



ARIZONA CRIMINAL JUSTICE COMMISSION

Evaluation of the Arizona Crime Victim Compensation Program



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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	2
INTRODUCTION.....	5
PROGRAM ORGANIZATION.....	5
RESEARCH PURPOSE.....	6
RESEARCH METHOD.....	6
LIMITATIONS	7
CRIME VICTIM COMPENSATION RULES.....	8
FINDINGS	10
PROGRAM ACTIVITY	10
SEXUAL ASSAULT VICTIMS.....	12
DOMESTIC VIOLENCE VICTIMS	12
DEMOGRAPHIC COMPARISON	13
PROGRAM FUNDING	15
FUNDING DISTRIBUTION.....	16
CONCLUSIONS.....	18
APPENDICES.....	20
APPENDIX A: ARIZONA CRIME VICTIM COMPENSATION PROGRAM RULES.....	20
APPENDIX B: QUALITATIVE SURVEY.....	37

EXECUTIVE SUMMARY

Effective November 20, 2000, the Arizona Crime Victim Compensation Program implemented several rule changes, R10-4-101 through R10-4-108 that expanded the program eligibility parameters and increased the benefits available to innocent victims of crime. In response to the recently implemented rule changes, the Arizona Criminal Justice Commission recommended that the Statistical Analysis Center conduct a research study of the Arizona Crime Victim Compensation Program. This report summarizes the findings of the initial impact assessment conducted to examine the effect of the November 2000 rule changes to the Arizona Crime Victim Compensation Program.

In order to complete the impact assessment of the Arizona Crime Victim Compensation Program, this study adopted a multi-faceted approach that included an analysis of program activity, the population of claimants and program administration. Prior to conducting this evaluation, a hypothesis was formulated which predicted that the rule changes related to award criteria would allow the Arizona Crime Victim Compensation Program to serve a broader base of victims and provide increased benefits to innocent victims and derivative victims of crime. This hypothesis also predicted that the expanded eligibility parameters and increased compensation would provide additional assistance and resources to domestic violence and sexual assault victims.

Before highlighting the findings from this initial impact assessment, it is important to note the limitations of this report to ensure that the findings are interpreted and understood within the proper context. The limitations of this impact assessment are: (1) the inability to identify the number of claimants receiving compensation that are not legally present within the United States; (2) the inability to determine the number and extent of revisited claims following the November 2000 rule changes and (3) the limited duration of time following the implementation of the November 2000 rule changes and the publication of this report.

Although the previously stated limitations modified the original research scope, several notable findings were identified. Of the 13 Crime Victim Compensation Programs that responded to the qualitative survey, the following findings are highlighted:

- ❖ Crime Victim Compensation Programs revealed positive reactions to the recently implemented rule changes.
- ❖ Crime Victim Compensation Programs expressed strong approval and support of the expanded eligibility requirements and the increased compensation which allows the program to provide greater financial support to victims as well as assistance to individuals previously ineligible for compensation.
- ❖ Crime Victim Compensation Programs indicated that the current level of compensation is not only more comparable to other state crime victim compensation programs, but that the current allowable expenses better reflect the actual costs of services and the needs of victims.

- ❖ County Compensation Coordinators and personnel perceived the rule changes related to the increase in funeral compensation and mental health compensation as two of the beneficial enhancements to the Arizona Crime Victim Compensation Program.
- ❖ The Arizona Crime Victim Compensation Program expenses totaled approximately \$2,800,000 during FY 2001 and \$1,800,000 during FY 2000 for medical, mental health compensation, economic loss and funeral/burial.
- ❖ The Arizona Crime Victim Compensation Program approved 994 claims for first-time payment during FY 00 and 928 first-time payment claims in FY 01.
- ❖ Nationally, sexual assault victims accounted for approximately seven percent of the total number of claims paid by crime victim compensation programs during the federal fiscal year (FFY) 2000. In comparison, sexual assault victims eligible for compensation through the Arizona Crime Victim Compensation Program represented an estimated six percent of the total claims paid during the FFY 2000 reporting period.
- ❖ Nationally, the number of domestic violence related claims paid during FFY 2000 was 16 percent of the total claims paid by victim compensation programs. In comparison to national trends, the number of domestic violence related claims paid during FFY 2000 by the Arizona Crime Victim Compensation Program represented 19 percent of the total claims awarded compensation.

Due to the limitations found in this initial assessment, it is recommended that a future impact study be conducted approximately 12 to 24 months following the rule changes for the purpose of reassessing the factors evaluated through this research and expanding the research focus to include additional factors important to the Arizona Crime Victim Compensation Program. Conducting an evaluation at a future date allows trends related to the rule changes to develop, and a more accurate assessment of the impact of the rule changes to the Arizona Crime Victim Compensation Program can be completed. In addition, the future assessment will not be influenced by many of the factors that limited the scope and findings of this impact assessment. Finally, the future program impact assessment would coincide with the next program rule review (conducted every five years), and therefore contribute beneficial information to the review process.

As a result of the important implications related to program rules, it is necessary to establish a continuous process of rule review and evaluation to ensure that program rules coincide with program objectives. With regard to examining the impact of the November 2000 rule changes, there has not been a sufficient amount of time following the implementation of the rule changes to evaluate the long term impact to the Arizona Crime Victim Compensation Program. Therefore, the intent of this report was to provide a general overview of the rule changes and the potential implications to Arizona Crime

Victim Compensation Program, while introducing several components that will be fundamental to understanding the impact of the rule changes in the future. At this time it can be concluded that the compensation benefits and eligibility criteria established by the Arizona Crime Victim Compensation Program is more comparable to other state compensation programs, and the program is better equipped to assist victims of crime at a greater financial capacity.

INTRODUCTION

Effective November 20, 2000, the Arizona Crime Victim Compensation Program implemented several rule changes, R10-4-101 through R10-4-108 (Appendix A) that expanded the program eligibility parameters and increased the benefits available to innocent victims of crime. In response to the recently implemented rule changes, the Arizona Criminal Justice Commission recommended that the Statistical Analysis Center conduct a research study of the Arizona Crime Victim Compensation Program. This report summarizes the initial findings of the impact assessment conducted to examine the effect of the November 2000 rule changes to the Arizona Crime Victim Compensation Program.

PROGRAM ORGANIZATION

In 1986, the Arizona State Legislature created the Crime Victim Compensation and Assistance Fund under A.R.S. § 41-2407 and appointed the Arizona Criminal Justice Commission (ACJC) to administer the Fund pursuant to A.R.S. § 41-2405. The Arizona Criminal Justice Commission created two programs for distributing the Fund monies: (1) the Crime Victim Compensation Program; and (2) the Crime Victim Assistance Program.

The Arizona Crime Victim Compensation Program was created to allocate public resources to innocent victims who suffer physical injury, extreme mental distress or death as a direct result of criminal acts or acts of international terrorism, and includes compensation to victims who attempt to prevent or apprehend persons committing or attempting to commit a crime. For a definition of victim and/or derivative victim as outlined by the Arizona Crime Victim Compensation Program, refer to Program Rules (Appendix A: R10-4-101).

Arizona is one of two states in the United States that decentralized the administration of the Crime Victim Compensation Program by designating one agency in each of the 15 counties to administer the program. Currently, the Arizona Crime Victim Compensation Program is governed by Arizona Administrative Rules (A.A.R.), and every five years, the program rules are reviewed for potential modification to ensure that the program is operating in accordance with the goals and objectives of victim compensation on a state and national level.

The Arizona Crime Victim Compensation Program is structured to provide financial assistance for medical and dental expenses, funeral and burial expenditures (maximum \$5000), mental health compensation (maximum 36 months) and economic loss not to exceed a compensation total of \$20,000 per claim. After determining that criminally injurious conduct or an act of international terrorism has occurred, the general eligibility criteria for the Arizona Crime Victim Compensation Program is as follows: (1) the victim must be victimized in Arizona or be an Arizona resident who is either victimized in a U.S. Territory which does not operate a crime victim compensation program or is a victim of international terrorism; (2) the crime must be reported to a police agency within 72 hours of discovery of the crime unless good cause is shown to justify the delay; (3) a claim must be filed within two years of the discovery of the crime unless good cause is

shown to justify the delay; (4) the victim or derivative victim must willingly cooperate with law enforcement agencies; (5) the criminally injurious conduct or act of international terrorism must directly result in physical injury, extreme mental distress or death to the victim; and (6) the victim or derivative victim must incur economic loss as a direct result of the crime which is not covered by workers compensation, disability or other collateral sources.

In order to receive financial assistance from the Arizona Crime Victim Compensation Program, an innocent victim of criminally injurious conduct or the derivative victim must file a claim in the county in which the crime occurred. The 15 Crime Victim Compensation Programs are supervised by the County Attorney in each county, and are responsible for investigating each claim and presenting the claim to the County Crime Victim Compensation Board for review. Each County Crime Victim Compensation Board consists of volunteers appointed by the County Attorney from citizens of the respective county, and are responsible for determining the approval or denial of compensation claims in accordance with the program administrative rules (R10-4-101 to R10-4-108).

RESEARCH PURPOSE

The purpose of this impact assessment is to determine the initial impact of the November 2000 rule changes to the Arizona Crime Victim Compensation Program. Prior to conducting this program impact assessment, a hypothesis was formulated which predicted that the rule changes related to award criteria (compensation) would allow the Arizona Crime Victim Compensation Program to serve a broader base of victims and provide increased benefits to innocent victims and derivative victims of crime. This hypothesis also predicted that the expanded eligibility parameters and increased compensation would provide additional assistance and resources to domestic violence and sexual assault victims.

RESEARCH METHOD

In order to fulfill the research purpose, this impact assessment adopted a multi-faceted approach that included an analysis of program activity, the population of claimants and program administration. The focal points of this research were selected because the program rules directly impact these particular components, and the belief that the examination of these particular factors would provide the most insightful assessment of the immediate impact of the rule changes to the Arizona Crime Victim Compensation Program.

First, an examination of program activity was conducted by identifying changes in the number of claims received, approved and denied by the Arizona Crime Victim Compensation Program before and after the November 2000 rule changes. Second, changes related to the population of claimants was evaluated through an examination of the introduction of individuals not legally present within the United States into the category of claimants eligible for compensation, sexual assault and domestic violence victims, and claimant demographics. Finally, program administration was examined

through an assessment of program funding, the current funding distribution formula and the reversion of funds.

The data for this program impact assessment consisted of both quantitative and qualitative sources. First, Quarterly Financial and Performance Reports before and after the November 2000 rule changes were submitted by each County Crime Victim Compensation Program to identify significant changes related to the number of claims processed, the types of claims processed and the demographic variables of the claims awarded compensation. Specifically, third and fourth quarter reports (January through June 2000 and January through June 2001) represent the time periods selected to serve as the before and after snapshot of the November 2000 rule changes.

The qualitative data for this impact assessment was obtained through a survey (Appendix B) administered via telephone to the County Compensation Coordinator and/or designated personnel from each County Crime Victim Compensation Program. The measurement tool (survey) was designed to provide supplementary data to the Quarterly Financial and Performance Reports and to solicit additional insight regarding the impact of the rule changes to the Arizona Crime Victim Compensation. Both the quantitative and qualitative data were coded into software programs that assisted the data analysis process of the impact assessment.

LIMITATIONS

To ensure that the findings from this report are interpreted and understood within the proper context, the limitations of this program impact assessment must be identified and discussed. At the time of data collection for this report, two Crime Victim Compensation Programs were unable to provide responses for the qualitative telephone interviews. As a result of the absence of this information, the qualitative (telephone interviews) findings included responses from 13 of the 15 Arizona Crime Victim Compensation Programs.

An additional limitation of this study is the absence of information relating to the rule change that expanded the eligibility parameters to include a new category of victims. One of the most significant rule changes to the Arizona Crime Victim Compensation Program expanded the eligibility requirements to include individuals not legally present within the United States. However, the current Arizona Crime Victim Compensation application is not structured to identify victims not legally present within the United States. Although this new population of eligible claimants has the potential to significantly impact and/or alter the current structure of the Arizona Crime Victim Compensation Program, information about claimants not legally present within the United States is unavailable and therefore cannot be reported in this or subsequent reports.

As a result of the November 2000 rule changes, several Crime Victim Compensation Programs revisited claims that were previously denied or were eligible for additional compensation. While a significant number of the revisited claims were eligible for initial or additional compensation, data regarding the number of claims revisited the number of claims awarded compensation, and the amount of compensation awarded was not documented by every Crime Victim Compensation Program. The impact of the revisited

claims is potentially significant because this factor can contribute to and help explain changes in program activity level (e.g. claims received and claims approved). However, the inability to determine the extent to which claims were revisited substantially limits the analysis of this report, and at this time, a reliable assessment of many factors related to program activity cannot be determined. However, the impact of the November 2000 rule changes and program activity will be addressed through future analysis and reported within the long-term study of the impact of the rule changes to the Arizona Crime Victim Compensation Program.

The final and most significant limitation of this study is the duration of time following the effective date of the rule changes. Due to the rule change implementation date (November 20, 2000) and the impact assessment publication deadline, data from the Quarterly Financial and Performance Reports was limited to two quarters (January to June 2001). This time period does not represent a sufficient amount of time to identify trends or to determine the true impact of the rule changes to the Arizona Crime Victim Compensation Program. As a result of this and the previously mentioned limitations, this report will identify the initial findings of the rule changes based upon the available data, but more importantly, this impact assessment will establish a framework to conduct a future impact assessment that can better ascertain the effect of the rule changes to the Arizona Crime Victim Compensation Program.

CRIME VICTIM COMPENSATION RULES

Before discussing the findings of this initial impact assessment, it is important to note that while the focus of this research is limited to the rule changes related to award criteria (compensation), various sections of the rules governing the program (R10-4-101 through R10-4-108) were modified based upon recommendations to improve the overall effectiveness of the Arizona Crime Victim Compensation Program. However, for the purposes of this study the following information summarizes the rule revisions implemented November 20, 2000 classified under A.A.R. R10-4-106 titled Award Criteria:

- ❖ Meeting requirements are established for the Board. This is necessary to establish time frames for hearings and appeals.
- ❖ The time period to submit an application has been extended from one year to two years.
- ❖ Work loss has been rewritten to allow crime victims and derivative victims to receive compensation not to exceed 40 hours per week at the current federal minimum wage. The amount of work loss compensation added to any other eligible compensation (e.g. disability earnings, or workers' compensation) cannot exceed the weekly total earnings prior to the victimization.
- ❖ The benefit for work loss has been added to compensate a derivative victim or a parent or guardian of a minor victim to attend court proceedings up to 40 hours per month at the federal minimum wage.
- ❖ The eligibility requirements have been expanded to include individuals not legally present within the United States.
- ❖ The benefit for funeral expenses has been increased from \$2,500 to \$5,000.
- ❖ Mental health counseling and care benefits have been increased from 12 to 36 months.
- ❖ The maximum award per claim has been increased from \$10,000 to \$20,000.
- ❖ The options available to the Board when there are insufficient funds to pay an award are extended. The ability for the Board to make a partial award and reconsider the claim at a later date, dependent on available funds, is added to the rule.

FINDINGS

Program Activity

The Arizona Administrative Rules (A.A.R.) govern the operating procedures of the Arizona Crime Victim Compensation Program. The examination of program activity was conducted by identifying changes in the number of claims received, approved and denied by the Arizona Crime Victim Compensation Program before and after the November 2000 rule changes. Currently, the Arizona Crime Victim Compensation Program identifies two broad categories of claims that do not receive compensation: (1) claims not processed due to factors such as lack of documentation and a change of mind by the victim; and (2) claims that are denied based on program eligibility criteria. On a national level, crime victim compensation programs collectively denied approximately 22 percent of the total claims received during federal fiscal year (FFY) 2000. Of the cases processed in Arizona, an estimated 17 percent of the total claims received were denied during the same FFY 2000 reporting period. For the two full reporting periods following the rule changes (January to June 2001), the Arizona Crime Victim Compensation Program denied only eight percent of the total claims reviewed.

As a result of the previously mentioned limitations, at this time the quantitative data is unable to provide a complete and accurate assessment regarding the impact of the rule changes and several factors related to program activity. The qualitative data (telephone interviews) also supports the inconclusive findings of this report, and most County Crime Victim Compensation Programs stated that the duration of time following November 20, 2000 (rule implementation date) has not been sufficient to ascertain the impact of the rule changes. However, the impact of the November 2000 rule changes and program activity will be addressed through future analysis and reported within the long-term study of the impact of the rule changes to the Arizona Crime Victim Compensation Program.

Despite the limitations of this study related to assessing the impact of the rule changes to program activity, the following information is provided to give a numerical report of program expenditures and the number of claims approved for first time payment during state fiscal year (FY) 2000 and 2001. The expense totals reported in the table below include expenditures for medical, mental health, economic loss and funeral/burial, but does not include the expenses related to program administrative costs. It is important to note that the information reported for FY 2001 includes the time period after the implementation of the November 2000 rule changes, which may contribute to and help explain the changes between FY 2000 and FY 2001 data.

Table I presents the total compensation awarded and the number of claims approved for first-time payment for the Arizona Crime Victim Compensation Program for state fiscal year 2000 and 2001.

Table I: Total Compensation Awarded & Number of Claims Approved for First Time Payment

	Program Expenses State FY 2000	Program Expenses State FY 2001	Claims Approved for First Time Payment State FY 2000	Claims Approved for First Time Payment State FY 2001
APACHE	\$38,612.03	\$52,435.50	28	12
COCHISE	\$67,107.48	\$79,100.45	34	34
COCONINO	\$64,442.37	\$70,800.78	46	54
GILA	\$38,742.11	\$36,516.33	26	28
GRAHAM	\$16,660.65	\$13,349.70	27	23
GREENLEE	\$1,289.60	\$9,828.28	3	7
LA PAZ	\$12,371.48	\$7,961.89	15	10
MARICOPA	\$983,895.87	\$1,568,971.28	304	291
MOHAVE	\$73,652.33	\$105,642.93	71	62
NAVAJO	\$37,854.31	\$64,835.41	25	25
PIMA	\$292,632.15	\$555,938.29	246	207
PINAL	\$40,676.52	\$50,557.90	23	22
SANTA CRUZ	\$5,468.28	\$5,654.36	4	4
YAVAPAI	\$82,219.84	\$97,660.01	89	104
YUMA	\$60,867.79	\$90,337.43	53	45
TOTAL	\$1,816,493.81	\$2,809,590.54	994	928

Sexual Assault Victims

The number of sexual assault (adults only) and domestic violence victims assisted through compensation programs represents an important focus of crime victim compensation, and it is essential that program rules are structured to provide adequate assistance to this category of victims. Nationally, sexual assault victims accounted for approximately seven percent of the total number of claims paid by crime victim compensation programs during the federal fiscal year (FFY) 2000 reporting period. In comparison, sexual assault victims eligible for compensation through the Arizona Crime Victim Compensation Program represented an estimated six percent of the total claims paid during the FFY 2000 reporting period. For the time period following the rule changes, (January to June 2001), sexual assault victims accounted for five percent of the total claims paid by the Arizona Crime Victim Compensation Program. As a result of the similarities in sexual assault statistics on a national and state level, the data suggests that the program rules of the Arizona Crime Victim Compensation Program are structured to target and assist sexual assault victims at a percentage rate comparable to the national average.

Table II summarizes the percentage of sexual assault (adults only) claims paid relative to the overall number of claims approved for payment by crime victim compensation programs on a national and state level.

Table II: Adult Sexual Assault Percentage of Total Claims Paid

National (Federal FY 2000)	Arizona (Federal FY 2000)	Arizona (January-June 2001)
7%	6%	5%

Domestic Violence Victims

Another category of claimants that are important to the Arizona Crime Victim Compensation Program are domestic violence victims. According to the national crime victim compensation reports, the number of domestic violence related claims paid during FFY 2000 was 16 percent of the total claims paid by victim compensation programs collectively. Of the total domestic violence claims paid nationally, the crimes of assault and homicide represented the largest categories in which domestic violence incidents occurred. Nationally, the crime of assault accounted for 84 percent of the total number of claims paid for domestic violence, and the crime of homicide accounted for six percent of the total number of claims paid for domestic violence claims by crime victim compensation programs during FFY 2000.

In comparison to national trends, the number of domestic violence related claims paid during FFY 2000 by the Arizona Crime Victim Compensation Program was 19 percent of the total claims awarded compensation. The percent total of domestic violence

related claims paid by the Arizona Crime Victim Compensation Program is slightly higher than the national percentage (16 percent). Similar to national statistics, the crimes of assault and homicide comprise the largest percentage of domestic violence related offenses for the Arizona Crime Victim Compensation Program. During FFY 2000 assault cases involving domestic violence accounted for approximately 89 percent of the total claims paid for domestic violence, and homicide cases involving domestic violence accounted for nine percent of the domestic violence claims paid by the Arizona Crime Victim Compensation Program.

For the reporting period following the rule changes (January to June 2001), the number of domestic violence related claims paid by the Arizona Crime Victim Compensation Program was approximately 13 percent of the total claims awarded compensation. The percent total of domestic violence related claims paid by the Arizona Crime Victim Compensation Program is moderately lower than the national percentage (16 percent). Similar to national statistics, the crimes of assault and homicide comprise the largest percentage of domestic violence related offenses for the Arizona Crime Victim Compensation Program. During the reporting period following the rule changes, assault cases involving domestic violence accounted for approximately 84 percent of the total claims paid for domestic violence, and homicide cases involving domestic violence accounted for 12 percent of the domestic violence claims paid by the Arizona Crime Victim Compensation Program.

Table III summarizes the percentage of domestic violence claims paid relative to the overall number of claims approved for payment by crime victim compensation programs on a national and state level.

Table III: Percentage of Total Claims Paid

National (Federal FY 2000)	Arizona (Federal FY 2000)	Arizona (January-June 2001)
16%	19%	13%

Demographic Comparison

In order to provide additional insight regarding the impact of the November 2000 rule changes to the population of claimants, victims receiving assistance through the Arizona Crime Victim Compensation Program will be compared to national victim compensation data to identify similarities and differences related to age and state residency demographics. It is important to note that the demographic information included on the crime victim compensation application is captured for federal reporting purposes and is obtained through self-reports by claimants and verified by investigators and/or personnel. Currently, Crime Victim Compensation Programs document the age of eligible claimants by three categories: (1) individuals 17 and under; (2) individuals 18 to 64 and (3) individuals 65 and older. Nationally, the age category 17 and under

accounted for 33 percent of the total claims approved by crime victim compensation programs for FFY 2000. The age group 18-64 represented the largest category and accounted for nearly 63 percent of the total claims approved by victim compensation programs. Finally, the age category 65 and older accounted for four percent of the total claims approved by crime victim compensation programs during FFY 2000.

In Arizona, the age category 17 and under accounted for 19 percent of the total claims approved by crime victim compensation programs for FFY 2000. The age group 18-64 represented the largest category and accounted for 45 percent of the total claims approved by victim compensation programs. The age category 65 and older accounted for two percent of the total claims approved, and the age unknown category represented 34 percent of the total claims approved by the Arizona Crime Victim Compensation Program.

For the time period following the rule changes (January to June 2001), the age category 17 and under accounted for approximately 32 percent of the total claims approved by the Arizona Crime Victim Compensation Program. Similar to national and state trends for FFY 2000, the age group 18-64 represented the largest category and accounted for an estimated 63 percent of the total claims approved. The age category 65 and older accounted for two percent of the total claims approved.

With regard to state and non-state residency demographics, both national and state data reveal similar findings. State residents represent the largest portion of approved claims by crime victim compensation programs. National statistics indicate that individuals who reside within the state where the crime occurred represent 98 percent of the claims awarded compensation. The Arizona Crime Victim Compensation Program estimates that state residents accounted for 97 percent of the total claims approved for FFY 2000. For the time period following the rule changes (January to June 2001), statistics indicate that state residents comprise approximately 99 percent of the total claims approved, which is similar to the FFY 2000 state and national data reported above.

Table IV summarizes the claims approved for payment by age and residency demographics.

Table IV: Age and Residency Demographic Comparison

	National (FFY 2000)	Arizona (FFY 2000)	Arizona (January- June 2001)
17 and Under (Age)	33%	19%	32%
18 to 64 (Age)	63%	45%	63%
65 and Older	4%	2%	2%
State Resident	98%	97%	99%
Non-State Resident	2%	3%	1%

Program Funding

Funding for the Arizona Crime Victim Compensation Program is supported through 4.6 percent of the Criminal Justice Enhancement Fund (CJEF), inmate work fees collected by the Department of Corrections and unclaimed restitution which is appropriated annually by the State Legislature. Annually, the Arizona Crime Victim Compensation Program also receives a federal Victims of Crime Act (VOCA) grant based upon the certified State monies spent to compensate victims of crime. The VOCA grant amount is 40 percent of the State certified funds expended to compensate crime victims. During state fiscal year (FY) 2001, the Arizona Crime Victim Compensation Program also received a one-time appropriation of \$750,000 from the Victims Rights Implementation Fund administered by the Attorney General’s Office. To counterbalance the absence of the one time appropriation by the Attorney General’s Office, the Arizona Crime Victim Compensation Program received a \$250,000 appropriation from the General Fund for FY 2002 and 2003. Of the total monies received by the Arizona Crime Victim Compensation Program annually, program rules stipulate that \$50,000 be allocated to an emergency fund which is designed to assist counties that encounter unanticipated situations that require additional financial resources (e.g. significant increase in crime in a particular location).

During FFY 2000, the Arizona Crime Victim Compensation Program, through Arizona’s 15 County Attorneys’ Offices, distributed \$1,858,209.59 to eligible claimants. This distribution total represents an eight percent increase (in comparison to a four percent decrease on the national level) in victim-related expenses from FFY 1999. The allocation percentage breakdown for FFY 2000 monies was 52 percent for medical and

♦ Arizona also includes an “age unknown” category which was not included in the table. This category represented 34percent of the total claims approved.

dental expenses, 10 percent for mental health compensation, 18 percent for economic loss and 20 percent for funeral and burial costs. The Arizona Crime Victim Compensation Program also received 1,568 claims for FFY 2000. Of the total number of claims processed that year, 78 percent (1,218) were approved for compensation by the program. It is important to note that the compensation allocated by type of expense and the number of claims received and approved by the Arizona Crime Victim Compensation Program is comparable to the national crime victim compensation average. It is important to note that the numbers reported above represent federal fiscal year data, and therefore are not identical to the state fiscal year data reported on page nine.

Funding Distribution

The Arizona Crime Victim Compensation Program rules (R10-4-102.C) also determine the distribution of the Crime Victim Compensation Fund. Currently, the funding distribution is based on an allotment of \$12,000 per county with the balance of the funds distributed by county population. In January 2001, members of the Commission requested that the Crime Victim Committee explore alternative funding formulas for distributing the Crime Victim Compensation Fund. In response to this request, the Crime Victims Committee developed eight alternative options which included: (1) distribution by base allotment and number of approved claims in FY 2000; (2) distribution by base allotment and award amounts paid out in FY 2000; (3) distribution by base allotment and the number of Uniform Crime Reporting (UCR) Index Crime and Part II Victim Crimes (excluding property crimes); (4) distribution by \$12,000 base allotment and population; (5) distribution by \$5,000 base allotment and population; (6) distribution by \$10,000 base allotment and population; (7) distribution by \$15,000 base allotment and population and (8) distribution by \$20,000 base allotment and population. After reviewing the various funding alternatives, the Crime Victim Committee determined that the current funding formula represents the most effective allocation of financial resources at the present time, and therefore should continue to be utilized. It is important to note that the Crime Victim Committee constantly reviews the current funding distribution formula to ensure that financial resources are being allocated appropriately to the Arizona Crime Victim Compensation Program.

In previous years, the Arizona Crime Victim Compensation Program has reverted funds unable to be utilized prior to the end of a fiscal year. During FY 1999, Crime Victim Compensation Programs reverted \$50,538. Combining the previously mentioned total with the \$50,000 emergency fund monies that were not utilized, the Arizona Crime Victim Compensation Program reverted \$100,538 for FY 1999. In May 2000 a process for redistributing funds was implemented to minimize the negative impact of reversions of unused funds to the Crime Victim Compensation Fund by making them available to counties with greater needs. The intent of the redistribution was to fully expend these monies before they expire at the end of the fiscal year. During FY 2000, the amount of funds unable to be utilized by some Crime Victim Compensation Programs prior to the end of the fiscal year totaled \$52,758. Similar to FY 1999, the \$50,000 emergency fund monies were also not utilized for a combined total of \$102,758 available for redistribution to counties with greater needs. As a result of the redistribution policy,

\$2,798 was reverted back to the Crime Victim Compensation Fund for FY 2000 in comparison to \$100,538 during FY 1999. The substantial reduction in reverted funds supports the efficiency of the redistribution policy and demonstrates an effective use of financial resources by the Arizona Crime Victim Compensation Program designed to assist innocent victims and derivative victims of crime.

CONCLUSIONS

The most significant finding of this initial impact assessment of the Arizona Crime Victim Compensation Program revealed positive reactions to the recently implemented rule changes by the Crime Victim Compensation Programs. The qualitative responses also indicate that the Crime Victim Compensation Programs expressed approval and support of the expanded eligibility requirements and the increased compensation which allows the program to provide financial support to victims at a greater capacity and assist individuals previously ineligible for compensation. In addition, the findings of this initial impact assessment note that the current level of compensation is not only more comparable to other state crime victim compensation programs, but that the current allowable expenses better reflect the actual costs of services and the needs of victims.

At this time, the County Compensation Coordinators perceive the rule changes related to the increase in funeral compensation and mental health compensation as two beneficial enhancements to the Arizona Crime Victim Compensation Program. The qualitative responses indicate that the former funeral award amount (\$2,500) was often inadequate to pay complete funeral and burial expenses. As a result of the previous spending limitation related to funeral expenses, the Crime Victim Compensation Programs express overwhelming support the rule change that allows the program to financially compensate the total costs related to funeral and burial expenses.

The general feedback from County Compensation Coordinators regarding the extension in mental health compensation was also positive. The Crime Victim Compensation Programs recognize the importance of mental health counseling and indicate that extending the time frame from 12 to 36 months allows victims and derivative victims additional time to address issues related to the criminal victimization. In addition, many County Compensation Coordinators note that the need for mental health counseling is often not discovered by the victim and/or derivative victim until a time substantially later than the actual occurrence of the crime. The extension in mental health compensation also allows this category of individuals to receive assistance.

Although the qualitative responses of this initial impact assessment reveal positive attitudes regarding the rule changes, at this time, the quantitative data obtained from the Quarterly Financial and Performance Reports is inconclusive. As previously stated, the fundamental limitations of this study are the inability to determine the extent of revisited cases, the duration of time following the rule changes and the limited data available to conduct this initial impact assessment. As a result of the previously mentioned limitations, the quantitative data is unable to provide an accurate assessment of the impact of the rule changes to the Arizona Crime Victim Compensation Program.

Due to the limitations found in this initial assessment, it is recommended that a future impact assessment be conducted approximately 12 to 24 months following the rule changes for the purpose of reassessing the factors evaluated through this research and expanding the research focus to include additional factors important to the Arizona

Crime Victim Compensation Program. Conducting an evaluation at a future date allows trends related to the rule changes to develop, and a more accurate assessment of the impact of the rule changes to the Arizona Crime Victim Compensation Program can be completed. In addition, a future assessment will not be impacted by many of the factors that limited the scope and findings of this impact assessment. Finally, the future program impact assessment would coincide with the next program rule review (conducted every five years), and therefore contribute beneficial information to that process.

It is also recommended that the structure of the future impact assessment simulate this initial report. The future impact assessment will utilize a comprehensive approach to examine fundamental components of the Arizona Crime Victim Compensation Program. The quantitative data will reflect at least one year before the rule changes and an equal comparison time period following the rule changes. Similar to this report, the future impact assessment will evaluate the utility of the Crime Victim Compensation Fund and determine whether the current program structure is equipped to address a broader range of victims and provide increased compensation to eligible claimants. In addition, the future report will assess the program activity level before and after the rule changes through the examination of the number of claims received by the Arizona Crime Victim Compensation Program.

A primary objective of the Arizona Crime Victim Compensation Program is to alleviate the financial burden resulting from criminal victimization by directly reimbursing individuals for crime-related expenses. In order to achieve this objective, the Arizona Crime Victim Compensation Program continually modifies program rules in an attempt to be consistent with state and national efforts to provide benefits representative of actual costs of criminal victimization. As a result of the important implications related to program rules, it is necessary to establish a continuous process of rule review and evaluation to ensure that program rules coincide with program objectives. At this time, the Arizona Crime Victim Compensation Program has a process of rule review and examination firmly established.

With regard to examining the impact of the November 2000 rule changes, there has not been a sufficient amount of time since the implementation of the rule changes to evaluate the long term impact to the Crime victim Compensation Program. Therefore, the intent of this report was to provide a general overview of the rule changes and the Arizona Crime Victim Compensation Program, while introducing several components that will be fundamental to understanding the impact of the rule changes in the future. At this time, it can be concluded that the rule changes have caused the Arizona Crime Victim Compensation Program to become more comparable to national and state standards, and the program is able to assist victims of crime at a greater financial capacity.

APPENDICES

APPENDIX A: Arizona Crime Victim Compensation Program Rules

ARTICLE 1. ARIZONA CRIMINAL JUSTICE COMMISSION

Crime Victim Compensation Program Rules

R10-4-101. Definitions

In these rules:

1. "Allowable expense" means an amount authorized under these rules to be paid as a compensation award by the Board to a victim, a derivative victim, or both for economic loss.
2. "Board" means the Crime Victim Compensation Board of an operational unit.
3. "Claimant" means any natural person filing a claim under these rules and authorized to receive a compensation award for economic loss because the person is:
 - a. A victim of criminally injurious conduct;
 - b. A resident of this state who is injured by an act of international terrorism;
 - c. A derivative victim;
 - d. A person authorized to act on a victim's behalf or a person authorized to act on behalf of a deceased victim's dependent if the victim died as a direct result of criminally injurious conduct or an act of international terrorism; or
 - e. A person who assumes an obligation or pays an expense directly related to a victim's economic loss incurred as a direct result of criminally injurious conduct or an act of international terrorism.
 - f. Claimant does not mean:
 - i. An offender, an accomplice of the offender, or a person who encouraged or in any way participated in or facilitated criminally injurious conduct or an act of

- international terrorism;
- ii. A person serving a sentence of imprisonment in any detention facility, home arrest program, work furlough, or a person who has escaped from serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough at the time of the criminally injurious conduct or act of international terrorism; or
 - iii. A person convicted of a federal crime who is delinquent in paying a fine, monetary penalty, or restitution imposed for the offense only if the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts have issued a written determination that the entities administering federal victim programs have access to an accurate and efficient criminal debt payment tracking system.
4. "Collateral source" means a source of compensation for economic loss that a claimant has received, or that is available to a claimant including:
- a. The offender or a 3rd party responsible for the offender's actions;
 - b. The United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of 2 or more states, unless the law providing for the compensation makes the compensation excess or secondary to benefits under this rule, specifically excluding those federal funds granted under 42 U.S.C. 10602;
 - c. Social Security, Medicare, or Arizona Health Care Cost Containment System payments;
 - d. State-required, temporary, nonoccupational disability insurance;
 - e. Worker's compensation insurance;

- f. Wage continuation program of any employer;
 - g. Insurance proceeds payable to the victim or claimant for loss sustained due to the criminally injurious conduct or an act of international terrorism; or
 - h. A contract providing for prepaid hospital and other health care services or disability benefits.
5. "Commission" means the Arizona Criminal Justice Commission, as established by A.R.S. § 41-2404.
6. "Criminally injurious conduct" means conduct that:
- a. Constitutes a crime as defined by the laws of this state whether or not the perpetrator of the act is convicted;
 - b. Poses a substantial threat of physical injury, extreme mental distress or death; and
 - c. Is punishable by fine, imprisonment, or death, or would be punishable but the person engaging in the conduct lacked capacity to commit the crime under applicable laws.
7. "Derivative victim" means:
- a. The spouse, child, parent, stepparent, stepchild, sibling, or guardian of a victim who died as a result of criminally injurious conduct or an act of international terrorism and includes a child born after the victim's death;
 - b. A person living in the household of a victim who died as a result of criminally injurious conduct, in a relationship determined by the Board to be substantially similar to a relationship in subsection (7)(a);
 - c. A member of the victim's family who witnessed the criminally injurious conduct;
 - d. A nonfamily member who witnessed a violent crime;

- e. A person whose mental health counseling and care or presence during the victim's mental health counseling and care is required for the successful treatment of the victim.
8. "Economic loss" means financial detriment consisting only of medical expenses, mental health counseling and care expenses, work loss, and funeral expenses.
9. "Extreme mental distress" means a substantial personal disorder of emotional processes, thought or cognition that impairs judgment, behavior, or ability to cope with the ordinary demands of life.
10. "Fund" means the Crime Victim Compensation and Assistance Fund.
11. "Funeral expense" means cost incurred as a direct result of a victim's funeral, cremation, or burial.
12. "International terrorism" means an act as defined in 18 U.S.C. 2331 (October 29, 1992), incorporated by reference and on file with the Commission and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments;
13. "Jurisdiction" means any county in this state.
14. "Medical expense" means cost related to medical care due to a physical injury resulting from criminally injurious conduct or an act of international terrorism. Medical expense includes a cost resulting from damage to a prosthetic device or a dental device. Medical expense does not include a charge for a private room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services, unless private accommodations are medically required.
15. "Mental health counseling and care expense" means a cost related to the

assessment, diagnosis, and treatment of a victim's mental and emotional health that is required to alleviate extreme mental distress resulting from criminally injurious conduct or an act of international terrorism. Mental health counseling and care expense does not include the cost for a private room in a hospital, clinic, convalescent home, nursing home, or any other institution engaged in providing nursing care and related services, unless private accommodations are medically required.

16. "Operational unit" means a public or private agency authorized by the Commission to receive, evaluate, and present to the Board compensation claims from a claimant under these rules and state law.

17. "Program" means the Crime Victim Compensation Program.

18. "Subrogation" means the substitution of the state and an operational unit, to the extent that the operational unit used the operational unit's funds, in place of the claimant to enforce a lawful claim against a collateral source to recover any part of a compensation award.

19. "Work loss" means a reduction in income from work that a victim would have performed if the victim had not been injured or killed. Work loss does not include any income earned from substitute work or income available to the victim from appropriate substitute work that the victim was capable of performing but unreasonably failed to perform.

20. "Victim" means a person who suffers physical injury, extreme mental distress, or death as a direct result of any of the following:

- a. Criminally injurious conduct;
- b. An act of international terrorism;

- c. A person's good faith effort to prevent criminally injurious conduct; or
- d. A person's good faith effort to apprehend a person suspected of engaging in criminally injurious conduct or an act of international terrorism.

R10-4-102. Administration of the Fund

- A. The Commission shall deposit all funds received under A.R.S. § 12-116.01 and any other funds received for compensating a crime victim in the Fund.
- B. The Commission shall designate 1 operational unit in a jurisdiction to receive an allocation from the Fund each state fiscal year.
- C. The Commission shall distribute a portion of the Fund to each designated operational unit for expenditure by the Board. Funds shall be distributed by a formula determined annually by the Commission. The formula shall be derived using:
 - 1. An analysis of prior year's expenditure history; and
 - 2. A uniform base amount with the remaining funds divided among jurisdictions based on populations.
- D. The Commission shall reserve the lesser of \$50,000 or 10% of the Fund to be used in the event of an unforeseen increase of victimization by criminally injurious conduct or an act of international terrorism, when compensation cannot be provided by an operational unit.
- E. If there is an unforeseen increase in victimization by criminally injurious conduct or an act of international terrorism, the Commission shall allow a claimant to apply directly to the Commission for compensation based on criteria established by R10-4-106.

- F. If any funds received from the Commission remain unexpended by the Board at the end of a fiscal year, the funds shall be returned to the Commission within 45 days after the end of the fiscal year and redeposited in the Fund for use in the next fiscal year.
- G. Funds collected by an operational unit through subrogation and restitution may be retained by the operational unit to the extent authorized by the Commission and shall be used to pay compensation awards based on the criteria established by R10-4-106.
- H. An operational unit that receives additional funds for victim compensation shall submit a written report to the Commission. The report shall contain the amount of additional funds distributed to compensate crime victims. The Commission shall use the information in the written report to apply for federal matching funds from the Victims of Crime Act Fund (42 U.S.C. 10601 et. seq., [November 26, 1997]). If matching funds are received, the Commission shall forward the matching funds to the appropriate operational unit.
- I. The operational unit may use funds to pay administrative costs to the extent authorized by the Commission.

R10-4-103. Statewide Operation

For any portion of the state not served by an operational unit, the Commission may operate a compensation program in accordance with these rules or may provide for a program by contract.

R10-4-104. Operational Unit Requirements

- A. A public or private agency seeking designation as an operational unit shall submit a letter to the Commission requesting designation.
- B. To be eligible to receive designation and funding by the Commission as the operational unit for a jurisdiction, the public or private agency shall agree to:
 - 1. Not use Commission funds or federal funds to supplant funds otherwise available to the program for crime victim compensation;
 - 2. Make no distinction between residents and non-residents in evaluating claims made by or on behalf of victims and derivative victims of criminally injurious conduct occurring in the public or private agency's jurisdiction;
 - 3. Forward to the Board compensation claims of victims and derivative victims of criminally injurious conduct occurring in this state;
 - 4. Forward to the Board compensation claims of victims and derivative victims of criminally injurious conduct occurring in the public or private agency's jurisdiction;
 - 5. Forward to the Board a compensation claim of a resident of the public or private agency's jurisdiction who is a victim or derivative victim of criminally injurious conduct or an act of international terrorism occurring in another state, the District of Columbia, Puerto Rico, or any other possession or territory of the United States that does not have a crime victim compensation program that meets the requirements of 42 U.S.C. 10602(b)(1)-(6);
 - 6. Notify the Commission of any changes in the public or private agency's procedures before the changes take effect. If the changes are material, the public or private agency shall receive prior written approval from the Commission before instituting the changes;

7. Submit a written quarterly report to the Commission on a form provided by the Commission that describes in detail the public or private agency's activities under this rule. The report shall include:
 - a. The impact that Commission funds had on the public or private agency;
 - b. The amount and source of revenue available for victim compensation;
 - c. The total number of claims, awards, denials, pending claims, total amount of awards; and the ethnic background, disability, age, and sex of each victim;
 - d. The total number of claims for state resident and nonresident victims; the number and award amount by type of crime; and the number and award amount by type of expense, including medical, mental health counseling, work loss, and funeral;
 - e. The type of provider for mental health counseling and care awards including psychiatrist, psychologist, rape crisis center, and community mental health center; the number, amount, and duration of mental health counseling and care awards; and
 - f. Referral sources.
8. Provide application forms to all persons who claim an award as a result of criminally injurious conduct or an act of international terrorism that occurred in the public or private agency's jurisdiction. The application form shall contain the following information:
 - a. The name, address, ethnic background, age, and sex of the victim or derivative

- victim of the criminally injurious conduct or act of international terrorism;
- b. The claimant's name, address and relationship to the victim;
 - c. If the victim is deceased, the name and address of each derivative victim, and the extent to which each was dependent on the victim for financial support;
 - d. The nature of the criminally injurious conduct or act of international terrorism and the date the conduct occurred;
 - e. The law enforcement agency or officer to whom the criminally injurious conduct or act of international terrorism was reported;
 - f. The nature and extent of the injuries the victim sustained from the criminally injurious conduct or act of international terrorism
 - g. The name and address of any person providing medical treatment to the victim and the name and address of any hospital or similar institution where the victim received medical treatment for the injuries;
 - h. The economic loss sustained as a result of the criminally injurious conduct or act of international terrorism;
 - i. The name and amount of any collateral source the victim, a derivative victim, or a claimant has received or is entitled to receive for economic loss as a result of the criminally injurious conduct or act of international terrorism;
 - j. An affirmation that the claimant is not:
 - i. An offender, accomplice, or facilitator of the criminally injurious conduct or an act of international terrorism;
 - ii. Serving or was not serving a sentence of imprisonment in any detention facility, home arrest program, work furlough and has not escaped from serving a sentence of imprisonment in any detention facility, home arrest

program, or work furlough at the time of the criminally injurious conduct or act of international terrorism.

k. A release authorizing the unit's investigative agent to obtain any report, document, or information that relates to the determination of a compensation claim.

9. Comply with all civil rights requirements; and

10. Ensure each compensation is monitored, investigated and substantiated before forwarding the claim to the Board for an award.

R10-4-105. Crime Victim Compensation Board

A. Each operational unit shall establish a Crime Victim Compensation Board. The Board shall consist of an odd number with at least 3 members. The Board shall be appointed by the Commission Chairman from a list submitted by the operational unit. Members of the Board shall receive no compensation for their services.

B. Each appointed member's term shall be 3 years; except those members first appointed. Approximately 1/3 shall be appointed for a 3-year term, 1/3 for a 2-year term, and 1/3 for a 1-year term. All vacancies, except through the expiration of term, shall be filled for the unexpired term only. The Commission Chairman shall appoint a member to complete a vacated term from a list submitted by the operational unit.

C. The majority of the Board membership constitutes a quorum for the transaction of business. The Board shall elect from its membership a chairman and other officers as necessary, to serve terms determined by the Board.

D. The Board shall make a compensation award according to these rules and perform other acts necessary for the operation of the program.

R10-4-106. Award Criteria

- A. The Board shall meet at least every 60 days to decide, based on the investigative agent's findings, whether to make an award, the terms of the award, and the amount of the award. The Board shall render a decision within 60 days of receipt of an application by the operational unit except where good cause exists. The Board shall inform the applicant of the Board's decision in writing within 5 days of the decision.
- B. The Board shall not make a compensation award unless it determines that:
 - 1. Criminally injurious conduct or an act of international terrorism was committed;
 - 2. The criminally injurious conduct or act of international terrorism directly resulted in physical injury to, extreme mental distress to, or death of the victim;
 - 3. The criminally injurious conduct or act of international terrorism was reported to the appropriate law enforcement authority within 72 hours after its discovery unless good cause is shown to justify a delay; and
 - 4. The compensation application was submitted to the operational unit within 2 years of the discovery of the criminally injurious conduct or act of international terrorism unless good cause is shown to justify a delay.
- C. The Board shall make a compensation award from the Fund only for the following:
 - 1. Medical expenses due to a victim's physical injury or death resulting from criminally injurious conduct or an act of international terrorism;
 - 2. Work loss for
 - a. A victim's physical injury, extreme mental distress, or death resulting from criminally injurious conduct or an act of international terrorism. The compensation award for work loss, after deducting any collateral source for work loss, shall not exceed an amount equal to 40 hours per week at the

- current federal minimum wage standard for each week of work loss to the maximum allowable under subsection (D)(1);
- b. A deceased victim's spouse, child, sibling, or parent if the Board determines the death resulted in a loss of support from the victim to the spouse, child, sibling, or parent. The compensation award for work loss, after deducting any collateral source for work loss, shall not exceed an amount equal to 40 hours per week at the current federal minimum wage standard for each week of work loss to the maximum allowable under subsection (D)(1);
 - c. A parent or guardian of a minor victim to transport or accompany the victim to a medical, mental health counseling and care visit, or court proceeding. The compensation award for work loss, after deducting any collateral source for work loss, shall not exceed an amount equal to 40 hours per month at the current federal minimum wage standard for each month of work loss to the maximum allowable under subsection (D)(1); or
 - d. A victim or derivative victim to attend court proceedings. The compensation award for work loss, after deducting any collateral source for work loss, shall not exceed an amount equal to

40 hours per month at the current federal minimum wage standard for each month of work loss to the maximum allowable under subsection (D)(1).
3. Funeral expenses due to a victim's death resulting from criminally injurious conduct or an act of international terrorism. The compensation award for funeral expense shall not exceed \$5,000; and
 4. Mental health counseling and care expenses due to a victim's or derivative victim's extreme mental distress resulting from criminally injurious conduct or an

act of international terrorism. –Mental health counseling and care expenses cannot exceed a 36-month period starting with the 1st treatment. Mental health counseling and care for derivative victims shall be included as a portion of the maximum award.

D. The Board shall not make a compensation award to a claimant that exceeds:

1. Twenty thousand dollars in the aggregate for a victim and any derivative victim;
and
2. The amount existing in the Fund and not committed to other compensation award at the time the Board makes the compensation award determination.

E. The Board shall deny or reduce a compensation award to a claimant if:

1. The economic loss has been recouped from a collateral source;
2. The degree of responsibility for the cause of the injury or death was due to the victim's negligence or through intentional unlawful conduct that substantially provoked or aggravated the incident causing the injury;
3. The claimant has not fully cooperated with the appropriate law enforcement agency. In determining the extent of non-cooperation, the following criteria shall be used:
 - a. The claimant failed to assist in the prosecution of a person who engaged in criminally injurious conduct or an act of international terrorism or failed to appear as a witness, the claim for a compensation award shall be denied;
 - b. The claimant initially decided not to assist in the prosecution of a suspect and later decided to assist in the prosecution and this causes the suspect of criminally injurious conduct or an act of international terrorism to escape prosecution or directly negatively affects the prosecution, the claim for a

compensation award shall be denied;

- c. The law enforcement authority indicates that the claimant was reluctant to give information pertaining to the criminally injurious conduct or act of international terrorism, failed to appear when requested without good cause, gave false or misleading information, or attempted to avoid law enforcement authorities, the award shall be reduced or denied; or
 - d. If the claimant demonstrates that failure to cooperate was due to a compelling health or safety risk, the Board shall make a full award within the constraints in subsection (D).
- F. If there are insufficient funds to make a compensation award, the Board may:
- 1. Deny the claim;
 - 2. Make a partial award and reconsider the claim during the current fiscal year; or
 - 3. Extend a valid claim into the next year.
- G. The operational unit shall not provide funds to pay attorney's fees incurred by the claimant.
- H. The operational unit, in its discretion, may directly pay the claimant, the provider or both.

R10-4-107. Hearings and Appeals

- A. The Board, in its discretion, may conduct a hearing upon any application in accordance with A.R.S. § 41-1092 et.seq.
- 1. A claimant aggrieved by a decision of the Board may request a hearing within 30 days after service of the decision. A written request for a hearing or review of a Board decision shall specify the grounds for the request. For purposes of this

paragraph, a Board decision shall be served when personally delivered or mailed by certified mail to the party at the last known residence or place of business.

2. A request for a hearing, under this rule, may be amended at any time before it is ruled on by the Board. The Board may require additional written explanation of the issue raised in the request and may provide for oral argument.
3. A hearing or review of the decision may be granted for any of the following:
 - a. Irregularity in the administrative proceedings of the Board or its operational unit, or any order of abuse or discretion, depriving the requesting party of a fair Board decision;
 - b. Board misconduct;
 - c. Newly discovered material evidence which could not with reasonable diligence been discovered and produced at the original Board meeting;
 - d. Error in the admission or rejection of evidence or other error of law occurring at the Board meeting;
 - e. The decision is not justified by the evidence or is contrary to the rules.
4. The Board may affirm or modify the decision or grant a hearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in paragraph (3). An order granting a hearing shall specify with particularity the grounds on which the hearing is granted and shall cover only those grounds specified.
5. Within 30 days after a decision is rendered, the Board may, on its own initiative, order a or review of its decision for any reason for which it might have granted a hearing on a motion of a party. After giving a party or parties notice and an opportunity to be heard on the matter, the Board may grant a request for a

hearing for a reason not stated in the request. In either case, the grounds for the request shall be specified.

6. For purposes of this Section, the terms “contested case” and “party” shall be defined as provided in A.R.S. § 41-1001.
7. If the provisions of this rule are in conflict with the provisions of any statute providing for hearings or decisions of the Board, the statutory provisions govern.

R10-4-108. Emergency Awards

A. An operational unit may grant an emergency award, if there is a reasonable likelihood that the person is or will be an eligible claimant and serious hardship will result to the person if immediate payment is not made provided that:

1. The emergency award amount shall not exceed \$500; and

The emergency award amount shall be deducted from the final award made to the clai

APPENDIX B: QUALITATIVE SURVEY

- 1. In your opinion, what has been the overall impact of the November 2000 rule changes (R10-4-101 through R10-4-108) to the Crime Victim Compensation Program?**
- 2. In your opinion, and based upon what you have observed thus far, will the recent rule changes allow more, less, or the same number of people to be effectively assisted?**
 - a. Explain (how many more or less).**
- 3. In your opinion, and based upon what you have observed thus far, will the recent rule changes require more, less, or the same number of staff to adequately address the needs of the program?**
 - a. Explain (how much more or less staff).**
- 4. In your opinion, will the new rule changes “re-define” the current structure of the program and/or alter what is currently being done with regard to service delivery?**
- 5. Are any cases previously denied being re-examined as a result of the rule changes?**
- 6. Has there been an increase in the number of claims filed as a result of the recent rule changes?**
- 7. Is more money being awarded as a result of recent rule changes? If so, please explain what types of cases are receiving additional financial resources.**
- 8. How has the extension in application deadline from one to two years impacted the utility of the fund?**
- 9. How has the increase in allowable funeral expenses (from \$2500 to \$5000) impacted the utility of the fund?**

- 10. How has the increase in mental health counseling from twelve months to thirty-six months impacted the utility of the fund?**
- 11. How has the increase in aggregate compensation payable to each victim from \$10,000 to \$20,000 impacted the utility of the fund?**
- 12. In your opinion, will the changes to the Crime Victim Compensation Fund result in fewer reversions of funds by the counties? Explain.**
- 13. How does your agency notify victims about this program?**
- 14. As a result of the recent rule changes, how does your agency notify victims about the increase in benefits?**
- 15. Do you have any recommendations for improving the Crime Victim Compensation Program?**