Morrison Institute for Public Policy

ARIZONA STATE UNIVERSITY

STANDING WITH THE VICTIMS:

A Review of Arizona's Crime Victim Compensation Fund

Commissioned by the Arizona Criminal Justice Commission

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I. INTRODUCTION

Arizona's Crime Victim Compensation Fund is a little-known state program that can have a big impact on the lives of residents in times of great need — when victimized and traumatized by crime. Created by the Legislature in 1986, the Fund compensates victims for certain expenses directly related to their victimization, notably for medical care, counseling, funeral expenses, wage loss and crime-scene cleanup. In fiscal year 2010 the Fund paid out more than $2.5 million to victims across the state; the money comes from assessments on court fines as well as from the U.S. Department of Justice.

Claims are filed by victims in the county where the crime occurred. In most cases, victimization must be reported to police within 72 hours of the discovery of the crime; victims have up to two years to file a claim and must cooperate with law enforcement agencies. The Fund is a payer of last resort — that is, it compensates victims for crime-related expenses that are not covered by insurance (including AHCCCS) or other benefits. Claims submitted by victims are investigated by the county attorney's office then reviewed by the county's Crime Victim Compensation Board, which is made up of volunteers recommended by the county attorney and appointed by the Arizona Criminal Justice Commission (ACJC). ACJC administers the Fund and sets rules by which the local boards judge claims. The maximum award of any single claim is $20,000.

Arizona's Fund is modeled after similar programs existing in all 50 states and shares many structural and operational characteristics with other state programs. It also faces many of the same challenges, such as funding, technological improvements and conflicting judgments concerning some victims' degree of responsibility for their own victimization.[1]

In recent years, however, Arizona's program has experienced a downward trend in both the number of new claims submitted by victims and the total amount of compensation paid out annually. These developments contrast with national trends[2] and defy easy explanation. True, the decline has taken place during a time of flat or dropping rates of reported serious crime in Arizona, but crime has also declined in other states and nationwide overall compensation payouts have increased. Moreover, Arizona's drop in claims occurred while the state experienced one of the nation's highest rates of population growth. In addition, the latter part of the drop in claims and payouts has taken place during a severe economic recession, when many criminologists would expect higher, not lower levels of criminal activity.[3] Finally, the decline in claims and payouts (but especially the former) commenced before the start of the so-called Great Recession and has thus taken place during both good and bad economic times in Arizona.

This report was commissioned in response to these trends. Its aims are twofold. First, it will review and analyze likely factors influencing the decline in the Fund's claims and payouts during the past decade. Second, it will discuss selected issues concerning the Fund's structure and operation that were raised in surveys and interviews with board members, compensation coordinators, victim advocates, providers and others who either operate within the statewide system or deal with it on a regular basis. Interviews were also conducted with Dan Eddy, executive director of the National Association of Crime Victim Compensation Boards (NACVCB) and with program operators from other states with either

similar populations or geographic locations. These latter data should shed additional light on the issue of declining claims, as well as help the program make evidence-based policy choices.

One important voice is absent from this report: that of victims. Efforts were made to contact victims with the aid of ACJC staff and compensation coordinators. A handful of contacts were made, but not enough to form a basis for drawing conclusions. Those few victims who were interviewed expressed satisfaction and gratitude. One, for example, said, "[The program] was absolutely wonderful. I could not have stayed in my home had it not been for the help provided for me."

Clearly the voices of those denied claims would be necessary to achieve a useful balance. This is not easy to accomplish. For example, a 2008 study of Pennsylvania's program collected victim-response cards that did contain some negative comments but were overwhelmingly positive.[4] Devising a method for collecting the views of unsuccessful applicants would be a useful next step, and one that could perhaps be built into the application process.

II. OVERVIEW

A primary message arising from this study's surveys and interviews is that the Arizona Fund — while clearly benefitting thousands of Arizonans annually --- is a program in conflict with itself. Internal tensions are inherent in all bureaucracies, but those within the Fund seem to bear importantly upon its operation. Four warrant mention:

Frugality vs. Generosity. All governmental agents must be prudent with public funds. But those who deal with crime victims also desire to help them as fully as possible. Some survey respondents believe that too many board members place a higher priority on conserving funds than on fully meeting victims' needs. A

How Many Victims?

The Fund's goal is to serve as many eligible Arizona violent crime victims as possible. Unfortunately, it is difficult to estimate the eligible pool of residents. It's commonly estimated, for example, that at least 20% of Arizonans lack either public or private health insurance (a moving target: the AHCCCS population has risen 165% in roughly the past decade); that yields 1.3 million residents.

Applying the state's official violent crime rate produces about 3,280 victims annually, assuming one victim per reported crime. But many members of that group are ineligible for status or conduct reasons or because they suffered no compensable losses. And none of this addresses the high percentage of unreported crimes or those where no prosecution takes place.

A calculation based upon a 1992 U.S. Justice Department report concluded that, in a mid-sized state, perhaps 11% of victims who report crimes are eligible. In Arizona, that would mean more than 2,600 eligible victims. Thus, while Arizona Fund is surely not serving all eligible victims, the actual service gap is not knowable. What can be said is that many or most Fund victims belong to a social cohort often called the "working poor," who are too poor for private insurance but whose income is above AHCCCS eligibility.

This is a difficult sector to serve for several reasons, and can be an especially needy one. As one therapist put it: "My sense is that [her clients] who come through the Fund generally have more chaos in their history — more poverty, substance abuse and domestic violence."

comparison with other states' programs (see below) shows that Arizona pays claims at a rate lower than many other states.

Uniformity vs. Localism. Arizona is one of only two states whose compensation funds operate in a decentralized manner. Supporters argue that this reflects Arizona's tradition of local control and enables applicants to deal with officials and institutions in their own communities. Critics say that it is an inefficient system that inevitably results in different levels of awards for similar victims across localities.

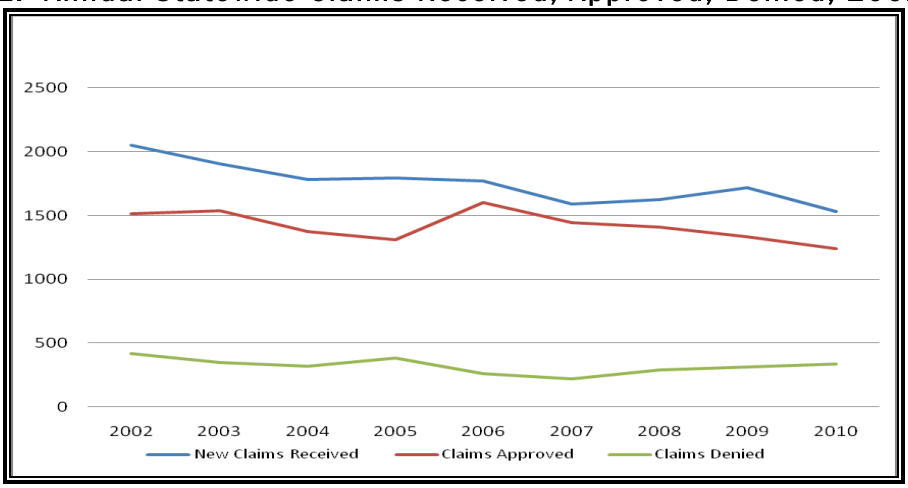
Professionalism vs. Volunteerism. Arizona board members are volunteers; their involvement represents a laudable willingness to serve their communities. However, a number of victim advocates and others — including board members themselves — reported concern about the ability of even the best-intentioned volunteers to make good decisions on complicated legal and medical matters during relatively short monthly meetings. Program directors from several other states expressed similar sentiments.

Compassion vs. Disapproval. Most crime victims eligible to apply to the Fund are lower-income individuals. Some may pursue lifestyles that are not looked upon sympathetically by individuals who occupy the Fund's boards. Some are undocumented. A number of interview and survey respondents complained about some board members adopting attitudes as "moral police" rather than as rule administrators. This concern was most frequently mentioned in connection with the question of "contributory conduct" — which arises in cases where a victim is determined by the board to bear some degree of responsibility for his/her injury or death through negligence or intentional unlawful conduct, if that conduct substantially provoked or aggravated the incident causing the injury or death.

III. TRENDS

In fiscal year 2002, at a time when Arizona's population was an estimated 5.45 million, the Fund received 2,049 claims for compensation. In fiscal year 2010, with a state population having risen by 17% to an estimated 6.4 million, the Fund received 1,533 applications, for a drop of 25% over eight years. (Fig. 1). A Pearson product-moment correlation test yielded a strong *negative* correlation ($r=-0.8$) between state population growth and numbers of claims.

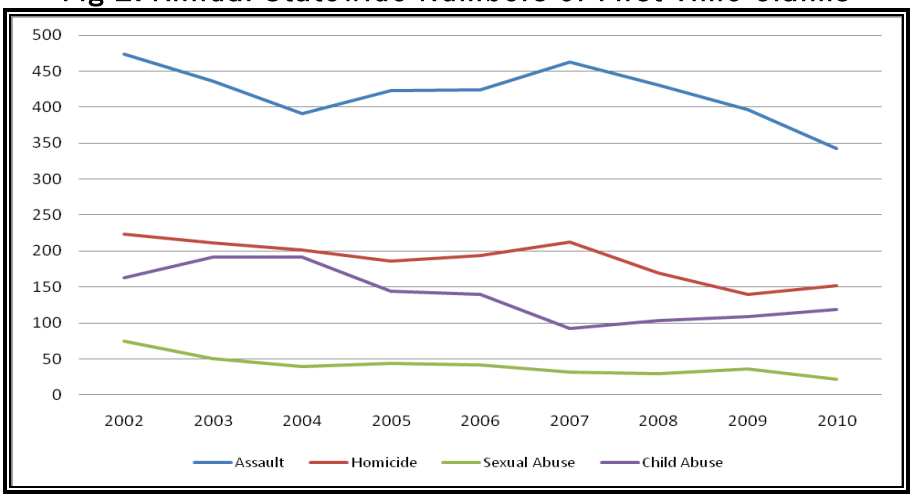
Fig. 1: Annual Statewide Claims Received, Approved, Denied, 2002-10



Source: Morrison Institute using ACJC data

The drop in claims extended across crime categories. Figure 2 shows that the declines occurred in all four of the Fund's most common crime types — assault, homicide, (adult) sexual abuse and child abuse.

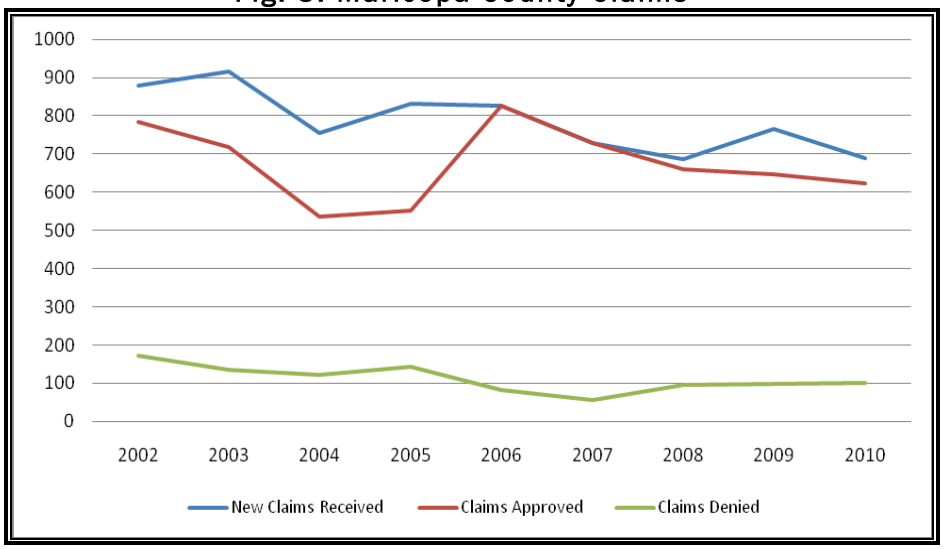
Fig 2: Annual Statewide Numbers of First-Time Claims



Source: Morrison Institute using ACJC data

These trends were by no means uniform across Arizona, as illustrated by charts for the six largest counties. Maricopa County's program (Fig. 3), by far the state's largest, closely mirrored the statewide figures, as expected. Another noteworthy aspect of Maricopa's trend during this period is the substantial variability in the numbers of claims approved.

Fig. 3: Maricopa County Claims*

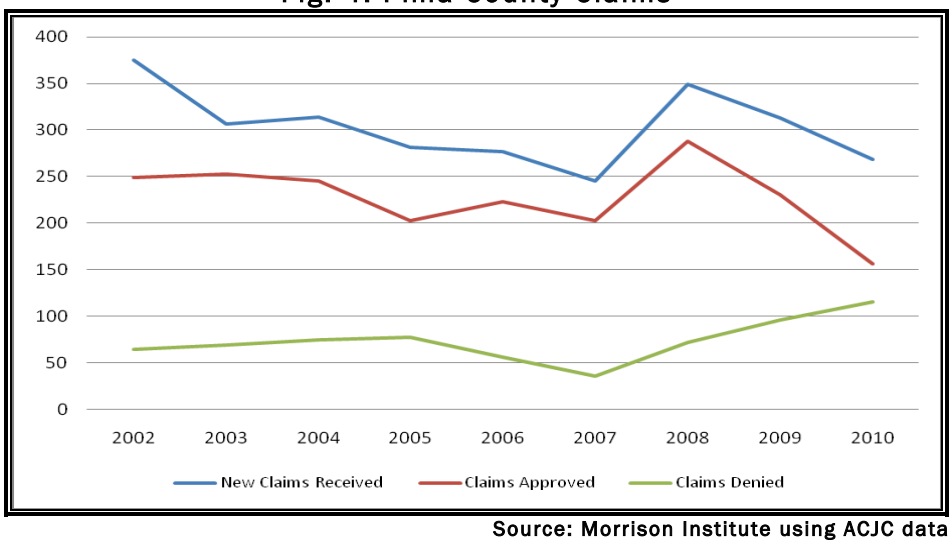


Source: Morrison Institute using ACJC data

*Annual claims approved and denied will not always sum to claims received because some cases carry over into succeeding years

Pima County, the state's second-largest program, displays a different recent claims history (Fig. 4). Its numbers of both claims and approvals decline until about 2007, then rise for a year, then drop sharply. Meanwhile, the county's denial numbers have been rising since 2007.

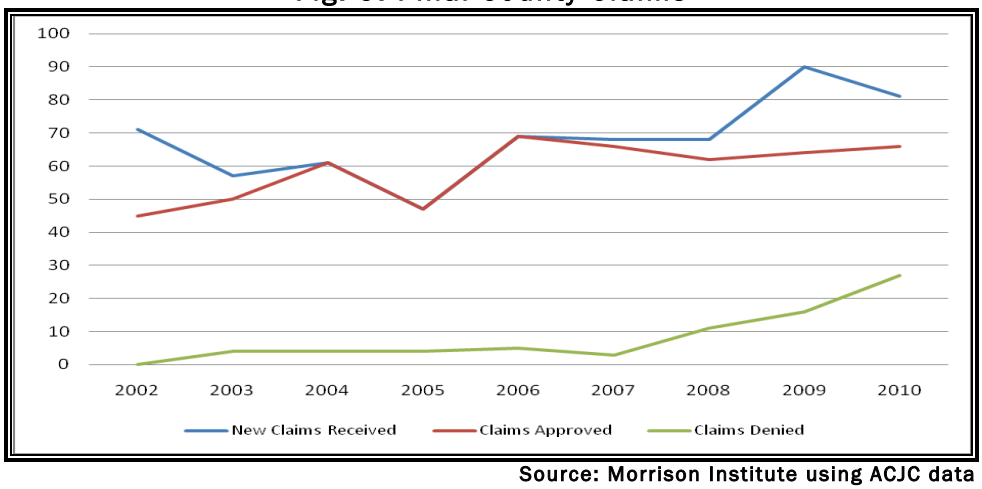
Fig. 4. Pima County Claims



Source: Morrison Institute using ACJC data

Pinal County, the state's third largest, shows a different, steadily rising history (Fig. 5). Although statewide claims have not risen with population, it is tempting to ascribe at least part of Pinal's increase in claims to the fact that it doubled in population during roughly the past decade.

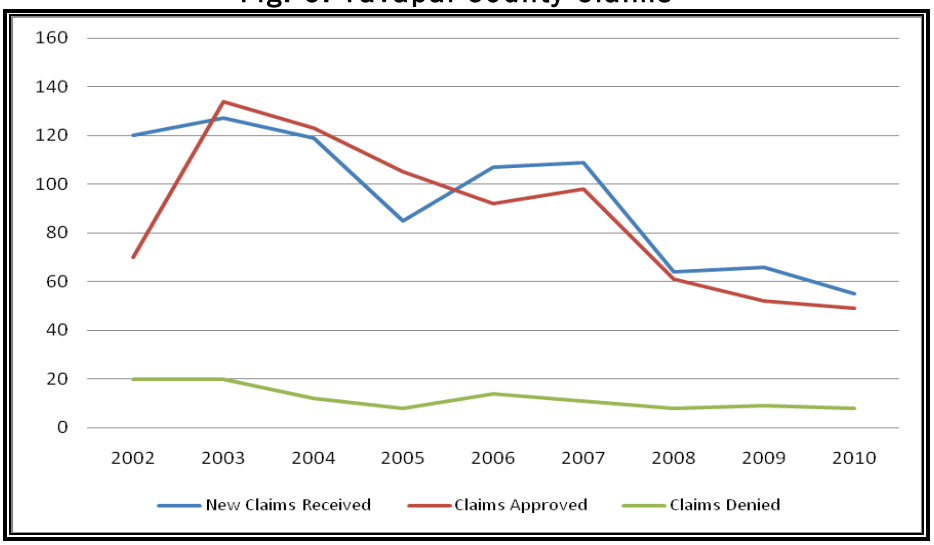
Fig. 5: Pinal County Claims



Source: Morrison Institute using ACJC data

Yavapai County displays the most dramatic decline among the six largest counties.

Fig. 6: Yavapai County Claims*

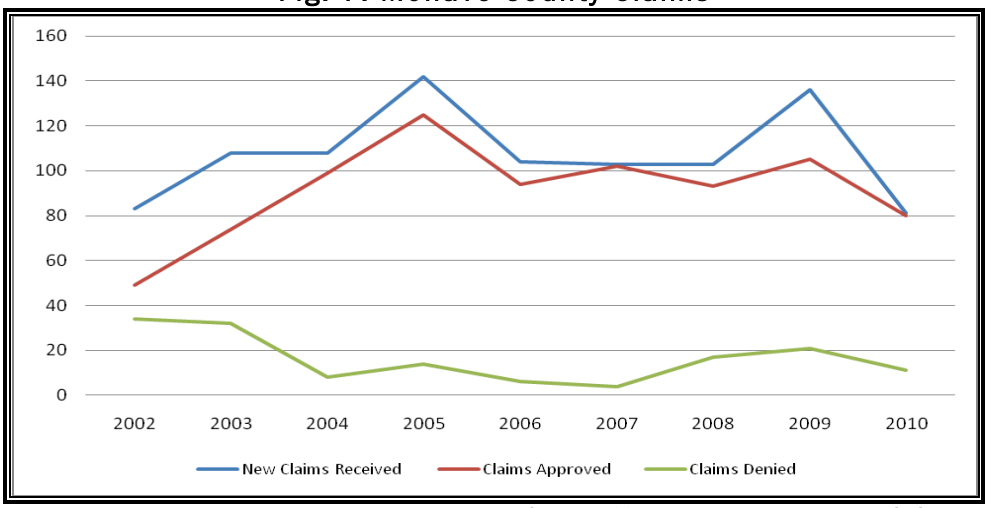


Source: Morrison Institute using ACJC data

*Approvals exceed receptions in some years due to claims processing that extend from one year into the next

Mohave County (Fig. 7) shows yet another pattern.

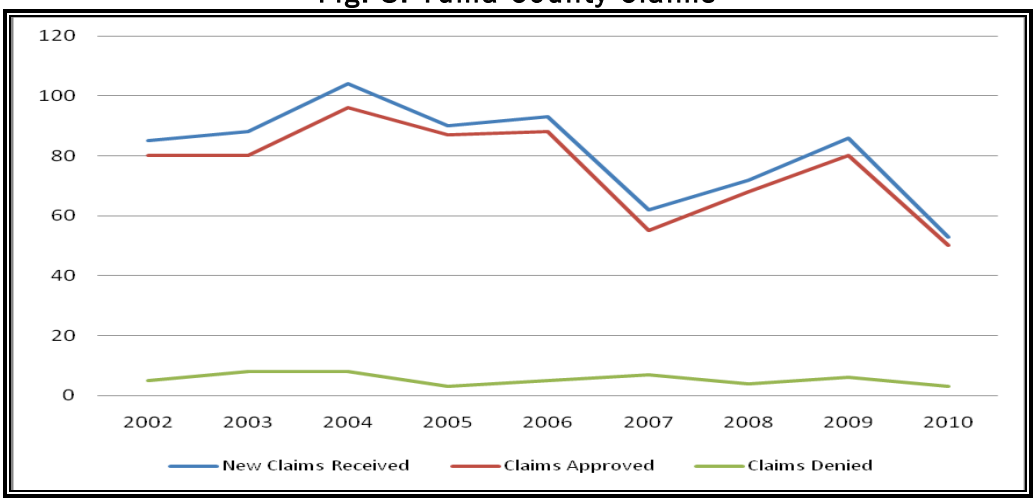
Fig. 7: Mohave County Claims



Source: Morrison Institute using ACJC data

Yuma County (Fig. 8) shows another decline.

Fig. 8: Yuma County Claims

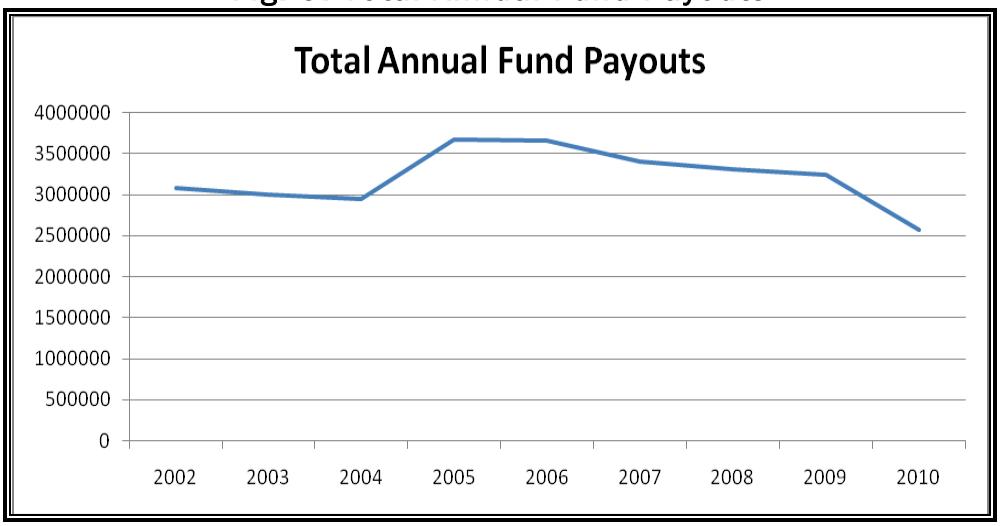


Source: Morrison Institute using ACJC data

This variability in claims trends across counties itself raises questions. The variations could simply reflect differences in victimization in the different counties; otherwise, it's not clear why such sharp differences should exist among areas of a single state operating within the same criminal and administrative framework.

Another trend of note is the variation in total claim payouts from Arizona's Fund during roughly the past decade (Fig. 9). This shows that a plateau was reached in 2004-06, followed by a gradual then sharper decline to the present day. This chart echoes Fig. 1's account of claims over time, except that the claims numbers decline throughout this period, while payouts rose for the first two years. In fact, the relationship between number of claims and total payout amounts does not appear as strong as one might expect. A Pearson product-moment correlation test found a medium positive relationship (r=0.4) between the two measures.

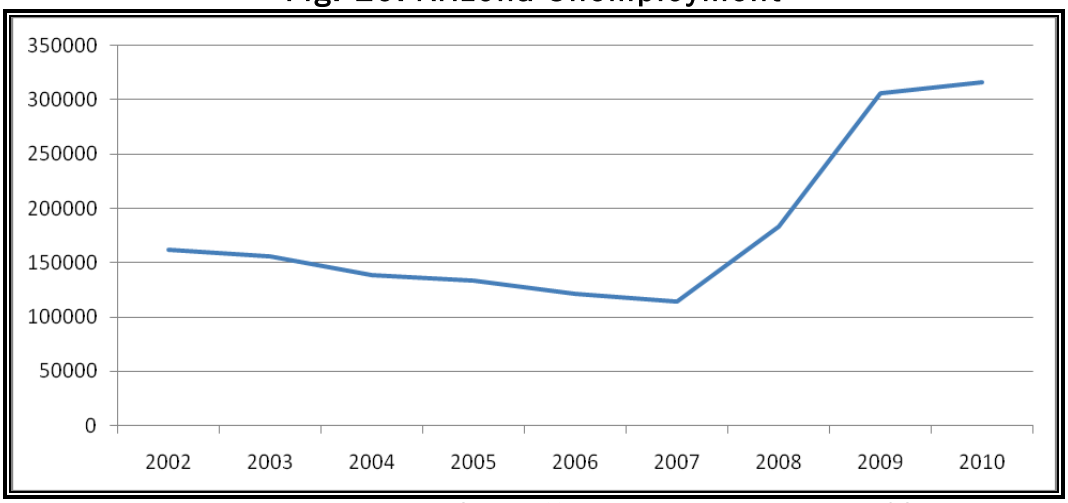
Fig. 9: Total Annual Fund Payouts



Source: Morrison Institute using ACJC data

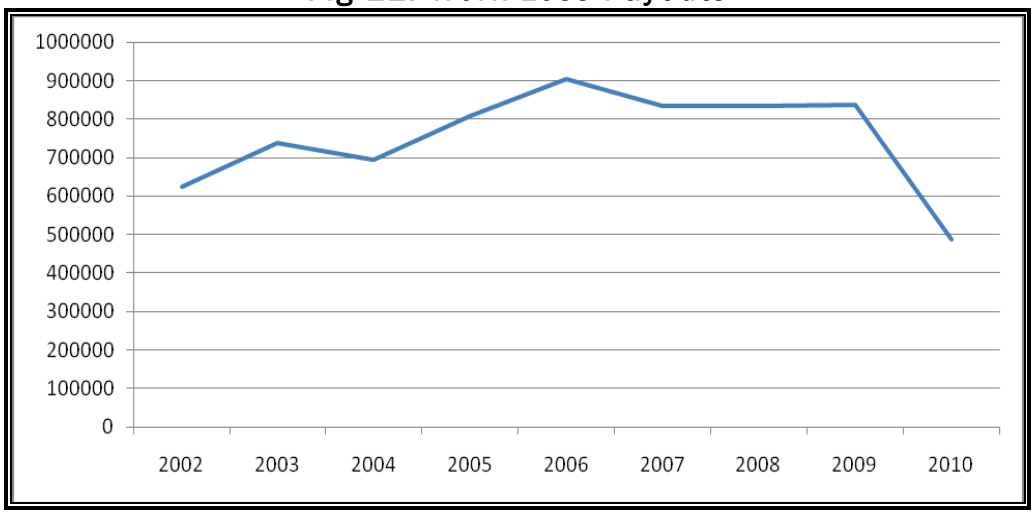
There was, however, a negative relationship between a subset of total fund payouts, compensation for loss of work, and the growth in Arizona's level of unemployment (r= - 0.5). This would be a logical outcome of increasing joblessness, as victims could not be compensated for missing work or wages they weren't receiving.

Fig. 10: Arizona Unemployment



Source: Morrison Institute using Dept. of Commerce data

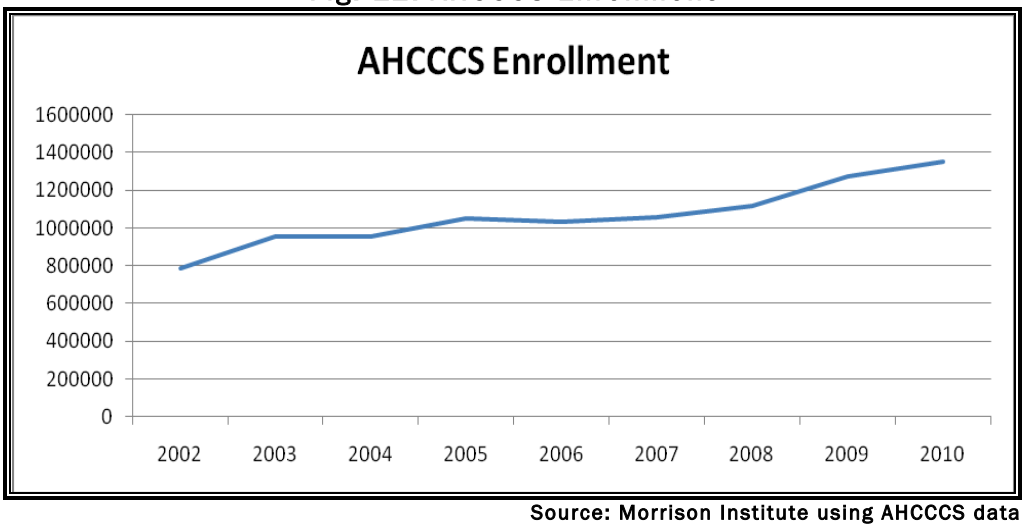
Fig 11: Work-Loss Payouts



Source: Morrison Institute using ACJC data

Another effect of the economic recession, as noted above, has been a steep growth in Arizonans qualifying for AHCCCS (Fig. 12). This trend correlates with the decline in the Fund's number of claims received (Fig. 1 above). Because the Fund is payer of last resort, victims who qualify for AHCCCS are less likely to qualify for compensation from the Fund. The correlation here was – 0.8.

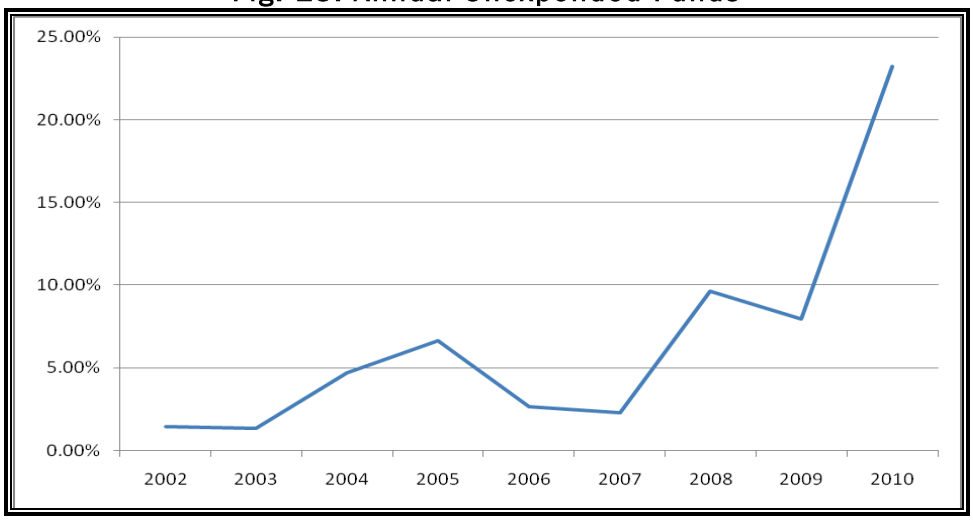
Fig. 12: AHCCCS Enrollment



Source: Morrison Institute using AHCCCS data

Finally, the trend in unexpended funds annually returned to ACJC (Fig. 13) shows a gradual if variable increase in the amounts of money returned unspent each year, with a sharp increase in 2008, a decline in 2009 and another sharp rise in 2010.

Fig. 13: Annual Unexpended Funds



Source: Morrison Institute using ACJC data

IV. CONTEXT

As noted above, Arizona's Fund is, in most respects, very similar to those that exist in all 50 states. But one major structural difference separates Arizona's Fund from all but one other state program. Arizona and Colorado are the only two programs that operate on a decentralized basis.

In Colorado,[5] compensation claims are received and adjudicated by 22 separate boards, one in each judicial district, using funds raised in that district. Boards are staffed by employees of the district attorney, who also appoints the board members.

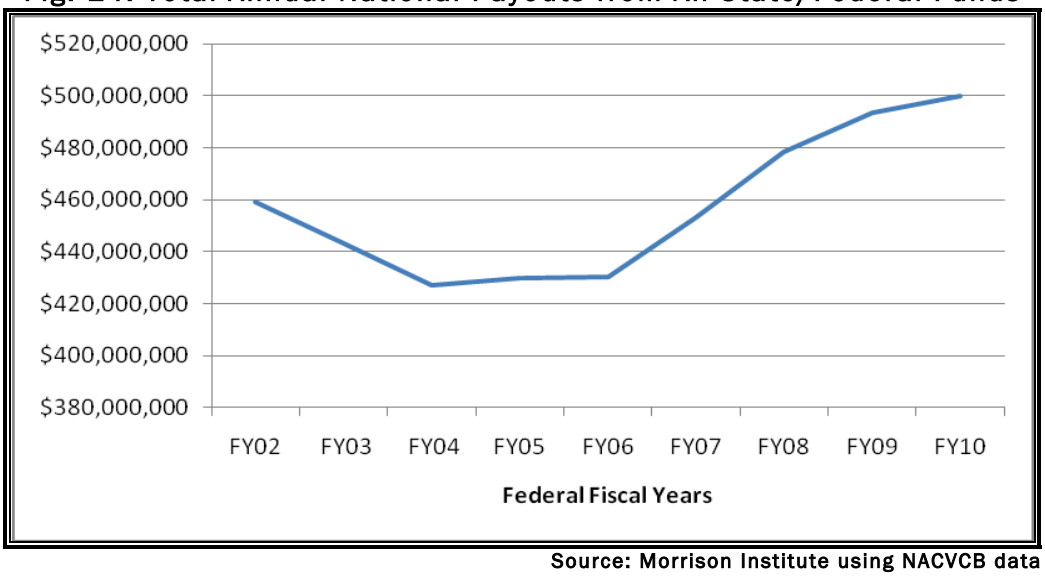
Arizona has 15 separate boards, one in each county, also staffed by county attorney employees and composed of local volunteers recommended by the county attorney and appointed by ACJC. In Arizona, however, compensation funds are distributed to county boards by ACJC; unused funds are returned annually to ACJC.

All other states operate in centralized structures of various design. Most states do not use boards to judge claims; the NACVCB states that the national trend has been to eliminate boards.

Other substantial differences exist between Arizona's Fund and other states' funds. Nationally, crime victim compensation funds are serving increasing numbers of victims with increasing benefits, according to the NACVCB. In most states, claims and payouts have continued to rise in recent years (Fig. 10), despite the above-noted fact that reported serious crime has been dropping for most of the past 15 years. The total national payout has reached new heights over the past several years. The NACVCB reports that state compensation programs spent a record $499.9 million in state and federal funds in federal FY2010, which represents an approximate 16% increase from five years ago and almost 72% from 10 years ago. The association adds that this is due at least in part to the fact that "[state] programs are adding new compensable costs and expanding outreach to ensure that more victims' needs are met." Among the new or expanded benefits are payments for forensic exams, domestic violence relocation and housekeeping and child care.

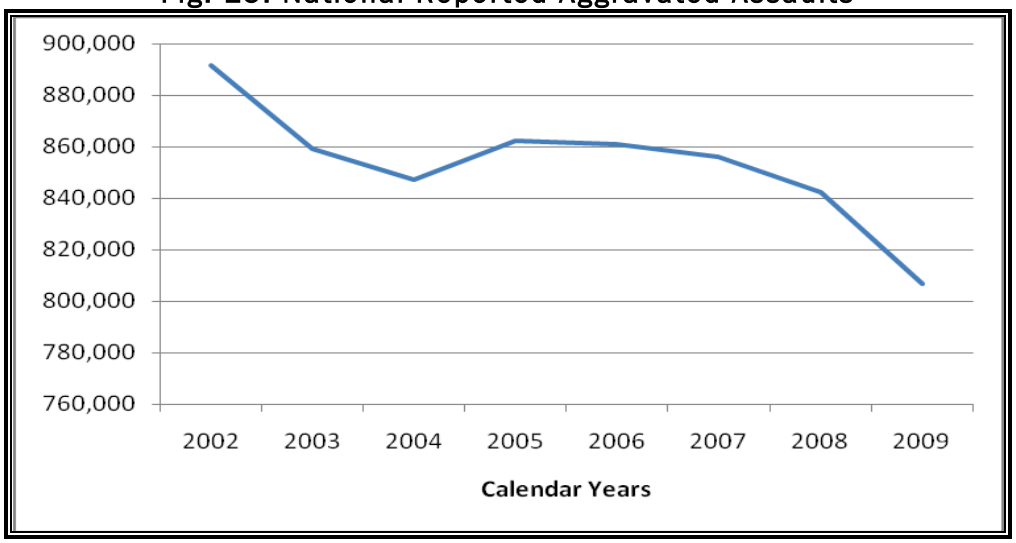
Figure 14 illustrates the trend in payouts from all state funds. While one must be cautious in comparing programs across different states (e.g., some states count claims differently), a glance at Fig. 14 and Fig. 9 reveals that Arizona's recent payout trend diverges sharply from the national one. This is true despite the fact that, as noted, eligibility criteria are highly congruent across state programs, and that the decline in crime has occurred nationwide. The dramatic national decline in reported aggravated assaults, the most common compensable crime, is shown in Figure 15.

Fig. 14: Total Annual National Payouts from All State/Federal Funds



Source: Morrison Institute using NACVCB data

Fig. 15: National Reported Aggravated Assaults



Source: Morrison Institute using FBI UCR data

Why should Arizona's payout trend diverge so sharply from the national trend? It could be that the Arizona Fund receives and/or approves a proportionately lower number of applications than other states' programs. This is not easy to measure, due to the

comparative data difficulties mentioned above; in addition, the NACVCB retains state-by-state data for only a few recent years.

However, an attempt was made to see how Arizona's program numbers fit with those of 15 other states in 2010, including states geographically nearby and/or of similar size. The effort was to see how Arizona's number of claims paid for aggravated assaults and robberies compared to those of the other states (See Appendix A). Each state's paid claims for aggravated assault and robbery were divided by the number of aggravated assaults reported that year in that state, as listed in the FBI Unified Crime Report.[6] The crime of aggravated assault was chosen because it is the most common of the serious violent crimes and is the most common compensable claim received and paid by state Funds. Robbery was included at the suggestion of the NACVCB because it can include assaults.

The resulting ratios — i.e., the percentages of all reported aggravated assaults/robberies in 2010 that resulted in paid claims —varied considerably among these states. The highest, 38%, was registered by North Carolina, closely followed by Utah at 35% and Colorado at 31%. At the low end of the scale were several states with percentages under 10%, including Illinois, Tennessee and New Mexico. Arizona registered a 2% pay rate, tied for lowest among these states.

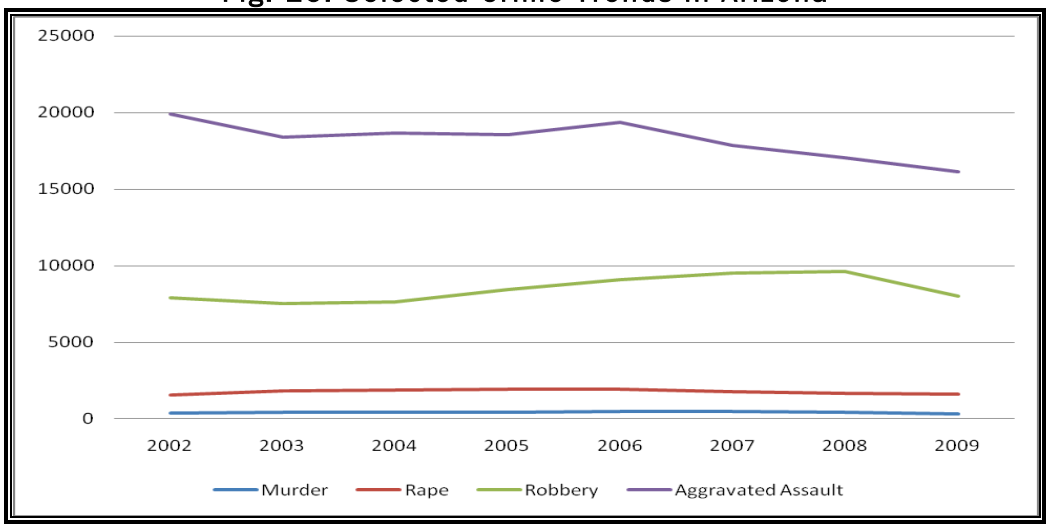
IV. DISCUSSION

Surveys and interviews with board members, compensation coordinators, victim advocates and others connected to the program found few who expressed awareness of the downward trends in claims and payouts or were prepared to explain them with confidence. What follows are hypotheses — ranked in order of their impact on claims and payouts — that were suggested by the data and/or from the surveys and interviews.

Hypothesis 1: Claims and payouts are down because crime is down.

The long and remarkable drop in reported serious crime in Arizona and the United States has clearly played a major role in Arizona's decreasing claims. The aggravated assault data in Figure 16 show a decline that neatly tracks that of claims data (a Pearson product-moment correlation test yielded a positive relationship between aggravated assaults and total claims, with r=0.05), though the payout correlation is weak (r=0.03). Questions remain — notably including why Arizona's claims and payout trends diverge from those of the nation as a whole, given that the crime drop is a nearly universal one. But this is undoubtedly among the major reasons underlying the Fund's trajectory.

Fig. 16: Selected Crime Trends in Arizona



Source: Morrison Institute using Arizona DPS data

Hypothesis 2: The "Great Recession" has reduced applications and payouts by reducing eligibility. For one thing, the economic crisis — coupled with an expansion of AHCCCS eligibility by voters in 2000 — drove up the AHCCCS rolls by 165% in a decade, from 508,917 in 2000 to 1,352,804 in 2010. As noted above, this presumably means that increasing numbers of low-income Arizonans have been disqualified from receiving Fund compensation for healthcare costs (medical costs are the largest payout category). Also as noted above, the state's increase in unemployment would be expected to leave fewer Fund applicants eligible for work-loss compensation.

Hypothesis 3: Most Arizonans are unaware that the Compensation Fund exists and thus do not initiate applications on their own.

By far the most frequent and emphatic observation made by board members, county coordinators, victim advocates and others was that the Fund remains among Arizona's best-kept secrets. Virtually all also agreed that efforts should be made to publicize the program. It's true that most Arizonans will never qualify for compensation and so don't necessarily need to know about it. But even these individuals could inform victims and future victims who might qualify.

Hypothesis 4: Arizona's growing anti-illegal-immigrant environment has reduced the number of claimants by discouraging victims who are undocumented from seeking compensation.

The percentage of claimants who are undocumented is unknown, but some board members, compensation coordinators and victim advocates believe it to be substantial, and the issue was frequently raised in surveys and interviews. Critics of harsh anti-immigrant rhetoric and measures have warned that they would discourage undocumented residents from seeking assistance from the criminal justice system even as victims; this would, of course, preclude their approaching the Fund.

Hypothesis 5: Potential claimants are discouraged because of strict — or stricter — interpretations of "contributory conduct" rules being made by some board members.

It is impossible to gauge the influence of such sentiments with any precision — here is where a survey of victims would be valuable. However, clashes over the interpretation of "contributory conduct" were cited by many board members and form a familiar challenge to ACJC staff as well as to other programs across the country. As one Arizona compensation coordinator put it: "There is this sense of being 'the moral police' in some boards… . Some board members come to the table with personal feelings that sometimes can make the outcomes not so good."

Hypothesis 6: The location of county programs in prosecutors' offices means that outreach is lacking for crime victims who are reluctant to visit such offices, or whose perpetrators are not known or otherwise not prosecuted.

Most survey and interview respondents did not feel that victims were deterred from dealing with prosecutors — in fact, they cited the program's location as helping ensure that necessary information would be easily obtained. Some, however, noted that those victims whose crimes go unprosecuted may not be made aware of the Fund's existence, even though such information is supposed to be distributed by responding law enforcement officers.

Hypothesis 7: Claims and payouts have declined because the Great Recession has driven many people out of Arizona.

This hypothesis must be approached with caution because claims and payouts dropped in Arizona during most of the past decade even while the state's population rose (the Pearson coefficient is - 0.7). Still, a large number of Arizonans have unquestionably left the state in recent years. The 2010 Decennial Census counted a total Arizona population lower than predicted by between 200,000 and 300,000 people.[7] The Arizona Office of Vital Statistics, noting the unprecedented drop in birthrates during the past several years, has estimated that more than 350,000 Latinos have left Arizona since about 2007.[8] The Fund's own records show that the number of approved claims for new Latino claimants dropped by 18% between 2003 and 2010, while the number for Non-Hispanic White claimants dropped by only 4.5%.

Hypothesis 8: Claimants also are discouraged because too many board members place a higher value on preserving, rather than spending, their funds.

This explanation was raised by several board members and compensation coordinators, one of whom noted that board members sometimes are surprised to

learn how much money they were required to spend. One respondent with long experience as a compensation coordinator also suggested that some frugal attitudes might be legacies of an earlier era in the program when funds were less plentiful. As noted above, Arizona in 2010 paid claims on a relatively small percentage of reported aggravated assaults. Meanwhile, some county programs, such as Maricopa and Pinal, have returned hundreds of thousands of dollars in unspent funds.

V. DIALOGUE

Confidential surveys and interviews used to collect data for this report covered a wide range of issues (See Appendix C for questionnaires). Because Arizona's program involves a diverse group of people operating quasi-independently of one another, it was thought that a brief review of selected survey findings would be useful to promote a form of internal system dialogue. The key survey, that of county compensation coordinators, received responses from all 15 counties. However, questionnaires sent to board members and victim advocates received far fewer returns; their findings must be evaluated with that in mind.

I. Compensation Coordinators (15 responses from 15 counties). This group of key actors reflects the diversity in Arizona's program. Some respondents spend fewer than 10 hours a week on their tasks, while others spent 30 hours; one had been on the job five months; three had been at it for 15 years. Most expressed general satisfaction with the system and could not pinpoint reasons for the decline in applications. Most said their board members strove to treat cases fairly and usually arrived at decisions that the coordinators themselves agreed with.

Other frequently noted views included:

- Few members of the public know about the fund, and even some providers and law enforcement personnel are insufficiently aware.
- Frequent barriers to victim participation, besides ignorance of the program, include lack of documentation, trauma, language barriers and eligibility issues.
- Some board members persist in heeding their personal sentiments rather than the rules when dealing with "contributory conduct" by applicants.
- Funeral expenses are capped too low at $5,000.
- More training is needed for board members and coordinators.
- The program should consider extending the reporting period, easing up on delinquency and "contributory conduct" restrictions, and providing relocation money, as several other states do.

II. Compensation Board Members (15 responses from 9 counties, out of about 80 members — 19% sample). Respondents have served from a few months to 13 years. Virtually all expressed satisfaction with their board's function and makeup. Most said they and their colleagues "usually" agree on claims, though often not without some "healthy debate."

> "At times, it feels as though the rules of the program are ignored, and people on the board feel it is their responsibility to 'punish' claimants."

Other frequently expressed points included:

- Most if not all members would benefit from more training, including training in the conduct of meetings.
- Virtually all said the Fund program is not well known among the public.
- Lack of public knowledge and reticence among undocumented victims were the two most common explanations for declining claims.
- Most said domestic violence victims should generally not be penalized for non-compliance with prosecution.
- Many board members exercise frugality for fear of running out of funds.
- A number of members advocated more support for victims' mental health counseling.
- "Contributory conduct" remains the most difficult factor to judge, with some members complaining about "moralizing" and "victim-blaming" by colleagues.
- Most members felt the existing appeals process works well.
- Respondents generally did not favor easing rules concerning delinquencies, and were evenly split on whether to raise funeral expenses or extend the reporting period.

> "I have been known to be too harsh when it comes to some cases where I feel that the applicant may be just trying to 'work the system.' "

> "The idea that a survivor/family member applying for CVC will be denied because the DECEASED victim owes fines and fees is troubling."

III. Victim Advocates (14 responses from 7 counties; sample size undetermined; distributed with the assistance of the Arizona Coalition for Victim Services). Most respondents were employed by county attorney's offices. Most said the program was generally working well, and that they believe most victims came away satisfied. There was virtually unanimous agreement that the program was insufficiently known, and that too many law enforcement officers fail to effectively inform victims who are coping with the trauma of crime.

Among other points were:

- The reporting period should be extended.
- Many victims need immediate financial aid that they're not getting.
- Delinquency rules should be relaxed, especially for homicide survivors.
- At least some victims should be awarded relocation funds.
- Board members frequently fail to properly interpret issues of "contributory conduct."
- More training is needed for advocates to better understand and cooperate with the Fund program.

> "I think it is worth the effort to re-evaluate the purpose of [the "contributory conduct" restriction] along with the message it may send to victims reaching out for assistance."

A Decentralized, Board-based System

While compensation fund programs exist in all states, all but those in Arizona and Colorado are centralized and approximately three-quarters operate without boards. The NACVCB reports that the national trend remains in the direction of replacing boards with some type of professional claims evaluators.

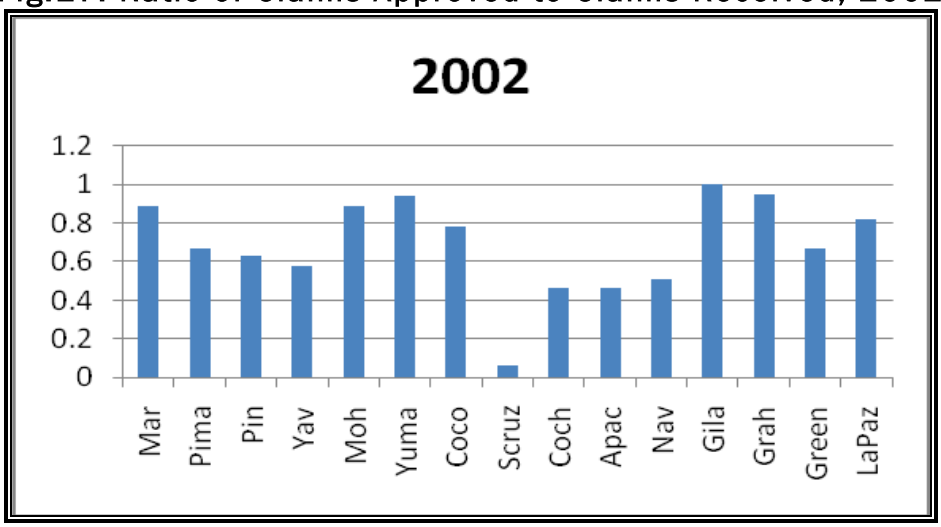
In survey responses and interviews, most Arizona board members and county compensation coordinators supported the Fund's current structure. The combination of local control and volunteer involvement, they said, helped maintain good relationships with law enforcement and providers, and helped ensure that decisions would reflect community values. A number of compensator coordinators also asserted that having claims filed locally made it easier on victims who would otherwise have to deal with claims evaluators long-distance.

While worthy, however, these arguments are not irrefutable. For one thing, it's not clear that decision-making on victims' claims *should* reflect local values, given that state laws and regulations — like those underlying the Fund — should ideally be implemented in a uniform manner.

Indeed, the issue of inconsistent judgments across counties came up frequently in surveys and interviews. Ed Katz, manager of Pennsylvania's Victims Compensation Assistance Program, said using a board system was "the worst thing that ever happened to this program" because the boards tended to deny claims and in general rendered the system slower and more complicated.[9] Even Tony Tilger, director of Colorado's program, noted it as a problem.[10] Tilger believes Colorado's decentralized structure helps encourage victims to come forward. But he added: "The biggest disadvantage of decentralization is inconsistency in payouts… . Depending on which side of the street you're [victimized] on, [determines] how much you can get compensated."

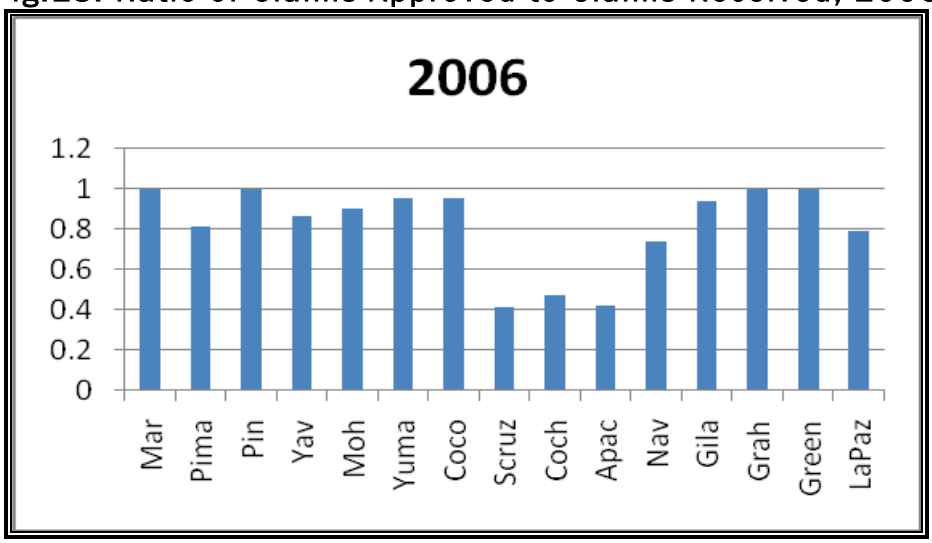
Such inconsistency is difficult to assess. Differences in numbers of claims or payout levels across Arizona counties will obviously depend in part on the different mixes of crimes and claimants faced by each board, as well as by differences in providers' costs. Still, an effort was made to address the issue by comparing different counties' ratios of claims paid to new claims received. This would yield a rough "payment ratio" — a ratio that could be argued should be nearly uniform throughout the state. The results, however, (See Appendix C) reflect inconsistency across Arizona counties. Figures 14-16 indicate considerable variation in this ratio.

Fig.17: Ratio of Claims Approved to Claims Received, 2002



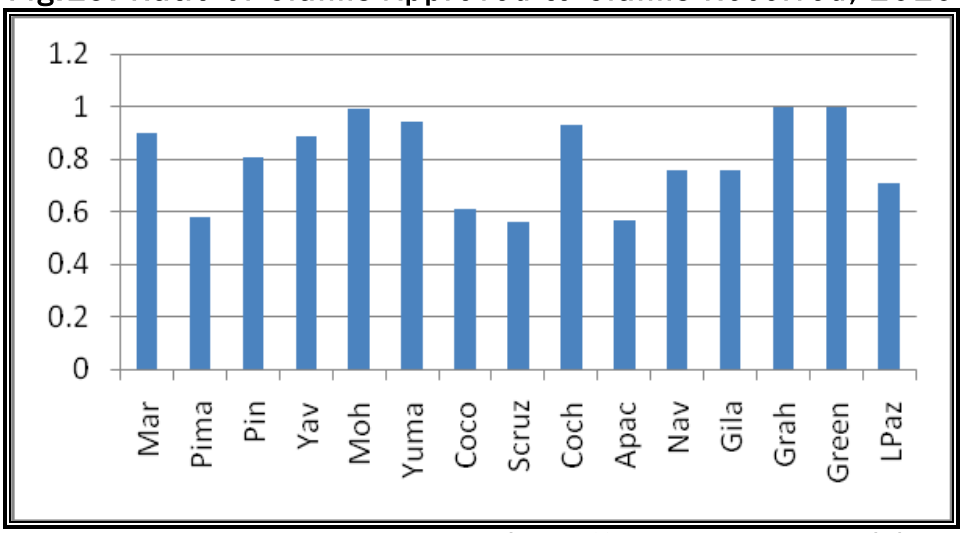
Source: Morrison Institute using ACJC data

Fig.18: Ratio of Claims Approved to Claims Received, 2006



Source: Morrison Institute using ACJC data

Fig.19: Ratio of Claims Approved to Claims Received, 2010



Source: Morrison Institute using ACJC data

Absolute uniformity is, of course, impossible. According to survey and interview respondents, however, a substantial degree of the variation in decision-making across counties is believed to stem from:

- The varying views of dominant board members and the dynamics of member relationships.
- The presence or absence of board members with professional backgrounds in fields such as law enforcement or behavioral healthcare.
- Board members' differences in interpreting rules, especially concerning "contributory conduct."
- Board members' personal disapproval of some victims' lifestyles.
- Differences in compensation coordinators' understanding and enforcement of some rules.
- Differences in board members' attitudes towards claimants they believe to be undocumented.

VI. RECOMMENDATIONS

Arizona's Crime Victim Compensation Fund can change people's lives. Its mandate could hardly be more important: To maximize the aid and comfort given eligible crime victims, many of whom rank among our state's most vulnerable residents. The Fund's own data suggest that it has been falling short of this goal. Despite the best of intentions, needy and deserving Arizona victims are clearly going unserved while available funds are going unspent. Further, the repeated failure to fully spend state funds could compound this problem by triggering a decrease in future funding for Arizona victims from the U.S. Department of Justice.

Surveys, interviews and other research among program participants and others resulted in a number of opinions and recommendations. Some were in conflict with each other, while others — e.g., upgrade system software and related technology and go paperless — seemed unrealistic in today's era of lean state and local budgets.

The recommendations that follow are those that were generally supported by most respondents.

- Tier 1 recommendations are relatively minor changes that could be implemented within the program's current structure.

- Tier 2 recommendations are more ambitious modifications that repeatedly came up in discussions with program participants, the NACVCB and directors of other states' programs.

Tier 1:

1. Increase program publicity and outreach. There was virtually universal agreement that Arizona's Crime Victim Compensation Fund was too little known to reach its full potential. Too little known to the general public, but also to law enforcement officers, providers and even victim advocates. Even greater efforts are deemed to be necessary among the state's Native American, Spanish-speaking and undocumented communities. Efforts — flyers, posters, ER placards, etc. — could be designed/initiated at the central office then customized at the local level. Other state programs provide a wealth of outreach tactics to choose from.

2. Emphasize law enforcement's role in fully informing victims. Concern was expressed by coordinators and others that some eligible victims are not being served because no prosecution takes place. Ed Katz, a former police chief and head of Pennsylvania's program, uses techniques to incentivize police departments to participate. For example, Katz said that every year he publicly commends and awards plaques to those departments that have excelled in cooperating with the program.

3. Provide more training for board members. This should include training on meeting procedures. Augment training visits with webinars, and consider holding annual statewide conferences (Colorado holds one for staff only — i.e., compensation coordinators — and one for board members, as well). This could ease problems with inconsistency across counties.

4. Further professionalize the boards. Limit the number of meetings a member can miss, select at least some members based on their professional backgrounds and provide monthly fund-balance updates at board meetings.

5. Modify some compensation rules. The most widely — though not unanimously — supported measures included:

- Raise the cap on funeral compensation.
- Allow for wage compensation above minimum wage for eligible victims.
- Ease or end restrictions on compensation for homicide survivors due to the deceased's delinquencies; ease prohibition on compensation for victims whose delinquencies are not directly owed to another victim.
- Raise the $20,000 cap on compensation if funds are available.
- Provide relocation fees. Especially for domestic violence victims.
- Exercise greater leniency on the side of the victim when "contributory conduct" issues arise; require that the victim's conduct must contribute "substantially" to the victimization.

Tier 2

1. Alter the appeal process. An appeal process that requires appellants to return to the same board that turned them down seems unfair on its face and was cited as such by several operators of other state programs, as well as by a few — though not many — Arizona survey and interview respondents. It seems likely that this process discourages appeals, and perhaps even initial applications. It also may prompt some board members to evade making decisions in difficult cases — one board member said the attitude sometimes was, "Let's deny [the claim] and let her appeal if she wants." Modifying the process could take any of several directions – including sending the appeal to another county, having appeals decided by ACJC staff or sending appeals to an administrative law judge — and would not seem to be either time-consuming or expensive.

2. Establish a statewide provider fee schedule. The Nevada program functions on a statewide fee-schedule for paying providers, modeled after the one for worker's compensation payments. Program Director Bryan Nix said this approaches does away with the need for negotiation and is well received by providers.

3. Combine several small county compensation operations into a regional one. This would ease burdens on county budgets and widen the pool of potential board members. If board member selection becomes an issue, membership could be rotated among the counties. This change might also enhance confidentiality for victims in small rural communities.

4. Address the issue of undocumented immigrants. This issue hangs in the background of the Fund program, as it does for other Arizona public policy issues. Fund rules currently do not exclude undocumented individuals from seeking compensation (although some individual board members reportedly do); the issue is currently enmeshed in

contradictory legal findings. Some might argue that the issue is best left undisturbed, but doing so risks perpetuating inconsistency among boards on this issue. In any case, the issue of claimants' legal status was raised frequently by board members, compensation coordinators and victim advocates.

5. Abolish county boards. Analyzing the often murky and disputed elements of criminal events and medical needs can pose stiff challenges for veteran Superior Court judges. Asking panels of lightly trained lay volunteers to do so at monthly meetings based on summaries of the events invites inconsistency across counties — a concern voiced by several directors of other state programs. True, most board members and compensation coordinators who responded to surveys supported Arizona's existing system. As noted above, however, most states have eliminated boards (if they ever had them) and the national trend continues in that direction. A degree of local influence could be preserved by having county victim advocates and compensation coordinators continue to receive and process applications, but with decisions made by a central board. That board could be composed of volunteers selected from around state on a rotating basis.

6. Centralize and professionalize the system. This would take No. 5 recommendation one step further and create a central staff of professional evaluators to review and judge claims statewide. All states except Arizona and Colorado have moved to a centralized system; directors of several other programs claim centralization brings increased consistency and speed, as well as administrative savings. If savings are realized, the funds could perhaps be invested in upgrading system technology to make it easier for victims to file claims.

VII. FURTHER STUDY

Arizona's Crime Victim Compensation Fund is a complex program operating at multiple sites throughout the state in a manner that shares responsibility and authority between the central administrator and the 15 local operations. The present study could do little more than scan the surface of the program, and leaves many questions unanswered, including:

- How do crime victims themselves — both those awarded compensation and those denied — view the program? In addition to seeking comment from past claimants, the Fund could perhaps incorporate a victim-feedback mechanism into the application process. Surveying other states' practices, if any, could be useful here.
- What are the most cost-effective ways of making the Fund better known among both the public and those who participate in the system — i.e., law enforcement, providers, victim advocates, etc.? Again "best practices" used elsewhere could be instructive.
- How many potentially eligible crime victims are not connecting with the program because their crimes are not prosecuted? While law enforcement officers are supposed to inform victims about the Fund, a number of survey and interview respondents voiced concern that either officers were inconsistent in doing so or that many victims receiving such information while still traumatized by the event failed to follow up.

- Are there feasible ways to further reduce the ambiguity surrounding "contributory conduct" beyond the 2009 ACJC memo? Some program directors — and a few respondents to this study — even suggested abolishing it as an eligibility factor.
- What would be the costs and benefits of enhancing the technological infrastructure of Arizona's program in the direction of a "paperless" system that some other states are pursuing?
- How well does the current program work for victims of domestic violence — a high-volume violent crime — who may be reluctant to contact prosecutors or to follow through with prosecution? Are there improvements that need to be made?
- If the program does alter payout caps or eligibility criteria, what are the most cost-effective ways to do so?

NOTES

[1] Information about the national program is available at the website of the National Association of Crime Victim Compensation Boards (NACVCB), http://www.nacvcb.org/
[2] NACVCB data and interview with Dan Eddy, executive director
[3] See, for example, Richard Oppel Jr., "Steady Decline in Major Crime Baffles Experts," *New York Times*, May 23, 2011 and James Q. Wilson, "Hard Times, Fewer Crimes," Wall Street Journal (WSJ.com), May 28, 2011.
[4] Joint Research and Statistic Association, *Assessing the Use of Pennsylvania's Victims Compensation Assistance Program*, Pennsylvania Commission on Crime and Delinquency, 2008
[5] Interview with Tony Tilger, director of the Colorado victim compensation program
[6] FBI data on aggravated assaults reported in 2009 were used because final 2010 numbers had not been released.
[7] W.P. Carey School of Business, "The Economic Minute: Population Count Lower Than Expected" Published: January 18, 2011, downloaded June 27, 2011. http://knowledge.wpcarey.asu.edu/article.cfm?articleid=1962
[8] Arizona Department of Health Services, *Arizona Health Status and Vital Statistics Report, 2009;* http://www.azdhs.gov/plan/report/ahs/ahs2009/toc09.htm (Note: More up-to-date statistics are available on the website.)
[9] Interview with Ed Katz, May 26, 2011
[10] Tilger Interview, *op.cit*.

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Mary Wilson, director of Indiana's program
Ed Katz, director of Pennsylvania's program
Cletus Nnanabu, director of Washington's program
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* A number of interviews were also conducted with compensation coordinators

Appendix A—Ratio of Aggravated Assault/Robbery Claims Paid to Reported Aggravated Assaults, 2010*

California	Paid claims	22,135
	Agg Assaults	99681
	Ratio	0.22
Texas	Paid claims	12,201
	Agg Assaults	74018
	Ratio	0.16
New York	Paid claims	8,352
	Agg Assaults	43676
	Ratio	0.19
Florida	Paid claims	10,077
	Agg Assaults	76112
	Ratio	0.13
Colorado	Paid claims	3,443
	Agg Assaults	11172

	Ratio	0.31
S. Carolina	Paid claims	2,229
	Agg Assaults	22962
	Ratio	0.097
Ohio	Paid claims	4,482
	Agg Assaults	16009
	Ratio	0.28
Washington	Paid claims	3,550
	Agg Assaults	12639
	Ratio	0.28
Utah	Paid claims	1,292
	Agg Assaults	3683
	Ratio	0.35
Illinois	Paid claims	2,695
	Agg Assaults	36588
	Ratio	0.07
Arizona	Paid claims	313
	Agg Assaults	16366
	Ratio	0.02
Massachusetts	Paid claims	552
	Agg Assaults	20836
	Ratio	0.026
Tennessee	Paid claims	955
	Agg Assaults	29940
	Ratio	0.03
N. Carolina	Paid claims	890
	Agg Assaults	23304
	Ratio	0.038
Missouri	Paid claims	614
	Agg Assaults	20002
	Ratio	0.03
Nevada	Paid claims	1,527
	Agg Assaults	11360
	Ratio	0.13
New Mexico	Paid claims	458
	Agg Assaults	9338
	Ratio	0.05

*** Agg assaults/robberies are FBI UCR 2009, claims paid are OVC 2010**

Appendix B—Ratios of Claims Approved to Claims Received,* Counties

	2002	2003	2004	2005	2006	2007	2008	2009	2010
Maricopa	0.89	0.78	0.71	0.66	1	1	0.96	0.84	0.9
Pima	0.66	0.83	0.78	0.72	0.81	0.83	0.83	0.73	0.58
Pinal	0.63	0.88	1	1	1	0.97	0.91	0.71	0.81
Yavapai	0.58	1.1	1.03	1.2	0.86	0.9	0.95	0.79	0.89
Mohave	0.59	0.69	0.92	0.88	0.9	0.99	0.9	0.77	0.99
Yuma	0.94	0.91	0.92	0.97	0.95	0.89	0.94	0.93	0.94
Coconino	0.78	0.88	0.89	0.8	0.95	0.79	0.59	0.82	0.61
Santa Cruz	0.06	0.63	0.23	0.2	0.41	0.54	0.31	0.07	0.56
Cochise	0.68	0.6	0.51	0.61	0.47	0.46	0.68	0.7	0.93
Apache	0.46	0.36	0.37	0.28	0.42	0.63	0.42	0.6	0.57
Navajo	0.51	0.83	0.82	0.61	0.74	0.8	0.76	0.61	0.76
Gila	1	1	0.7	0.75	0.94	0.9	0.95	0.94	0.76
Graham	0.95	0.95	0.95	0.88	1	0.91	1	1	1
Greenlee	0.67	0.79	0.67	0.7	1	0.67	1	1	1
La Paz	0.82	0.64	1	0.4	0.79	0.91	0.63	0.57	0.71

*ratios greater than 1 occur due to claims processing that extends from one year to the next
Source: Morrison Institute using ACJC data

Appendix C—Questionnaires

QUESTIONS FOR COUNTY COMPENSATION COORDINATORS

1. Please describe your title and functions.

2. On average, how much time do you work on compensation matters?
   - Less than 10 hours a week
   - 10-20 hours a week
   - 21-30 hours a week
   - More than 30 hours a week

3. How long have you been in your position?

4. To your knowledge, how many different people have held your position in the last 10 years?

5. On average, how many victims' claims come in per week?
   - Less than one per week
   - Between 1 and 5 claims
   - Between 5 and 10 claims
   - More than 10 claims

6. What changes, if any, have you noticed recently in the rate of victims' claims your office receives (increased, decreased, or remained the same) and why do you believe so?

7. What changes, if any, have you noticed recently in the amount and frequency of victim payouts (increased, decreased, remained the same) and why do you believe so?

8. How well-known do you think your compensation program is among the general public in your county?

9. What ways are used to inform the public about the program? Describe some strengths and weakness of these methods.

10. What suggestions would you have for improving community awareness about the program?

11. What are the major barriers, if any, preventing more victims from accessing the compensation program?

12. What are the barriers, if any, preventing your board from funding applications?

13. What recommendations, if any, would you make in current rules and procedures, from victim eligibility to internal program practices?

14. Do you believe that current eligibility criteria are too loose or too tight? If so, please include examples to illustrate your point.

15. Are your board members able to prepare adequately for their monthly meetings?

16. Do you believe your members treat all applicants in a fair and consistent manner?

17. Do your members easily reach majority agreement on most decisions, or are there often differences of opinion?

18. Do you generally agree with your board's decisions?

19. Are there any types of crimes, or types of applicants, that seem especially difficult for your board to handle?

20. Does your board usually compensate victims of domestic violence who have not cooperated fully with police and/or prosecutors?

21. Does your board usually compensate victims of sex-trafficking if the victim acknowledges having engaged in prostitution?

22. Does your board decline to compensate victims who have gang affiliation?

23. Is there a type or class of victims that you feel are improperly being excluded from compensation? If so, please explain.

24. What, if any, evaluation of the program and its ability to meet the needs of victims has been conducted?

25. Does your location in the county attorney's office have a positive or negative impact on the program?

26. Describe the strengths and weaknesses of the board with regard to:

    - Structure (e.g., number of members, location of board in county attorney's office, selection of members, term lengths, etc.)
    - Operations (e.g., processing victims' claims, convening meetings, filling vacancies, etc.)
    - Making decisions on victim claims
    - Member qualifications and breadth of expertise (e.g., healthcare, law, criminal justice, etc.)

27. Describe how providers work with the program. What are the strengths and weaknesses of this process?

28. Do you feel you have good communication/cooperation with the central office? How could this be improved?

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SURVEY FOR VICTIMS COMPENSATION BOARD MEMBERS

1. How long have your served on your board?

2. Is this the first time you have served as a board member?

3. What process was used for your appointment to the board?

4. Do your board members' backgrounds meet the needs of your community and the claims your board reviews?

5. Has the experience of being a board member been what you expected? If not, please explain.

6. Do you and your colleagues usually agree about compensation payments?

7. On a scale of one to ten (ten is best) how would you rate the functioning of your board's claims review?

8. Do you have suggestions for changing the way members are appointed to the board, including who is appointed?

9. Do you have suggestions for changing the frequency and content of meetings or any other structural/operational items?

10. On a statewide basis, both compensation applications and compensation payments have declined in recent years. Do you have thoughts as to why this has occurred?

11. How well known do you think your program is among the general public in your county?

12. Do you feel that greater efforts should be made to publicize the program?

13. What, if any, issues concerning victims' "contributory conduct" have you found challenging?

14. What changes would you suggest, if any, in victims' eligibility requirements?

15. Are there any types of victims that present special challenges for you and/or your board?

16. Do you think that domestic violence victims should be eligible even if they refuse to cooperate with the prosecution of their case or stop cooperating?

17. Do you think there are victims' issues and needs that the program is not meeting or not adequately meeting?

18. Do you think there are instances when your board (and/or the overall program) is too generous or too frugal with compensation payments?

19. Currently, county boards hear appeals from victims whose claims have been denied. Do you believe this process functions well? If not, how should it be changed?

20. Various changes have been suggested in program rules; could you please comment on each?
    a. Ease or eliminate the bar against compensating victims who have unpaid criminal fines, fees or restitution
    b. Increase the payout for funeral expenses
    c. Give victims a longer initial period in which to file an application
    d. Make it easier for victims to collect for lost wages

21. Please note any other rule changes that you would like to see instituted.

22. Do you feel you have adequate support and communication from the Phoenix-based ACJC state office and staff?

23. Do you feel that your board receives adequate support and communication from your local victim-compensation office?

24. Would you be interested training opportunities for board members, including the opportunity to meet with other county boards?

25. Please add any other comments or suggestions you might have.

THANKS FOR YOUR HELP!

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SURVEY OF VICTIM ADVOCATES RE: CRIMINAL VICTIMS COMPENSATION PROGRAM

Please Note: To encourage candor, your responses will be kept confidential and will be seen only by Morrison Institute researchers. Neither your name nor other identifiers will ever be disclosed or published.

1. Please note your title and employer.

2. Which county compensation program(s) have you had contact with?

3. Briefly describe the nature of that (those) contact(s)—i.e., you provided a victim with general program information, you helped a victim fill out an application or appeal, you guided a victim through the process, etc.

4. What did you find to be the major strengths and weaknesses of the program?

5. Do you feel that most victims who apply come away satisfied with their treatment and outcome?

6. What do you think are the major barriers, if any, preventing more victims from accessing the compensation program?

7. Do you believe that current eligibility criteria are too loose or too tight?

8. Do you believe board members and program staff treat all applicants in a fair and consistent manner?

9. Are there any types of crimes, or types of applicants, that seem especially difficult for the program to handle?

10. Is there a type or class of victims that you feel are improperly being excluded from compensation?

11. Does the program's location in the county attorney's office have a positive or negative impact on the program?

12. Do you have suggestions for changing the way members are appointed to the board, including who is appointed?

13. How well known do you think the program is among the general public in your county?

14. Do you feel that law enforcement officers adequately inform victims about the program, and otherwise cooperate with it?

15. Do you feel that greater efforts should be made to publicize the program?

16. Victims who are found to have contributed to their own misfortune can have their awards denied or reduced. Do you think this issue of victims' "contributory conduct" is usually handled properly by the program?

17. Are there victims' issues and needs that the program in your county is not meeting or not adequately meeting?

18. Do you think there are instances when the board (and/or the overall program) is too generous or too frugal with compensation payments?

19. Various changes have been suggested in program rules, from increasing compensation for funeral expenses to allowing a longer time to file an application. Do you have any suggestions?

20. Please add any other comments you might have.

THANKS FOR YOUR HELP!