a)	226,000	322,000	(a)	40,000	49,000	GEN
Ohio	1,398,547	4,483,760	5,869,510	488,997	746,280	1,237,421	SUR
Oregon	438,666	732,604	732,604	38,666	69,901	69,901	GEN
Pennsylvania	1,000,000	946,000	1,251,000	240,000	251,000	251,000	BOTH
Rhode Island	(b)	(b)	(b)	(b)	(b)	(b)	SUR
Tennessee	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	(b)	(b)	(b)	(b)	(b)	140,245	SUR
Virginia	434,886	400,205	414,890	30,556	30,365	35,144	SUR
Washington	1,139,535	1,432,760	1,800,619	155,925	131,106	118,295	BOTH
Wisconsin	(a)	1,500,000	1,500,000	(a)	(a)	130,000	GEN

(a) Information not provided in response to survey instrument.

(b) Information not applicable to particular state program.

Funding-Source Key: GEN—general state revenue

SUR—surcharge, fine or added court costs

BOTH—combination of general state revenue and surcharge, fine or added court costs.

1969, the "Victims of Crime Act" has been reintroduced, with modifications in every session of Congress since (Meiners, 1978: 39-40). Hoelzel (1980) adds that "Two years ago, the House and Senate both passed a bill to pay twenty-five percent of state costs, but the House later refused to support the conference committee version of the proposal. That was as close as the idea has come to success." (1980: 493).

Legislators are not alone in averring some degree of national governmental responsibility in the administration of crime victim compensation programs. Educators Norval Morris and Gordon Hawkins suggest beneficial results of a national compensation program in *Letter to the President on Crime Control*:

Our recommendation is that the federal government should establish a national victim compensation program. Our position is that in a society in which violent crime is pandemic, those unfortunate enough to be victims should not have to rely for compensation on a civil process which commonly proves to be illusory (1977: 70).

Morris and Hawkins further indict politicians for paying too much attention to the crime problem, but failing to consider the victim's plight; "There is something almost obscenely hypocritical about the way in which public figures bewail and deplore criminal violence in America and yet contrive to ignore the plight of the victims of that violence" (1977: 70).

One of the arguments raised by Morris and Hawkins is also involved in one of the major contra-arguments to Federal assistance to state compensation programs. Specifically, this argument maintains that monies should be increased in the area of crime prevention. The argument would progress in such a manner, that it would propose that if a crime is eliminated or prevented, there would be no need for compensating its victims.

Some legislators do not affirm the positive feelings toward victim compensation expressed by Yarborough and Morris and Hawkins. "In Congress, opponents of the proposed programs to pick up part of the states' costs argue that the measure would be just one more unwarranted expansion of the federal role in state and local government" (U.S. News and World Report, July 24, 1978: 68).

John Blackmore reports that nine members of the House Judiciary Committee of 1976 opposed the victim compensation legislation in front of them at the time because they felt that "If government aids crime victims because of the nature of their plight, then it should aid all persons similarly injured, be they crime or accident victims" (1979: 38). The Committee further justified their opposi-

tion to the legislation by declaring that the government, by passing the funding enactments, would be risking the possibility of class-action suits being filed by members of the public.

In further statements opposing Federal intervention in state compensation programs, the Committee members voiced a belief that the action could be one other "iron in the fire" for the Federal Government, which they viewed as already overextended; "The bill seems particularly ill-timed when there currently is so widespread an appreciation of the exhaustibility of the federal font" (Blackmore, 1979: 38).

Additional opponents to Federal involvement in victim compensation argue that existent assistance programs would, in the event of a national compensation program, be eliminated.

Considering the recent economic trends of double-digit inflation, broadening tax bases and the Proposition 13 sentiment, the most damaging argument against extending Federal assistance to states' victim compensation programs seems to be the cost factor. However, there is no consensus among experts concerning estimates of the costs of a Federal compensation program. The many experts who have been hired to come up with a figure have given estimates ranging from a mere \$22 million to more than \$500 million (Blackmore, 1979: 38).

Austern, et al. (1980: 68-71), affirmed this assessment of the attempts at projecting possible Federal expenditure in this area. As an example of the confusion among analysts, Austern examined three prominent estimates of the costs to the Federal Government for maintaining a compensation program. The first estimate was presented to the Committee on the Judiciary, Subcommittee on Criminal Justice, by counsel Thomas W. Hutchinson. His 3-year projection was as follows: \$22 million for the first year, \$29 million for the second year, and \$35 million for the third year (Austern et al., 1980: 68).

Edward Jones, a senior economic advisor in the Office for Improvements in the Administration of Justice, purported that the estimated cost of a Federal victim compensation program would be \$22.2 million for the first year of operation of the program (Austern et al., 1980: 69).

Finally, Austern examined the work of Roger Meiners, who estimated that the cost to the Federal Government would be in the neighborhood of \$500 million per year, significantly higher than either estimate of Hutchinson or Jones (1980: 70).

Despite the ongoing debates concerning the possibility of the Federal Government assuming

an active role in compensation programs, this evaluation seems unlikely. The Reagan administration proposes stringent budget considerations and less Federal Governmental intervention in state affairs. Therefore, funding in this area, or the establishment of a national compensation program will expectedly be doomed to its traditional role, begun with Yarborough's proposals in 1965.

Since the Federal Government has not taken a firm active role in financially assisting state victim compensation programs, each state has devised its own method of generating the necessary funds to keep their respective programs functioning.

Referring to table 1, it is evident that most states finance their compensation programs directly from the state general revenue thereby providing complete appropriation for the compensation of victims of crime. Other states establish an autonomous fund into which offenders contribute some portion of their fines or court costs. Additionally, through creative sentencing, some offenders directly pay restitution to the victim of the offense. In the instance of some states, the monies for the compensation of victims of crime is gleaned through a combination of legislative appropriation and contributions from fines, court costs, and restitution.

There have been some stunning successes in the funding area and some dismal failures. Hoelzel provides an example: "California, which collects part of its funds from outside sources, represents one of the more successful financing efforts. Over the last two years, the state has collected five million dollars—almost half of the cost of its program—through fines upon those who have committed crimes, 'penalty assessments' on other felons and misdemeanants, and restitution and civil judgments from criminals to the state, which has already indemnified the victim" (1980: 492).

Some states' policies indicate they expect their victim compensation programs to be self-sustaining. These states have established a separate fund or account into which offenders must contribute and from which all compensation is paid. Usually, the state imposes a specific fine or charge upon the convicted offender; or a surcharge is extracted from court costs for felony and certain misdemeanor offenses.

According to Hoelzel, legislators favor a program in which offenders bear the burden of compensating victims. But although Florida, Virginia, and Delaware reportedly support their entire programs from funds generated through fines or surcharges upon convicted offenders, other states like

Tennessee and Texas have found that the demands upon the fund sometimes exceed the income (1980: 492).

Another method of financing part of the costs of victim compensation programs is referred to as subrogation. All states make provision for the recovery of compensation payments from the offender through subrogation. Subrogation simply means that the state may compel the convicted offender, through civil action, to reimburse the state for all or part of any compensation award the state may have granted (Blackmore, 1979: 41).

Despite this provision, the practice of subrogation is seldom used, largely because the offender is rarely in a financial position to pay any monetary judgment that may be rendered against him and because the additional time and money that would be necessitated if the state were to pursue civil action against the offender simply would not be worth the monies collected.

Another rarely used method of compensating crime victims, is the attachment of conditions of reimbursement to the victim in the conditions of probation or parole of the offender. Yet, as Blackmore notes, typically criminal court judges are allowed to require offenders to reimburse the state for compensation awards as conditions for parole or probation (1979: 41).

In 1977 New York added a provision to its victim compensation legislation which stipulated that the state could impound or confiscate monies from "unjust enrichment." Following the notorious "Son of Sam" murders, convicted killer David Berkowitz stood to make more than a million dollars in film and book royalties for the rights to his version of the crimes. The legislature amended the existing compensation law to provide that any income received by an offender for the rights to recreate a crime would be diverted into an escrow account, under the supervision of the crime victim board, from which compensation may be paid to the offender's victims (Blackmore, 1979: 41-42). The New York law has come under attack but several other states have passed similar legislation and the trend seems to be spreading.

With the above-mentioned methods employed for financing victim compensation, one would expect the various programs to be functioning well. However, the programs in New Jersey and Texas provide examples to the contrary. The reasons for the funds running below demand seem to be twofold; either the programs suffer from apathetic employees or persons responsible for collecting fines, surcharges or court costs; or from fraudulent applications and misuse of monies.

Hoelzel reports the statements of a worker with the Tennessee program: "We really haven't gone bankrupt . . . Revenues have not kept up with the number of claims. As claims come in now, they go on a waiting list for payment" (1980: 491-492). Further, according to the program official, the program is about 3 months behind in payment. Hoelzel indicates that the fund is financed through a \$21 litigation tax imposed upon convicted felons, but clerks, who consider the tax a bother, often do not collect it (1980: 493).

Associated Press headlines from Austin, Texas, in November of 1980 reported a similar story for the then 1-year old compensation program in Texas. The program in this State was expected to be self-sustaining through the imposition of additional fines on convicted felons and certain misdemeanants. As the fund director has reported, however, that has not been the case. It was estimated that the funding practice would generate \$3 million a year, but during the first year of operation, less than \$800,000 was collected and approximately \$140,000 of that amount had been spent on administrative and operational expenses (Tuma, 1981). The blame was placed on the individual county courts for being negligent in the collection of the special fines.

It is readily apparent, therefore, that the various funding strategies devised by the states to support crime victim compensation, have met a mixture of successes and failures. Yet the observation of the more successfully funded programs indicate that these funding difficulties may be overcome and result in an adequately funded program for the compensation of victims of crime. The most glaring cause of failure in the funding process appears to be the human element.

Awards to Victims of Crime

Along with staggering increases in the costs of victim compensation programs over the past 3 years, there have been similar increases in the number of applications for assistance, the number of applications approved for assistance and the amounts of monies awarded to crime victims.

In 1978, as is affirmed in table 2, some 21,950 applications were fielded by state compensation programs. One year later this figure increased to 25,532 and in 1980, 32,436 applications were received by the responding state programs, representing an average of over 1,150 applications per program for that year. Of the applications received in 1978, 8,281 (38%) were granted awards. In 1979 some 11,561 awards were made represent-

ing 45 percent of all applications received and in 1980, 10,514 awards were granted (32% of applications received). Thus, between 1978 and 1980 some 79,918 applications were received for consideration resulting in 30,356 applications being approved for assistance, representing 38 percent of all applications.

These data are more meaningful in terms of the amounts of money awarded to claimants. In 1978, the existing state victim compensation programs awarded more than \$20,784,000 to applicants. In 1979 this amount climbed to \$30,236,000 and in 1980 the amount of money awarded to claimants was an unprecedented \$34,173,000. In terms of individual awards these dollar figures also indicate steady increases in the aid to crime victims. The average award amount in 1978 was just over \$2,500. In 1979 the average award totalled just over \$2,600. In 1980, the average award was just over \$3,200, representing an overall increase of more than 28 percent over the 3-year period.

An analysis of the percentage of the total budgets occupied by awards to applicants over the 3-year period yields information demonstrating that over 90 percent of program budgets went to aid crime victims. In 1978, the amount of money spent operating existing state compensation programs was \$22,214,000. Payments to crime victims that year totalled over \$20,784,000 or 93 percent of total program budgets. In 1979, total budgets amounted to \$32,776,000 with awards to victims amounting to \$30,236,000 or 92 percent of program budgets. Finally, in 1980, total budgets were approximately \$36,352,000 while payments to victims summed to \$34,173,000 or 94 percent of the funds dedicated to the operation and administration of victim compensation programs going to victim-applicants in the form of awards payments.

Program Characteristics of State Crime Victim Compensation Programs

As demonstrated in table 3, state crime victim compensation programs are generally unique in most policies and practices, however certain program characteristics are similar among the various programs.

Nearly every compensation program has a specified maximum possible award, which ranges from a minimum of \$5,000 to an unlimited amount. Likewise, over half of the programs require some minimum loss the victim must incur before the application will be approved for assistance. These states typically require minimum losses between \$100 and \$200.

TABLE 2
APPLICATIONS FOR COMPENSATION, AWARDS AND AMOUNTS AWARDED
CRIME VICTIM COMPENSATION PROGRAMS BY STATE
1978-80

State	Appl. Recd. 1978	Appl. Recd. 1979	Appl. Recd. 1980	Appl. Awarded 1978	Appl. Awarded 1979	Appl. Awarded 1980	Money Awarded 1978	Money Awarded 1979	Money Awarded 1980
Alaska	100	95	98	99	70	93	\$ 285,673	\$ 225,639	\$ 249,968
California	7,028	7,444	9,055	1,914	3,158	(a)	4,252,648	6,418,857	6,462,245
Connecticut	(b)	82	206	(b)	9	124	(b)	10,344	211,991
Delaware	(a)	131	150	(a)	102	110	154,197	214,025	251,873
Florida	1,141	1,370	1,555	435	530	464	1,108,125	1,345,825	1,283,465
Georgia	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	367	352	459	216	241	450	245,802	223,396	598,535
Illinois	734	798	845	501	465	536	1,082,214	1,942,464	1,998,699
Indiana	(b)	(b)	365	(b)	(b)	339	(b)	(b)	261,380
Kansas	(b)	65	109	(b)	16	55	(b)	35,977	105,598
Kentucky	249	245	287	72	123	159	132,832	288,452	359,275
Maryland	504	571	600	341	350	548	1,468,289	1,448,852	1,550,000
Massachusetts	355	429	496	251	202	169	1,122,644	656,616	469,033
Michigan	949	1,475	1,760	415	635	855	493,185	1,112,678	1,500,000
Minnesota	389	420	483	146	148	121	360,000	365,000	465,000
Montana	41	118	120	20	91	94	26,075	131,010	130,238
Nebraska	(b)	19	75	(b)	9	58	(b)	6,723	52,856
Nevada	4	3	1	2	0	1	6,758	0	5,000
New Jersey	876	966	1,020	269	301	464	952,322	1,186,449	1,559,505
New York	5,489	6,289	7,885	1,764	2,458	2,617	4,313,078	5,357,802	5,632,305
North Dakota	(a)	89	90	(a)	44	50	(a)	185,000	175,000
Ohio	1,244	1,330	1,839	506	717	1,018	2,332,015	5,286,069	6,315,497
Oregon	230	318	312	71	163	194	132,785	491,672	406,350
Pennsylvania	559	785	1,008	304	425	264	714,497	770,958	544,725
Rhode Island	0	7	9	0	0	4	0	0	66,848
Tennessee	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	(b)	(b)	1,060	(b)	(b)	128	(b)	(b)	417,067
Virginia	199	184	206	52	87	161	103,675	250,449	318,092
Washington	1,041	1,144	1,440	708	814	975	983,610	1,301,654	1,682,324
Wisconsin	451	803	903	195	403	463	513,751	981,598	1,100,000

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state program.

Seventy percent of the state compensation programs make provisions for the granting of an emergency award. These awards are made "on the spot" without the formal processing of the standard application and are intended to alleviate immediate hardships caused by the criminal victimization.

Virtually, every program qualifies as eligible, expenses for reimbursement hospital and medical expenses. Lost wages are likewise reimbursed by nearly every state crime victim compensation program. Over half of the states provide for funeral or burial expenses as part of the crime victim compensation. Typically, the states will defray at least one to three thousand dollars of any funeral expenses incurred by the victim's family or next of kin.

Every state compensation program has a determined time limit within which potential applicants must file for consideration for an award under the auspices of the program. The time limits range be-

tween 6 and 24 months with the typical limit being 12 months. Numerous states make provisions for extending the time limit in cases involving extenuating circumstances.

In as many as one-fourth of the state programs, attorneys' fees are not eligible for compensation. Hoelzel (1980) indicates that attorneys are becoming more and more involved in the claims process as evidenced by the fact that in Maryland in 1978 more than half of the claimants were represented by counsel. In 1979, however, more than 90 percent of the claimants were so represented. While three-fourths of the states with victim compensation programs do qualify attorneys' fees as eligible expenses, this trend will surely increase as attorneys will become more and more involved in the claims process.

Only four states responding to the current survey indicated that their programs did make awards for pain and suffering. Awards for this type of injury are explained as follows:

TABLE 3
PROGRAM CHARACTERISTICS
CRIME VICTIM COMPENSATION PROGRAMS BY STATE

State	Year Began	Time Limit to File (mos)	Proof of Financial Need	Victim-Offender Relationship Affect Award	Restitution Affect Award	Police Advise Victim	Public Awareness Program	Number Prof. Staff	Number Cler. Staff
Alaska	1972	24	no	no					
California	1965	12	yes	yes	no	yes	yes	1	1
Connecticut	1978	24	no	no	yes	yes	yes	45	21
Delaware	1974	12	no	yes	yes	yes	yes	0	2
Florida	1978	12	yes	no	yes	no	yes	5	0
Georgia	1967	(b)	(b)	(b)	(b)	yes	yes	7	7
Hawaii	1967	18	no	yes	yes	(b)	(b)	(b)	(b)
Illinois	1973	12	no	yes	yes	no	no	2	1
Indiana	1978	12	no	no	no	yes	yes	8	12
Kansas	1978	12	yes	no	no	no	no	5	0
Kentucky	1976	12	yes	no	yes	no	no	2	1
Maryland	1968	24	yes	no	yes	no	no	3	4
Massachusetts	1978	12	yes	no	yes	no	yes	7	3
Michigan	1977	12	yes	yes	yes	no	yes	(a)	(a)
Minnesota	1974	12	no	no	yes	no	yes	3	2
Montana	1978	12	no	yes	yes	yes	yes	1	1
Nebraska	1978	24	no	yes	yes	yes	yes	2	1
Nevada	1969	24	no	yes	yes	no	no	1	0
New Jersey	1971	12	no	yes	no	no	no	(b)	(b)
New York	1966	24	yes	no	yes	yes	yes	13	10
North Dakota	1975	12	no	yes	yes	no	yes	36	18
Ohio	1976	12	no	yes	yes	no	yes	1	0
Oregon	1977	6	no	no	yes	yes	yes	9	11
Pennsylvania	1976	24	no	no	yes	yes	no	2	2
Rhode Island	1978	24	no	no	yes	yes	yes	3	4
Tennessee	1976	(a)	(a)	(a)	(a)	no	no	(b)	(b)
Texas	1980	6	yes	yes	yes	yes	yes	(a)	(a)
Virginia	1976	24	yes	no	yes	yes	yes	2	8
Washington	1974	12	no	no	yes	no	yes	1	2
Wisconsin	1977	24	no	no	yes	yes	no	3	2
					yes	yes	yes	3	1

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state.

(Table 3 continued on next page)

Pain and suffering awards constitute an effort to compensate the victim for suffering experienced rather than to reimburse him for expenses (Hudson and Galaway, 1975: 427).

The same authors also justify compensation for pain and suffering on two grounds:

First, such awards are a part of the civil law and include damages to which the victim is legitimately entitled in civil law suits; to the extent that victim compensation schemes come into existence as the result of the ineffectiveness of civil law suits, then pain and suffering benefits should be provided. Second, for some serious offenses, especially sexual offenses, pain and suffering may be the only damages, and without such awards, the victim may go entirely uncompensated (1975: 427).

Despite the apparent rationale behind this type of award, most state programs do not provide for pain and suffering awards. Citing first the enormous costs involved, the states also indicate that amounts of awards for such damages would be difficult, if not impossible, to determine and thus

many states conclude that administering such awards would prove to be a tenuous endeavor.

Another of the characteristics of some of the compensation programs is the requirement that the claimant prove financial need in order to be eligible for assistance. This prerequisite raises a serious issue; whether or not compensation should be available only to the poor.

Several authors contend there should be no requirement to prove financial need because "compensation should be based on government's failure to protect the victim, rather than on a basis of financial status" (Wright, 1975: 408-409). The author further maintains:

Compensation should be limited to personal injury and/or death. Property losses should be excluded because of the additional cost plus the greater availability and use of property insurance. Apprehension and conviction of the offender should not be required for awarding compensation; rather

TABLE 3 (cont.)
PROGRAM CHARACTERISTICS
CRIME VICTIM COMPENSATION PROGRAMS BY STATE

State	Emergency Award	Medical Expenses	Attorney Fees	Pain and Suffering	Lost Wages	Funeral Expenses	Maximum Award Possible	Minimum Award Possible
Alaska	yes	yes	yes	no	yes	yes	\$40,000	\$ 0
California	yes	yes	yes	no	yes	no	23,500	100
Connecticut	yes	yes	yes	yes	yes	no	10,000	100
Delaware	yes	yes	yes	yes	yes	no	10,000	25
Florida	yes	yes	no	no	yes	yes	10,000	0
Georgia	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Hawaii	no	yes	yes	yes	yes	yes	10,000	0
Illinois	no	yes	no	no	yes	yes	15,000	200
Indiana	yes	yes	yes	no	yes	no	10,000	100
Kansas	yes	yes	yes	no	yes	no	10,000	100
Kentucky	yes	yes	yes	no	yes	yes	15,000	100
Maryland	no	yes	yes	no	yes	no	45,000	0
Massachusetts	no	yes	yes	no	yes	no	10,000	100
Michigan	yes	yes	no	no	yes	yes	15,000	100
Minnesota	yes	yes	no	no	yes	no	25,000	0
Montana	yes	yes	yes	no	yes	yes	25,000	1
Nebraska	yes	yes	yes	no	yes	yes	10,000	0
Nevada	no	yes	yes	no	yes	yes	5,000	0
New Jersey	no	yes	yes	no	yes	no	10,000	100
New York	yes	yes	yes	no	yes	no	20,000	0
North Dakota	yes	yes	yes	no	yes	no	25,000	1
Ohio	yes	yes	yes	no	yes	yes	50,000	0
Oregon	yes	yes	no	no	yes	no	23,000	250
Pennsylvania	yes	yes	yes	no	yes	no	25,000	100
Rhode Island	no	yes	yes	yes	yes	yes	25,000	0
Tennessee	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Texas	yes	yes	yes	no	yes	yes	50,000	0
Virginia	yes	yes	no	no	yes	yes	10,000	101
Washington	no	yes	no	no	yes	yes	no limit	0
Wisconsin	yes	yes	yes	no	yes	yes	10,000	200

(a) Information not provided in response to survey instrument.
(b) Information not applicable to particular state.

the only burden that should be on the victim is to prove injury (1975: 409).

Marvin Wolfgang has voiced a similar opinion to the issue of proving financial need:

Compensation should be provided by the state to victims of certain crimes against the person as an assertion of an individual right as well as a social obligation and not as a form of public charity to the needy and poor (Hudson and Galaway, 1975: 129).

Galaway and Rutman surmise that considering the victim's financial status as a basis for determining compensation benefits poses distinct problems. As an example, they cite the New York Crime Victim Compensation Board's repeated reports that "the most difficult problem still continues to be determining serious financial hardship" (Hudson and Galaway, 1975: 426). The writers further describe the problems the New York Board faced:

The board reported that the most difficult problems have arisen in cases of (a) aged persons who have saved for retire-

ment and whose financial condition is above the level at which they can be reimbursed for medical expenses, and (b) working middle-class persons who pay taxes and when victimized, feel that their medical expenses and loss of earnings should be reimbursed (1975: 426).

However, compensating victims regardless of financial status would be expensive. William Doerner has estimated that as few as 2 percent of the victims of violent crimes file for victim compensation (1980: 62). Therefore, considering Doerner's estimate, if all victims of crime were to request assistance, the costs of administering victim compensation programs would be staggering.

More and more states are not requiring the establishment of proof of financial need before consideration for compensation. As is indicated in table 3 approximately two-thirds of the state compensation programs do not require the demonstration of financial need for compensation.

In as many as 11 states, there would be no payment or at best a reduced payment of compensation funds if the victim-applicant was related to

the offender. In Blackmore's 1979 survey of state compensation programs, 21 states indicated that a victim-offender relationship was a disqualifying factor in the awarding of funds. Thus the trend seems to indicate that this requirement is decreasing in popularity.

Nearly every state compensation program provides for reduced awards if restitution is provided by the offender to the victim. This means that the actual amount of the compensation award is reduced by the amount of restitution ordered paid by the offender.

Despite the inherent problems in the various states' program policies and funding and financial difficulties, one of the biggest problems states face is informing the citizenry and potential award recipients of the program's existence.

As Austern affirms, "The one constant throughout crime victim compensation programs is that a very small percentage of those victims who are eligible for awards in fact apply" (1980: 71). Hoelzel argues that many victims are not aware of the help that is in fact available to them and reveals that, for example, only 3 percent of Alaska's eligible victims apply for help, only 12 percent in Hawaii, 5 percent in Maryland and 2 percent in New York (Hoelzel, 1980).

Several authors suggest that state legislatures themselves are to blame for the lack of awareness concerning state victim compensation programs. Again quoting Hoelzel:

In 1977, for example, the North Dakota legislature rejected a proposal that would have required police officers to notify every victim about the program. In an effort to limit its claims, Nebraska stipulated that none of its first year appropriation could be spent on publicity. And Washington state legislators were distraught when they saw the widespread publicity that program first received (1980: 495).

Apparently the legislators fear that the public will view the programs as a giveaway and flood the program with applications for assistance. Also, the legislators may fear that because a majority of the requests for assistance are denied, disappointment may result in an irate electorate.

The current survey results indicate that the majority of states now have established public relations efforts to increase the public's awareness of the crime victim compensation programs in existence. To this end, at least half of the states now require law enforcement officers to advise victims of crime that they may be eligible for compensation under the auspices of the compensation program. In addition, hospitals and attorneys are making potential award recipients aware of the benefits that they may be entitled to under com-

ensation programs. For these reasons, awareness of the existence of victim compensation programs promises to increase in the years ahead.

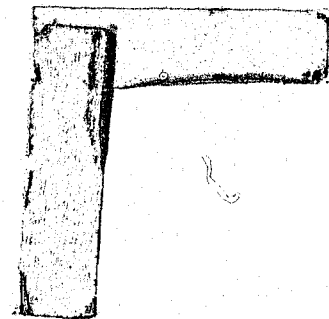
Conclusion

Compensating crime victims for injuries sustained as a result of their victimization, although a relatively recent development in the United States, has evolved into a highly complex practice. The state compensation programs in existence today are subject, in varying degrees, to similarities in certain organizational characteristics which were addressed in the previous sections of this presentation. The programs also appear to share certain disparities. Most evident of the disparities seems to be the fact that although budgetary allotments and monies awarded to victim-applicants have increased dramatically in recent years, relatively few of the potentially eligible victims actually partake of the available services and assistance. Thus the greatest need for the improvement of crime victim assistance would logically be involved in encouraging participation through some type of public awareness program or through the requirement that law enforcement officials or other "contact personnel" in the criminal justice system inform crime victims concerning their possible eligibility for program funds.

The trend of crime victim compensation program growth still appears to be increasing, regardless of the number of actual participants versus eligible applicants.

REFERENCES

- Aid to crime victims catching on fast. *U.S. News and World Report*, July 24, 1978.
- Austern, David T. et al. Crime victim compensation programs: the issue of costs. *Victimology*, (5), 1, 1980.
- Blackmore, John. Victim compensation: an ancient practice. *Police Magazine*, (2), 4, 1979.
- Blackmore, John. Paying the price of crime: to what extent should the state be obliged to compensate victims of violence? *Corrections Magazine*, June 1979.
- Blackmore, John. Focusing on the victim: aid programs offer everything from new locks to new identities. *Police Magazine*, March 1979.
- Doerner, William G. and Lab, Steven P. The impact of crime compensation upon victim attitudes toward the criminal justice system. *Victimology*, (5), 1, 1980.
- Hoelzel, William E. A survey of 27 victim compensation programs. *Judicature*, (63), 10, 1980.
- Hudson, Joe and Galaway, Burt (eds.). *Considering the victim: readings in restitution and victim compensation*. Springfield, IL: Charles C. Thomas, 1975.
- Meiners, Roger E. *Victim compensation*. Lexington, MA: D.C. Heath and Company, 1978.
- Morris, Norval and Hawkins, Gordon. *Letter to the president on crime control*. Chicago, IL: University of Chicago Press, 1977.
- Tuma, Clara. Backers of crime victims fund want issue in special session. *Houston Post*, June 3, 1981.



END