

National Study of Victim Compensation Programs Findings and Recommendations

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Abstract

In 2003, the Urban Institute published an NIJ-funded *National Evaluation of State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future* seminal report on state victim compensation and assistance programs. After almost 20 years, the goal of this study was to update knowledge about victim compensation programs by administering a survey to victim compensation program administrators in each state and partnering with four states for a deep-dive assessment of their programs to examine how different victim compensation program structures, models, funding streams, and policies influence how programs operate and distribute compensation. This brief presents findings from the study and offers recommendations to support victim compensation programs in the years to come.

This project was supported by Award No. 15PNIJ-21-GG-00995-NONF, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect those of the Department of Justice.

Introduction

Despite a downward trend in victimization over the last few decades, victimization rates have increased over the past several years.¹ While the impacts of victimization can vary, they often include social, emotional, physical, and financial impacts, each with short and long-term implications. Although some victims may face similar challenges and absorb comparable costs, diverse challenges can arise depending on the person and the type of victimization experienced.

Additionally, while crime affects all communities, some communities report disproportionately higher

levels of victimization experiences, including people of color, individuals who suffer from mental illnesses and disabilities, people who identify as LGBTIQ+, and other marginalized and disadvantaged communities.² For example, research indicates that people with lower levels of income face a greater likelihood of experiencing violent victimization. Further, Black male youth who live in urban communities face the highest risk of violent victimization and have the least access to resources and victim assistance services.³

To help support victims of crime, U.S. states and territories administer victim compensation programs to provide reimbursement for costs associated with

Study Goals and Methods

With funding from the U.S. Department of Justice, National Institute of Justice (NIJ), NORC at the University of Chicago and the Urban Institute partnered on a two-year project to update knowledge about state victim compensation programs. Five research questions guided this study:

1. How are victim compensation programs structured, operated, funded, and utilized today?
2. What key barriers and challenges do victim compensation programs face today?
3. How do victim compensation programs directors, funders, service providers, and claimants measure “effectiveness” and “success”?
4. What are the characteristics, experiences, and perspectives of individual claimants who request victim compensation?
5. Looking at the next 20 years of victim compensation, what do program directors and stakeholders perceive as most critical to improving and/or sustaining the performance of victim compensation programs?

To answer these research questions, NORC administered two surveys – (1) the *National Survey of Victim Compensation Programs* to program administrators across the U.S. and territories and (2) the *Victim Compensation Claimant Survey* to claimants who filed for victim compensation in Delaware, West Virginia, and New York to learn more about their experiences filing for compensation. Urban conducted a series of stakeholder interviews with program administrators and key staff. This brief focuses on key takeaways and recommendations detailed in our final report (Hussemann et al, 2024).¹³

victimization. Victim compensation programs were first established in 1965 in California. By 1972, 32 states had established victim compensation funds, and in 1984, the Crime Victims Fund was established at the federal level with the passage of the Victims of Crime Act of 1984 (VOCA), which provided federal guidance and reimbursement for state compensation programs. By 2003, all U.S. states and territories administered victim compensation programs.⁴

The goals of the victim compensation programs are generally similar across states; however, specific eligibility criteria and allowable expenses may vary. Further, some expenses incurred may be allowable by the state (e.g., loss of essential property), but not eligible for federal reimbursement. Eligible expenses typically include expenses related to physical, dental, and mental health, funerals, and burial expenses, and loss of wages.

Although eligibility to receive victim compensation may vary, there are many similarities, and all victims are eligible for compensation regardless of whether the crime falls under state, federal, tribal, or military jurisdictions.⁵ Also, most states currently require that victims report the crime to law enforcement within a specific time frame; that an application for compensation is submitted within a certain time frame (i.e., typically within two years); that the

claimant cooperates with law enforcement and prosecution; and that the claimant has not participated in the criminal offense that resulted in the victimization, also known as contributory conduct.⁶ Some states further restrict eligibility based on criminal history.⁷

In 2020, over 230,000 people applied for victim compensation with 73% of applications being approved and 27% being denied. The most common reasons that compensation programs denied applications related to the application being incomplete, the claim or crime being ineligible for compensation, a failure to cooperate or report the crime to law enforcement, contributory misconduct, or the application not being filed within the allowable timeframe.⁸

Notably, in 2024, the Office for Victims of Crime (OVC) proposed the first revisions to the VOCA Compensation Guidelines in over 20 years with intentional focus on improving diverse victims' access to compensation and equity of the program's administration.⁹ These changes follow reports by victims, advocacy organizations, and investigatory news reports that highlighted racial disparities in compensation and services across states.¹⁰ Disparities are in large part driven by the disproportionate impact of the legal system on People of Color and their greater exposure to

homicide victimization. Accordingly, OVC's new rule will restrict the use of contributory conduct and cooperation with law enforcement as reasons for compensation claim denial.¹¹ Several states have already begun to change their own compensation rules formally through legislative changes.¹²

Research Goals

Examining factors related to the accessibility and use of state victim compensation programs was one of the core goals of the current study. Variation in where state compensation programs are housed and how they are structured empowers different types of decisionmakers and incorporates various payment processes, staffing, and requirements. It is important to understand how these different models and policies operate given the essential role compensation plays in helping victims recover from crime.

Twenty years ago, the Urban Institute published an NIJ-funded *National Evaluation of State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future* seminal report on state victim compensation and assistance programs. The goal of the current study was to update findings from the 2003 study by administering a survey to victim compensation program administrators across the U.S. and engaging with four states—Arizona, Delaware, New York, and West Virginia—for a deep-dive assessment of their programs. In each state we interviewed victim compensation program stakeholders, collected victim compensation data, and surveyed individuals who filed for victim compensation.

This brief presents key takaways on how victim compensation programs are structured, operated, funded, and utilized today, how victim compensation programs perceive the effectiveness of their programs, and what victim compensation programs perceive as most critical to improving and/or sustaining victim compensation programs over the next 20 years. Differences in findings between the 2003 and the current study are presented as well as recommendations. A comprehensive discussion of findings from this study can be found in our final report and other study publications.¹³

Data

Data presented in this brief was collected through the *National Survey of Victim Compensation Programs* and semi-structured interviews conducted in Arizona, Delaware, New York, and West Virginia.

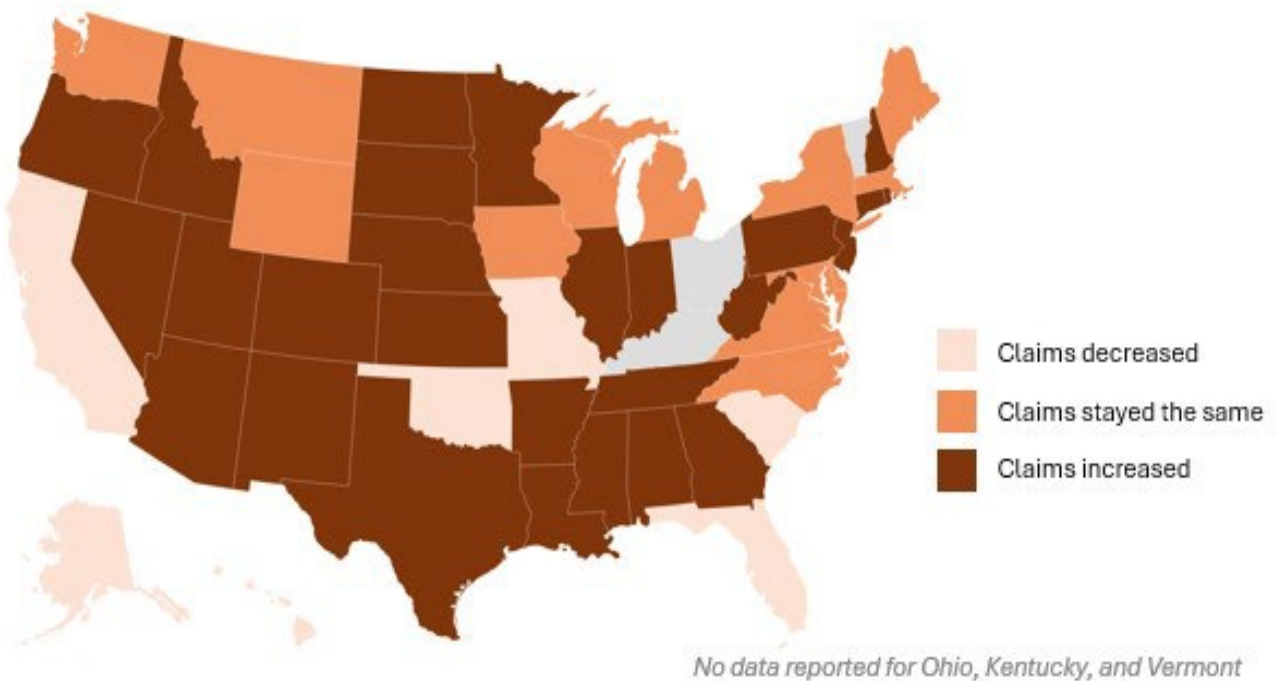
The on-line *National Survey of Victim Compensation Programs* was administered in 2023 to victim compensation program administrators in all 50 states and the District of Columbia, Puerto Rico, and Guam (n = 53). The survey was developed from the national survey administered to victim compensation program administrators in 2003 to allow for comparisons across time. Survey questions focused on victim compensation policies, practices, utilization, effectiveness, emerging issues, impact of state and federal funding levels, and areas for future development. A total of 49 respondents (47 states and the District of Columbia and Puerto Rico) completed the survey, resulting in a 92% response rate.

Semi-structured interviews were conducted with staff who worked in the victim compensation program as well as victim assistance providers based in community and legal systems settings in Arizona, Delaware, New York, and West Virginia. Interviews collected information on program structure and staffing, funding, access to compensation, claims processing, utilization and equity, and general perceptions and recommendations. A total of 46 interviews were conducted across all states.

Findings

PROGRAM ADMINISTRATION

- Most victim compensation programs are housed within the Attorney General's office or another state agency, and over half of programs have an administrator whose tenure has been between one to five years. Eleven programs have an administrator whose tenure with the program is 11 years or greater, and only one program was currently without an administrator.
- The number of staff employed by victim compensation programs varied depending on the size of the state, but 65% of

Figure 1. Where Claims Have Increased, Decreased, and Stayed the Same

programs indicated that they had too few staff.

- Over 90% of programs indicated that their staff were trained on victim compensation issues and that their staff receive either in-house or external training on victimization issues. This percentage has increased slightly since 2003 when 85% of programs indicated that their staff received training on victimization issues.

CLAIMS AND FUNDING

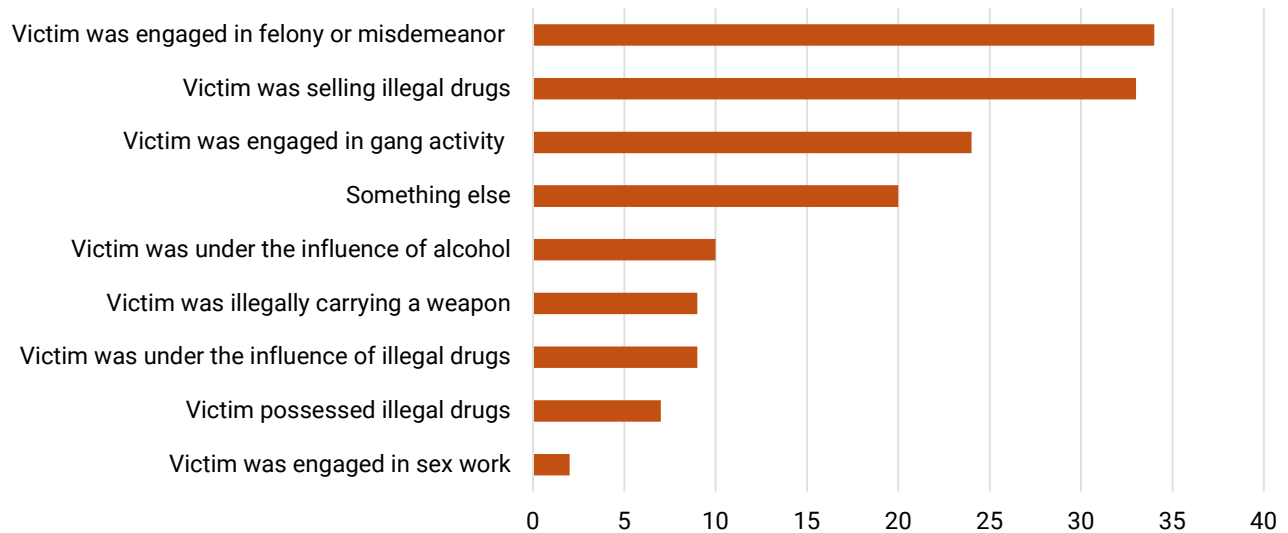
- Over half of states indicated that claims over the past three years have increased. (See Figure 1). The most common reasons cited for an increase in claims was increased or more effective training with criminal justice workers, victim service providers, and other community providers on victim compensation programs; increases in crime rates; and changes in statutory eligibility requirements.
- When asked about changes in the number of claims over the past three years in 2003, only 20% of victim compensation programs indicated that claims had increased. The most common reasons cited for increases in claims in 2003 was increased or more effective outreach to potential claimants;

service providers doing a better job at helping claimants with the claims process; and changes in statutory eligibility requirements that had either made more victims eligible or expanded the types of losses the compensation program could cover.

- In both 2023 and 2003, victim compensation programs indicated that they had sufficient funds to pay for the claims that they received, and 60% of programs in 2023 and 66% of programs in 2003 indicated that their revenue did not exceed their expenditures in recent years.

CLAIMS PROCESSING AND DECISION-MAKING

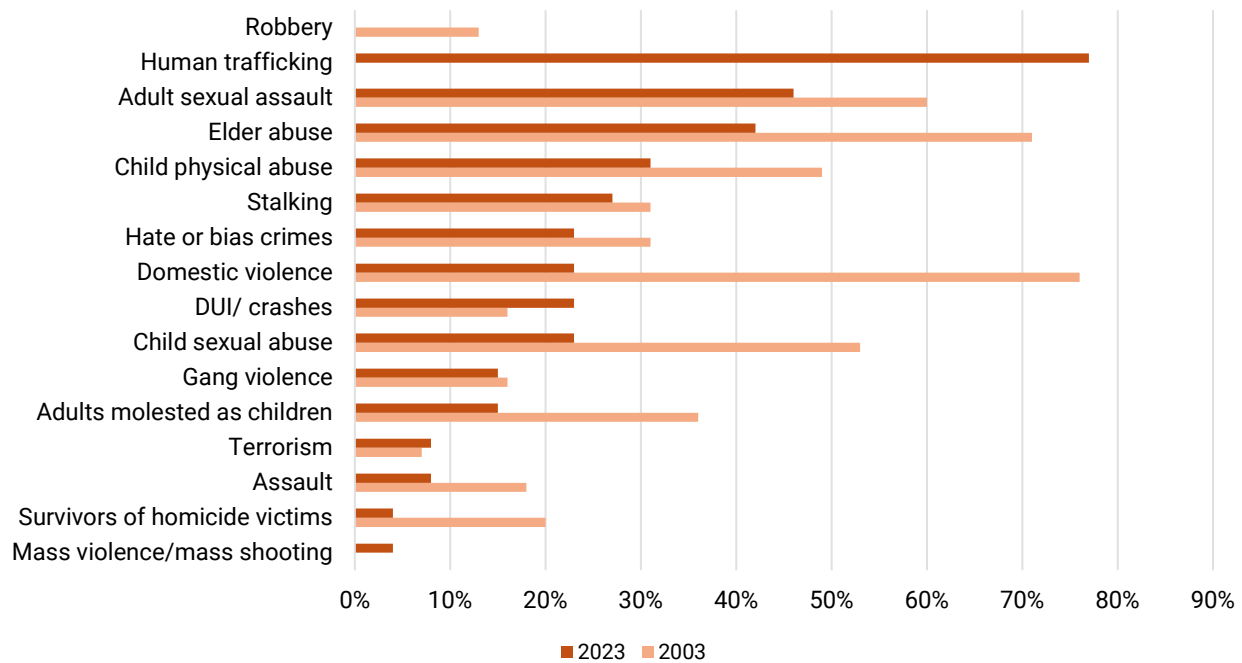
- In both 2023 and 2003, the most time spent on applications by victim compensation staff included: 1) securing or waiting for verification of losses or expenses (e.g., provider bills, employment recorders, medical reporting, or counseling and treatment plans); 2) securing or waiting for police reports or verification that a crime was committed; and 3) assisting and waiting for victims to provide information needed to complete the application before it is formally processed.

Figure 2. Contributory Conduct Leading to Full or Partial Denial of Claim

- Almost three-quarters of compensation programs assume the responsibility of obtaining verification records from law enforcement. Ten programs indicated that they work with the claimant to obtain law enforcement records, and one program indicated that it was the responsibility of the claimant to obtain records from law enforcement. In contrast, over half of programs indicated that they work with claimants to obtain information from employers and services providers, versus taking on the responsibility of obtaining the records themselves. The process of obtaining required records has changed somewhat from data collected in 2003 when victim compensation programs were more likely to assume responsibility for obtaining required paperwork across law enforcement, employers, and service providers. However, this might reflect changes in privacy acts and the exchange of personal information which requires authorizations.
- In most victim compensation programs, staff make decisions about whether an application for compensation is approved. In a few programs, a board makes the decision about whether an application is approved. These results were consistent across 2003 and 2023.

PROGRAM ELIGIBILITY

- Most victim compensation programs will not provide compensation to victims who experience a crime in another state, but will provide compensation to victims who experience a crime outside the U.S.
- Eighty percent of victim compensation programs currently require victims to report crimes to law enforcement and 90% require victims to cooperate with law enforcement on investigations.
- Over 90% of victim compensation programs have written policies or procedures to guide decision-making in cases involving contributory conduct or illegal behavior. This percentage has increased from 2003, when 75% of victim compensation programs indicated that they had written policies or procedures to guide decision-making in cases involving contributory conduct. Contributory conduct that most often leads to full or partial denial of a compensation claim includes if a victim was engaged in a felony or misdemeanor at the time of the victimization, if the victim was selling drugs, and if the victim was engaged in gang activity at the time of the victimization. (See Figure 2). Specific information about contributory conduct was not collected in 2003.
- As noted, OVC is currently proposing federal rule changes that would expand program

Figure 3. Crime Victims Under-Using Programs, by Crime Type

eligibility in the interest of reducing racial disparities and improving equity in compensation awards. Many states are also contemplating or beginning to enact similar changes.

VICTIMS SERVED

- In both 2003 and 2023, victim compensation programs indicated that they felt as if certain types of crimes and groups of people, based on demographic or geographic characteristics, apply for compensation less frequently than others.
- In 2023, victim compensation programs reported that victims who experienced human trafficking, adult sexual assault, elder abuse, child physical abuse, and stalking, were less likely to apply for compensation. (See Figure 3). In 2003, victim compensation programs reported that victims who experience domestic violence, elder abuse, adult sexual assault, child sexual abuse, and child physical abuse were less likely to apply for compensation.
- Victim compensation programs also reported that other groups, including non-English speakers, people who identify as LGBTQAI+, people who identify as American Indians living on and off reservations, and

people who identify as Hispanic or Latino are less likely to apply for compensation. In 2003, victim compensation programs also identified non-English speakers, people who identify as American Indians living on and off reservations, as well as people living in rural areas and older adults as people who are less likely to apply for compensation.

PROGRAM PERFORMANCE AND SUSTAINABILITY

- All victim compensation programs agree that their programs are aligned with four goals that focus on: 1) effective outreach, training, and communication; 2) expeditious and accurate claims processing; 3) good decision-making; and 4) sound financial planning.¹⁴
- Most victim compensation program indicate that they are effectively meeting outreach, claims processing, decision-making, and financial planning goals.
- The most frequent needs reported by victim compensation programs to sustain and meet goals over the next 20 years include: 1) more staff to better support victim compensation programs; 2) improved data collection and case management systems; and 3) increased federal/VOCA and state funding. Increased VOCA funding is

particularly important and relevant if OVC's rule changes expanding eligibility (or removing previous barriers) are enacted.

Recommendations

Based on the findings of this study, we offer the following recommendations to support victim compensation programs in the coming years.

Continue to train victim compensation program staff. Findings from this study indicate that training of victim compensation program staff has increased over the past 20-years. Given the turnover that compensation programs can face and the experiences of the individuals who compensation staff interact with, it is important that compensation programs continue to prioritize the training of staff on issues related to the victim compensation process, equitable decision-making, victimization, trauma, and services available to victims in their community. Training should also include how best to communicate with victims via phone and email and how to support victims who are struggling to complete applications and/or gather required authorizations or paperwork. Additionally, increased training on vicarious trauma and providing additional professional development opportunities for victim compensation staff may help the retention of victim compensation staff.

Continue to expand access to the victim compensation application process. Continued efforts should be made to move victim compensation information, applications, and notifications online to make communication and processes more accessible. Additionally, information should be provided in Spanish and other languages, and compensation staff should have easy access to interpreters or other bilingual staff to support victims whose first language may not be English.

Continue to collaborate with and educate law enforcement, criminal justice workers, victim service providers, and other community programs. The most common reason cited for a rise in the number of claims among victim compensation programs was increased or more effective training with workers and organizations within the community. Outreach and education with partners, including nontraditional partners, within the community is an important and effective way to reach victims of crime, particularly those who may be underserved.

Upgrade case management and data collection systems. The second most cited need to achieve and sustain victim compensation goals moving into the future was the need for updated case management and data collection systems. Updating systems decreases the time and burden on staff to process claims, run reports, and manage budgets. Updated systems can increase the amount of time that victim compensation staff have to work with the victims who file for compensation support, train community members, and conduct outreach to underserved victims.

Increase funding for victim compensation programs. The Crime Victims Fund which provides federal funding for victim compensation programs across states and territories has been fluctuating and mostly decreasing in recent years. Notably, in 2018, victim compensation program paid over \$400 million to support victims and families and just over \$230 million in 2022. As funding has decreased, victimization rates have increased, and new rule changes will also expand the number of claims. Surveyed and interviewed professionals for this study indicate that to sustain victim compensation programs, more federal and state funding is needed for operational support, updated case management and data collection systems, and expanded outreach to diverse victims of crime moving forward. Professionals also noted the need for funding to be more consistent to allow for better planning and allocation.

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ACKNOWLEDGEMENTS

We are grateful to the crime victims and their loved ones, compensation program administrators, and victim service providers who participated in this study, sharing their perspectives and experiences by survey or interview. We also appreciate support for this study from the National Association of Crime Victim Compensation Boards (NACVCB), the National Association of VOCA Assistance Administrators (NAVAA), and the National Center for Victims of Crime (NCVC). Evans, D. N. (2014). *Compensating victims of crime*. Research & Evaluation Center, John Jay College of Criminal Justice.

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