

COMPENSATING VICTIMS OF CRIME: THE RECOMMENDATIONS OF PROGRAM ADMINISTRATORS

JAMES BROOKS *New Mexico State University*

Adoption of Criminal Injury Compensation Programs

In 1963 and 1964, New Zealand and Great Britain adopted the first modern crime compensation programs. These programs compensate for injury and death caused by a criminal attack upon an innocent victim. Although the reception given to these programs has been quite favorable and there have been additional adoptions by other jurisdictions, the total number of program adoptions remains small. New Jersey's adoption in October, 1971, brought the total number of program adoptions in the United States to six (*New York Times*, October 25, 1971: 28c). In addition, Nevada and New York City have adopted partial compensation programs called "citizenship" or "Good Samaritan" programs that compensate only those injuries or deaths incurred while assisting law enforcement officers or while attempting to prevent the commission of a crime or in trying to apprehend a criminal. This means that six general crime compensation programs have been adopted in the United States during the past six years. These program adoptions have been by California, New York, Maryland, Hawaii, Massachusetts, and New Jersey.

Recent Political Considerations

In 1972, it seemed that crime compensation programs might become a significant issue between the major political parties before the presidential election. Leading Democrats in the United States Senate had sponsored a drive to have such a program adopted at the national level to apply to those areas within the national jurisdiction and, through a grant-in-aid program, to have additional crime compensation programs adopted by states (*New York Times*, December 1, 1971: 52c). The two bills that received the most attention were those introduced by Senator Mike Mansfield (D-Montana)¹ and Senator John McClellan (D-Arkansas).² The Senate passed Senator Mansfield's bill on September 18, 1972,³ but the House did not act. The Nixon Administration, allegedly for financial reasons, has not supported crime compensation programs that would go beyond making payments to families of policemen slain in the line of duty

(*New York Times*, December 1, 1971: 52c). Thus far, these programs have been equally attractive to the liberals and conservatives of the Democratic party.⁴ It has been felt that these programs have the potential to provide a much needed rallying point for the Democrats in their efforts to counter the Nixon administration's law-and-order emphasis. Although the anticipated emergence of crime compensation programs as a partisan issue during the 1972 presidential election did not materialize, the consideration of these programs at the national level continues and may yet blossom into an issue of considerable political consequence.

Program Practices and Recommendations

It is desirable, therefore, to direct attention to some of the established and operating crime compensation programs to see what guidelines they may offer to jurisdictions that will be considering the adoption of such programs in the future. In an effort to learn what the viewpoints and recommendations of those who administer crime compensation programs are, questionnaires were sent to program administrators in the jurisdictions of California, New York, Maryland, Hawaii, New Zealand, and Great Britain. Questionnaires were mailed to 24 program administrators in August, 1971. The jurisdictions of New York, California, Maryland, Hawaii, and New Zealand have three-member boards. Great Britain has a nine-member board. Twenty responses were received, giving a return of over 83 percent. Responses came from all of the jurisdictions polled. An account of these responses and critical evaluations of crime compensation programs are offered below. States that do adopt crime compensation programs in the future will have the advantage of being able to sort through the program features and experiences of those jurisdictions that have operating programs. This should make it possible to tailor such anticipated programs to best realize whatever might be the particular objectives of a given jurisdiction.

Choosing an Agency to Administer the Program

Among the first considerations that will absorb the attentions of a state contemplating the adoption of a crime compensation program is the selection of an agency to administer the program. The options that have thus far been exercised by those jurisdictions that have adopted crime compensation programs are the creation of a new quasi-judicial administrative body, the use of an existing administrative body, and the use of the courts.⁵ Although one encounters strongly held opinions

regarding the relative merits of these alternatives, the jurisdictions that actually employ each of these agencies, administrative or judicial, have been satisfied with their respective decisions. There are lessons, however, to be learned from the experiences of these jurisdictions. Only one of the jurisdictions in the United States has assigned the administration of its crime compensation program to the courts. Massachusetts has done this. Likewise only one jurisdiction has chosen to assign administration to an existing administrative body. This has been done in California. One thing that these two programs have in common is that they are both small in scope. Neither has produced a volume of claims that has appreciably added to the usual workload of the State Board of Control in California or the District Courts in Massachusetts. The California State Board of Control has had from 21 to 40 claims filed in its usual month of operation, by victims of violent crimes eligible under the terms of its crime compensation program (California State Board of Control, 1967-68; 1968-69; 1970-71: mimeograph). In Massachusetts, the number of claims filed has averaged few more than one hundred per year.⁶ As noted in considerations that were made in these states at the time that decisions were made to use these agencies for the administration of crime compensation programs, both have an appreciable work load occasioned by the performance of their usual functions, or previously assigned functions. The light additional work load imposed by also being given the responsibility for handling the administration of crime compensation programs has been absorbed without complaint by these agencies. An increase in staff should enable either of these agencies to adequately administer expanded programs, but it might also stimulate considerations of whether it might not be preferable to move toward the creation of a special crime compensation commission. In the case of choosing an existing administrative body to handle the crime compensation program, care should be taken to determine whether a suitable body exists or not and if one or more do exist, whether these additional duties would interfere with the performance of duties already being performed. California found that its initial assignment of crime compensation program administration to the Department of Social Welfare was a mistake (Geis, 1966; Geis and Zietz, 1966). This department's usual duties and its welfare-oriented interpretation of the crime compensation program's provisions so colored the image and implementation of the

crime compensation program that the legislature thought it best to reassign the compensation program to the State Board of Control. California's experiences in this regard indicate the desirability of closely scrutinizing the potential impact that the existing duties and personnel of an established administrative body might have upon the administration of a crime compensation program. However, if an agency already exists that (1) possesses the personnel experienced in performing tasks similar to those that would be performed in administering a crime compensation program and (2) has a public image conducive to effective administration of such a program, the state then has resources it might want to utilize in preference to establishing a new administrative body.

All but one of the program administrators who responded to the attitude survey and who expressed a preference for an agency to administer a crime compensation program prefer the creation of a new administrative body. Among the advantages that such arrangement is alleged to possess are administrative flexibility (61 *Northwestern University Law Review*: 103); specialization, leading to expertise in handling claims (4 *Harvard Journal on Legislation*: 133); uniformity (78 *Harvard Law Review*: 1684); centralized control of the awarding of payments (*Ibid.*); quickness in handling claims (*A Report by Justice Society*: 23); and informality of procedures (Yarborough, 1966: 7). This last attribute is said by some, chiefly those who favor the use of the courts for this purpose, to be a disadvantage of the special administrative body. This represents primarily an attachment to rules of evidence followed in courts and reflects a concern that these rules might be eroded if there is a continued expansion of the practice of assigning the disposition of so much work of a quasi-judicial nature to administrative bodies (*Massachusetts Commission on the Compensation of Victims of Violent Crimes* 1967: 18). There is also an objection from some quarters to the proliferation of governmental agencies.⁷ These objections notwithstanding it would appear that most crime compensation programs will be administered by special boards or commissions created for this purpose. Most attention has therefore been given here to the consideration of these new special purpose administrative boards.

Crime Compensation Board

Staffing practices should be such that they facilitate the working of the crime compensation board. In order to provide

continuity and time to develop skill in the handling of cases it is recommended that board members be appointed by the governor to substantial terms (five to ten years), that terms be staggered, and that members be made eligible for reappointment. Whether positions are full-time or part-time and whether remuneration is on an annual or working-day basis should be dependent upon the workload of the board. Initially, if a light work load is anticipated, operations of the board might begin with part-time members compensated on a working-day basis. This arrangement could continue until such time as an increase in the work load might dictate a change to full-time members compensated on an annual salary basis. The only professional or educational qualifications that have thus far been applied to board members are legal training and experience. All of the jurisdictions considered here that have crime compensation boards have prescribed these qualifications for one or more members on their respective boards. Other qualifications have been suggested, including medical training (4 *Harvard Journal on Legislation*: 139-140). It has also been suggested that a layman (Downey, 1965: 94) and a woman (A Report by Justice Society: 23) be board members. The subdivision of the work load being what it is, what is really needed is a generalist in each position. In imposing specific qualifications, the difficulty is in prescribing a certain kind of training or preparation that will, other things being equal, equip the single member better than another kind of training. The difficulties that face the members in reviewing cases can probably be met as well by lawyers as by those with different specialist training. On the other hand there would seem to be no good answer to whether it would be preferable to have the doctor check the law books or to have the lawyer check the medical books. These are, after all, criminal-injury cases.⁸ The features of crime compensation programs regarding board membership and the proposals of two suggested "model" acts are presented in Table 1.

The powers necessary for the performance of its duties are the same as those usually given to other administrative tribunals: the power to make rules, to provide for a paid staff, to administer oaths and subpoena witnesses and documents, and to reach decisions on the basis of evidence that might not be admissible in a court of law.

TABLE 1: CRIME COMPENSATION BOARD MEMBERSHIP

	Number of Board Members	How Chosen	Length of Term (years)	Staggered Terms	Subject to Re-appointment	Legal Qualifications	Salary	Full-time or Part-time	Other
New Zealand ^a	3	Appt. by Gov. Gen. on recommendation of Min. of Justice.	5	No	Yes	Chairman only: lawyer, 7 yrs. practice	Expenses	Part-time	May be re-moved by Gov. Gen. only for stated causes
Great Britain ^b	9 (orig. 6)	Appt. by Home Sec. & Sec. of St. for Scotland after consulta-tion w/Lord Chancellor	Not Specified			Yes	\$60/sitting day	Part-time	
New York ^c	3	Appt. by Governor	7	Yes	Yes	Admitted to practice law in N.Y./10 yrs.	Chairman: \$28,875, members: \$27,536	Full-time	Only 2 of same political party
Maryland ^d	3	Appt. by Governor	5	Yes	Not Specified	One member only: admitted to practice law in Md./5 yrs. immed. prior to appt.	Annual salary as provided in annual budget	Full-time	Only 2 of same political party
Hawaii ^e	3	Appt. by Governor	4	Yes	Yes (only 2 consecutive terms)	One member only: admitted to practice before state Supreme Court for 5 yrs.	Expenses plus: \$50/day for members, max. \$6,600/yr.; chair-man: \$55/day, max. \$7,200/yr.	Not Specified	No official or employee of state or politi-cal subdivision is eligible for appt.

Model Act ^f	3	Appt. by Governor	6	Yes	Yes	No	To be set by Legislature	Not Specified	May be re-moved only for cause
Suggested Acts	3	Appt. by Governor	5	Yes	Yes	One member: an attorney licensed to practice in state	To be set by Legislature	Not Specified	One member: a med. or osteopathic phy. licensed to practice in state

^a New Zealand, *Statutes of New Zealand*, 1963, No. 134, secs. 4-9.

^b Great Britain, Criminal Injuries Compensation Board, *Sixth Report*, Cmnd. 4494, Oct. 1970, pars. 1-4, p. 20.

^c New York, *McKinney's Consolidated Laws of New York Annotated*, Book 18, Executive Law, Art. 22, sec. 622.

^d Maryland, *Annotated Code of Maryland*, Art. 26A, sec. 3.

^e Hawaii, *Hawaii Revised Statutes*, Vol. 4, ch. 351, secs. 351-11, 351-12.

^f "A State Statute to Provide Compensation for Innocent Victims of Violent Crimes," *Harvard Journal on Legislation*, IV (1966-67), pp. 139-140.

^g Council of State Governments, "Compensation for Victims of Crime," *Suggested State Legislation*, XXVI (1967), A-41.

Decisions regarding the general procedures of the crime compensation board must be made to determine whether hearings will be public or private, whether board action will be deferred if a criminal case is pending, whether criminal conviction will be taken on its face as sufficient proof that an award should be made, and whether there should be internal and/or external review of the board's decisions. The practices of the jurisdictions whose programs are considered here are presented in Table 2.

It is recommended that hearings of the board be public rather than private with the board having the discretion to close hearings to the public when there are extenuating circumstances in individual cases. This would be analogous to the discretion that judges exercise generally in public trials. The value of public oversight of board proceedings should be balanced by the value of protecting the interests of the victim of crime. For example, in rape cases, there would seem to be no good reasons for the proceedings of the board to cause embarrassment to the victim. The program administrators polled in this study favor public over private hearings by twelve to eight. The practices of those jurisdictions examined here are related in Table 2.

Judicial Process and Timing of Board Meetings

Program administrators are in favor of deferring board action on a claim if there is a criminal case pending. Such deferral is preferred by a margin of eleven to seven. They also prefer to accept a criminal conviction as sufficient proof that a crime has occurred, in this case by a margin of seventeen to three. These two practices are related to one another. There are interests of the victim and of the criminal that should be protected. To achieve this it is necessary that the board's actions do not influence the court's actions and *vice versa* that the court's actions do not influence the board's actions. To best protect the interests of the victim and the accused attacker, it would seem preferable neither to defer board action on a claim if a criminal case is pending nor to accept a criminal conviction as sufficient proof that a crime has occurred. On the one hand the proceedings and action of the board in such a case could be kept under wraps until the criminal case has ended. This would protect the interests of the victim by not forcing him to wait so long for the settlement of his claim and at the same time would not interfere with the interests of the accused attacker. On the other hand, by not taking a criminal

conviction as sufficient proof that a crime has occurred and by not deferring action on the claim for compensation for the victim until the criminal case has ended, the victim is not likely to have the same concern that the accused be found guilty. This would best protect the interests of the accused. Such a relationship between the board's and the court's actions would keep their proceedings as separate as possible and minimize the influence that one's actions would have upon the other's. The practices of the boards with respect to these actions are presented in Table 2.

Review of Decisions

Regarding the review of decisions made upon claims, it is suggested that there be provision for internal and external review. Internal review is desirable as a matter of equity and also is particularly suitable for achieving uniformity in claims disposition where there is an initial single-member decision on claims. External review should be limited to points of law. Such review will help assure that the board operates within legally imposed limitations upon its operations. Those program administrators whose opinions are included in this study favor internal review seventeen to one and favor external review thirteen to five. The practices of their jurisdictions are noted in Table 2.

Reporting Requirements

Two time deadlines, which must be met by the claimant for him to be eligible for compensation, have been written into the programs considered here. The first requires that the crime victim must report the occurrence of the crime to the police. In three of these jurisdictions the police must be notified within a specified time. In two others the police must be notified "without delay" and in one the victim must "cooperate" with the police. The time deadline in reporting the crime to the police has the dual objectives of controlling fraudulent filings of claims for compensation and aiding the police by bringing to their attention the commission of crimes (4 *Harvard Journal of Legislation*: 137). To best meet these objectives it is suggested that a short, definite time period be specified, with the compensation board given the discretion to waive it for good cause. The other time deadline applies to the filing of a claim with the compensation board. Here too, a specific time period is preferable, with board discretion to waive it for good cause. A considerably longer time period can be specified for filing the claim than for reporting the

TABLE 2: GENERAL PROCEDURES OF THE CRIME COMPENSATION BOARD

	Hearings		Bases for Decisions			Standard of Proof		Review of Decisions		
	Public	Private	Public Record	Medical Exam	Action deferred if criminal case pending	Criminal conviction sufficient proof of crime	Beyond a Reasonable Doubt	Balance of Probabilities	Internal	External
New Zealand ^a	yes		yes ^l	not specified	yes ⁿ	yes	yes	yes	no	no
Great Britain ^b		yes	yes	yes	yes ^o	yes ^p	yes	yes	yes	yes
New York ^c		yes	yes	yes	yes	no	yes ^u	yes	yes	no ^u
Maryland ^d	yes ^j		yes	yes	yes	no	yes ^l	yes	yes	no ^u
Hawaii ^e	yes		yes	yes	yes	yes	yes ^r	yes ^r	yes ^t	yes ^r
California ^f	yes		yes	yes ^m	no ^m	no ^m	yes	yes	no	no ^m
Massachusetts ^g		yes ^k	yes	yes	no ^k	no ^k	yes ^s	yes ^s	no	yes
Model Act ^h	not specified		yes	yes	not specified	not specified	yes	yes	yes	yes
Suggested Act ⁱ	not specified		yes	yes	yes	yes	not specified	not specified	not specified	no

^a New Zealand, *Statutes of New Zealand*, 1963, No. 134.

^b Great Britain, Criminal Injuries Compensation Board, *Sixth Report*, Cmnd. 4494, Oct. 1970.

^c New York, *McKinney's Consolidated Laws of New York Annotated*, Book 18, Executive Law, Art. 22.

^d Maryland, *Annotated Code of Maryland*, Art. 26A.

^e Hawaii, *Hawaii Revised Statutes*, Vol. 4, ch. 351.

^f California, *Govt. Code*, ch. 5, Art. 1.

- § Massachusetts, *Annotated Laws of Mass.*, ch. 258A.
- h "A State Statute to Provide Compensation for Innocent Victims of Violent Crimes," *Harvard Journal on Legislation*, 4 (1966-67), pp. 132-147.
- i Council of State Governments, "Compensation for Victims of Crime," *Suggested State Legislation*, 26 (1967), A-41.
- j Letter from Martin I. Moylan, Executive Director, Maryland Criminal Injuries Compensation Board, June 14, 1972.
- k Telephone Conversation with Brian T. O'Neill, Massachusetts Assistant Attorney General, July 14, 1972.
- l Letter from R. D. Jamieson S. M., Chairman, New Zealand Crimes Compensation Tribunal, September 6, 1971.
- m Letter from Richard A. Godegast, Asst. to the Sec., California State Board of Control, June 21, 1972.
- n The Attorney General may apply to the tribunal for an adjournment of any proceedings when prosecution has, or is about to commence.
- o Great Britain, Criminal Injuries Compensation Board, *First Report and Accounts*, Cmnd. 2782, Oct., 1965, p. 4.
- p Great Britain, Criminal Injuries Compensation Board, *Second Report*, Cmnd. 3117, Oct., 1966, p. 5.
- q Letter from Stanley L. Van Rensselaer, Chairman, New York Crime Victims Compensation Board, June 19, 1972.
- r Letter from Wilfred S. Pang, Executive Secretary, Hawaii Criminal Injuries Compensation Commission, June 21, 1972.
- s Massachusetts District Court Rules (Civil), Rule 80.
- u The Attorney General may request review if an award is thought improper or excessive.
- v Hawaii, S. B. No. 1061, Sec. 1 b (b), enacted May 19, 1972. Judicial review extends only to the question of whether an order or decision was beyond the commission's authority or jurisdiction.

crime to the police. Four of these jurisdictions have a limitation of one year or longer. Such a long time period is justified in that latent injuries may not become apparent for quite a while after an attack. In other instances there may be a lengthy investigation of the allegations of criminal attack. The stipulations regarding these deadlines for the jurisdictions considered here are related in Table 3.

It is in the public interest that the claimants be required to submit to a medical examination, including a psychiatric examination, if the board thinks it desirable. Reports of such examinations together with police reports will better equip the compensation board to make its decisions and reduce the potential for fraud. The requirements of the programs investigated here are presented in Table 3.

Administrative Problems

If there has been a major problem in administering crime compensation programs thus far it has been one of making known the existence of the programs, the benefits, and terms have revealed that not nearly all of those who would be of eligibility.⁹ Studies of crime records in several jurisdictions eligible for compensation have filed claims (Great Britain, Criminal Injuries Compensation Board, 1968: 14). It is felt that this failure to file claims is due to the victims not knowing that they can do so. Two areas need attention here. First, efforts need to be made to inform the general public so that it might become a matter of general knowledge that the compensation program exists. Secondly, efforts need to be made to specifically inform the crime victim of his eligibility to file a claim for compensation. By making the compensation program generally known and by requiring a reporting to the police of the criminal act as a condition of eligibility for compensation, it seems likely that the gap between reported and committed crime would be reduced. When there is a reporting of the crime to the police, it is recommended that it become part of the required procedures for the police to inform the victim of the existence of the crime compensation program, to furnish him a form for filing a claim, and to give him information regarding the proceedings of the crime compensation board. An effective means of directing the crime victim to the compensation board — and one that is being used in New York — is to secure the cooperation of physicians and hospitals in referring the victim to the board (New York, Crime Victims Compensation Board, 1970: 17). Most of the programs lack such practices as

these and this deficiency has become the object of considerable criticism. The practices of the boards in this respect are related in Table 3.

Role and Use of Attorneys

Experience thus far has indicated that the success rate of those claimants who have legal counsel and those who do not is practically the same (Garner, 1967: 325). The value of counsel in this area, while not that of winning cases, may be significant in advising whether an initial award is adequate or not in the sense that it approximates the true value of the claim (Walker, 1966: 970). This would apply mostly in those jurisdictions where the standard for compensation payments is common-law damages. There also may be value in offering assistance in interpreting medical evidence and evaluating its significance for the victim. Only one of the program administrators polled objected to permitting legal aid for the victim in board proceedings. Opinion was just about evenly divided, however, as to whether the costs of such counsel should be paid by the compensation board or by the victim. Most of the program administrators favor close board supervision of fees paid by the victim to a lawyer. Six of eight administrators who favor the claimant paying his own lawyer fees also favor the board's prescribing maximum fees that lawyers may receive from claimants. This reflects an interest that the award will primarily benefit the claimant and not the lawyer. While the board's actions are not handled as adversary proceedings and while the board may be quite diligent in trying to protect the interest of the claimant, it may be more satisfactory in the long run to make provision for payment by the board of reasonable fees to lawyers retained by claimants. Goodwill shown by the boards to claimants in these initial years of program operation should not be the only protection that the claimant has in board actions. Program provisions controlling legal assistance, the payment of fees for such, and assistance in board proceedings by a friend of the claimant are related in Table 3.

Payments

Among the considerations related to decisions regarding payments that will be made are those concerned with what is to be compensated and who is to be compensated. These programs make compensation for personal injury or death inflicted by criminal action or what would be criminal action except for the attacker's age, state, or condition. All of the jurisdictions considered here make dependents of victims, as

TABLE 3: THE CLAIMANT AND THE CRIME COMPENSATION BOARD

	Must Report to Police	Must Submit to a Medical Examination	Deadline on Filing Application	Applicant Given Rules Governing Board's Proceedings	False Statements Punishable	Permitted	Legal Aid Paid by Board	Assistance of Friend
New Zealand ^a	not specified	not specified	one year ⁱ	not specified	yes	yes	1	yes
Great Britain ^b	without delay	yes	as soon as possible	not specified ^m	not specified	yes	no	yes
New York ^c	48 hours ^j	yes	90 days ^k	not specified	not specified	yes	not specified	not specified
Maryland ^d	48 hours	yes	90 days ^k	not specified	yes	yes	yes	not specified
Hawaii ^e	without delay	yes	18 months	not specified	not specified	yes	1	yes
California ^f	must "cooperate"	not specified	one year	yes	not specified	yes	yes	not specified
Massachusetts ^g	48 hours ^j	yes	one year ⁱ	not specified	not specified	yes	1	not specified
Model Act ^h	24 hours ^j	yes	one year ⁱ	not specified	not specified	yes	not specified	yes
Suggested Act ⁱ	5 days ^j	yes	two years	not specified	not specified	yes	1	yes

- ^a New Zealand, *Statutes of New Zealand*, 1963, No. 134.
- ^b Great Britain, Criminal Injuries Compensation Board, *Sixth Report*, Cmnd. 4494, Oct. 1970.
- ^c New York, *McKinney's Consolidated Laws of New York Annotated*, Book 18, Executive Law, Art. 22.
- ^d Maryland, *Annotated Code of Maryland*, Art. 26A.
- ^e Hawaii, *Hawaii Revised Statutes*, Vol. 4, ch. 351.
- ^f California, *Govt. Code*, ch. 5, Art. 1.
- ^g Massachusetts, *Annotated Laws of Mass.*, ch. 258A.
- ^h "A State Statute to Provide Compensation for Innocent Victims of Violent Crimes," *Harvard Journal on Legislation*, 4 (1966-67), pp. 132-147.
- ⁱ Council of State Governments, "Compensation for Victims of Crimes," Suggested State Legislation, 26 (1967), A-41.
- ^j Good cause must be shown for failure to comply within this period.
- ^k For good cause shown, Board may extend filing time to maximum of one year.
- ^l Compensation Board must approve any payment made by client to his lawyer, subject to maximum amount.
- ^m Police stations hold copies of the scheme and "Guide to Procedure."

well as victims, eligible for compensation. In addition, Hawaii and New Zealand compensate persons responsible for the maintenance of victims, where such persons incur pecuniary loss or expense. New York also provides for the compensation of parents of victims.

For compensation purposes the terms "victim" and "crime" must be given definitions. They have not been given the same meanings for compensation purposes as they have been given in criminal cases. In a criminal case, for there to be a victim of a crime there must be a criminal. If there is no criminal, there is no crime, and if there is no crime, there can be no victim of crime. This is altered in compensation proceedings. Compensation may follow criminal conviction of the attacker. It may also follow an acquittal of the attacker or be made when there is no apprehension or when the attacker has not technically committed a crime for the reasons mentioned above. Nevertheless, the jurisdictions considered here make "criminal offense" a necessary prerequisite for compensation. There is some difference of opinion, however, as to how this term or action should be defined (Lamborn, 1968: 733). Three different approaches have been taken. One has been to state a generic definition of crime. A second has been to draft a list of compensable crimes and include this formulation in the compensation plan itself. A third has been to use an existing list of crimes found in the jurisdiction's penal code. Great Britain, Massachusetts, and New York have adopted a generic definition of crime for their compensation programs. Hawaii and New Zealand have included a list of crimes in their compensation plans. California and Maryland use an existing list of crimes in their penal codes. Of the program administrators polled, ten favor a generic definition of crime. Four favor a list of crimes to be put in the compensation plan. Two favor the use of an existing list of crimes found in the penal code. Two believe that either a list of crimes put in the compensation plan or the use of an existing list of crimes found in the penal code would be equally suitable. One believes that either the use of a generic definition of crime or the use of an existing list of crimes found in the penal code would be satisfactory. Others who have evaluated these alternatives have for the most part also supported a generic definition of crime. It has the advantage of not trying to predict what crimes may produce personal injury or death as the lists of crimes do. It has what is considered a disadvantage by some in that it would usher in

the most expansive and perhaps also the most expensive program. The lists permit more control over the scope of the program and this may be thought an advantage by those jurisdictions concerned with keeping costs down. Other things being equal, the use of a generic definition of crime would seem preferable.

Payments to victims of crime can be made in several ways. The total award can be paid in one lump sum or over time in periodic payments. In either case there can also be emergency, interim, or partial payments made before the case is decided. The admonition here is for the greatest flexibility possible in the making of payments (Rothstein, 1965: 49; Childres, 1964: 463; 78 *Harvard Law Review*: 1686).

The compensation board should have the discretion to choose the manner of payment that best fits the individual case. For some cases a lump-sum payment is most suitable. These cases would include those where the injury is minor or temporary. In other cases, periodic payment is most suitable. Where the injury is serious or there is long-term disability, there is a need for administrative supervision of the case (Harris, 1965: 65). Continued review of such cases should contribute to the prevention of unjust enrichment or inadequate compensation (61 *Northwestern University Law Review*: 99). Although such review would require more involved administrative actions, it would not necessarily increase the costs of the compensation program. Review may result in the amount of the award being reduced where circumstances change and compensation is no longer justified (Samuels, 1967: 40). All of the jurisdictions considered here can make lump-sum payments. In addition, Hawaii, New York, and New Zealand can also make periodic payments if they desire to do so. Also, Great Britain, California, New York, Maryland, and New Zealand make interim, emergency, or partial payments before the case is decided, if they think it desirable. Fifteen of the twenty program administrators polled favor giving the compensation board the power to make awards in the form of lump-sum, periodic, and/or emergency, interim, or partial payments as the board thinks best in each case. Seventeen favor giving the compensation board the discretion to make emergency, interim, or partial payments.

Minimum Loss Requirements

For several reasons, it is suggested that there be no minimum loss required for the filing of claims. California, Hawaii, and New Zealand at present require no minimum loss before

one is eligible for compensation. Seventeen of the twenty program administrators polled do favor a minimum loss requirement. Only two are opposed to such a requirement. The reasons for favoring a minimum loss requirement are that it prevents the filing of numerous claims for small amounts that are alleged to be too trivial to bother with and that consequently it reduces the administrative load of the compensation board (Lamborn, 1968: 767). These contentions do not seem substantial. First, the incidence of crime being what it is, a minimum loss requirement would prevent compensation being paid to those who are most in need and for whom no loss is "trivial" (Floyd, 1968: 367). The burden of loss is relative and it is relatively larger for those who are most likely to become victims of crime. As for the allegation that claims for small amounts would greatly increase the administrative work load and costs, it appears to have little to substantiate it. Rather, since there has to be an investigation of claims anyway to determine if the claimant is eligible for compensation or not there would seem to be little opportunity for effecting savings here. New York has handled any difficulties that might follow having no minimum loss requirement by conducting preliminary investigations by phone and letter prior to accepting claims (New York Crime Victims Compensation Board, 1969: 7). Enlightened administrative practice, for the reasons mentioned, would seem to be far preferable to imposing a minimum loss requirement.

Maximum Payments

All of the jurisdictions considered here have provisions prescribing maximum payments in their crime compensation plans. But there are significant differences among the types of maximum payments prescribed. All of the state programs in the United States prescribe a flat-rate maximum. Great Britain's program prescribes a maximum payment rate for loss of earnings or earning capacity. This rate is tied to average industrial earnings at the time the injury was sustained and cannot exceed twice this average. New Zealand's program prescribes a specific maximum periodic payment for a specified maximum period. Since the objective of social insurance is income maintenance, it is suggested that Great Britain's practices are preferable. A maximum payment which takes the form of a flat-rate maximum or one that prescribes a specific maximum periodic payment for a maximum time period reflect primary concern with cost control rather than income maintenance. It is suggested also that the payment schedule make allowance for vari-

ation in the number of dependents of the victim (Floyd, 1968: 367-368). Ten of the program administrators polled favor a maximum limit on individual awards. Eight do not favor a maximum limit. Of those who favor a maximum limit, all but one favor a flat-rate figure. That administrator who does not favor a flat-rate maximum favors maximum periodic payments coupled with a maximum number of payments. The lowest flat-rate maximum favored by any of these program administrators is five thousand dollars. The highest flat-rate maximum favored is twenty-five thousand dollars.

Victim Precipitation of Crime and Attack

The same public reaction does not follow injury or death occasioned by victim precipitation as follows injury or death sustained by the innocent victim of crime. It is true that the severity of harm may be the same in either case but public opinion attaches a different significance to the injury depending upon whether there is an innocent or a participating victim (Schultz, 1965: 247). This attitude is reflected in the practices of all but one of the programs considered here that cause claims to be reduced or disallowed where there is victim provocation or participation. All twenty of the program administrators polled believe that victim participation should be considered in setting the award. Sixteen program administrators believe that the compensation board should have the discretion to reduce the award in part or to disallow the claim, depending upon the board's decision regarding the nature and degree of victim precipitation of the criminal attack. One administrator favors reducing the award in part and two believe that victim precipitation should cause no award to be made. The usual manner of reducing awards is to effect a percentage reduction equal to the degree of provocation attributed to the victim by the board. All of the program administrators who indicated a preference for the manner of award reduction favor making a percentage reduction. One of these administrators believes that the board should have the discretion to make either a percentage reduction or to reduce the award by a specific sum. It is suggested that the latter is preferable (Harris, 1965: 62). If the reduction is made in the form of a percentage reduction, it is the extent of the injury which determines the punishment as much as or more than the degree of fault. This is true because the degree of fault has no relationship to the extent of injury. It is suggested that it would be better practice, where victim participation is found, to reduce the award by a specific sum. This

would allow the board to give consideration to such matters as the victim's loss of earning capacity and financial condition. Such a reduction would amount to a fine levied where victim participation is found.

Need Requirements

One basic difference between social insurance and public assistance programs is that the latter requires recipients of benefits to demonstrate that they are poor or "needy." Although interpreted and applied quite differently by different jurisdictions, three of the crime compensation programs considered here have "need" requirements. A "need" requirement is another way of restricting the crime compensation program. There is the danger that a severe interpretation and application will make the crime compensation program so minimal that it may only give poor crime victims priority for welfare assistance (Geis, 1967: 174). The program administrators polled, by a margin of fifteen to three, do not believe that victim "need" should be made a prerequisite to the awarding of compensation.

Civil Suits Against the Offender

Crime compensation programs have not emerged as replacements for traditional remedies. Rather, they represent an alternative remedy. If the victim desires, he can still seek relief through traditional routes. He does not have to rely upon the crime compensation program in any of these jurisdictions considered here. In fact, even if he does file a claim with a compensation board and receives an award, he may still bring a civil suit against his offender. Although the experience of these compensation boards indicates that it is of little practical significance (Great Britain Criminal Injuries Compensation Board, 1969: 4, 11), it has been indicated that public opinion demands that the compensation plans include provisions to prevent "unjust" compensation. The effect is that repayment must be made by victims who receive awards from the compensation program and from the offender through tort actions in the courts. The amount of repayment would depend upon the relative amounts received from each source. The victim would be left with a net amount, after repayment, equal to the board's award. If the civil judgment is larger, the entire amount of the award from the compensation board would be repaid. All nineteen of the program administrators polled who expressed an opinion on this point favor providing for repayment of awards if the claimant is subsequently successful in a civil action against the offender. Fifteen program administrators be-

lieve that the compensation plan should permit the board to take action directly against the offender to recover the amount of the award. One believes that the board should have the power to require the claimant to bring suit against the offender. Three do not favor action by the board against the offender.

Uncompensated Losses

The compensation programs whose features are considered here are more restricted than they otherwise would be due to policy decisions that have excluded various kinds of losses or that have imposed other limitations. The principal exclusions are property losses, members of the offender's family or "household" who are the victims, double recovery, and "pain and suffering." The chief motives for prescribing these exclusions include the desire to hold down costs (Cameron, 1963: 371), to reduce fraud (Bentel, 1968: 224), to help assure that the offender will not share or benefit from awards, and to make the compensation program reflect the public's primary concern with attacks against the person.¹⁰

The major exclusion is property loss or damage that results from criminal acts. Hawaii and New Zealand offer very limited compensation for such loss or damage in narrowly prescribed categories. None of the other jurisdictions considered here makes awards for property loss or damage. The logic that supports crime compensation programs would extend coverage to include property as well as person. But practical considerations, leading to policy decisions, have dictated otherwise. The matter of increased expenses that would follow such inclusion has been influential. There has also been hesitancy to launch more ambitious programs initially. Some feel that such compensation programs should begin cautiously and give initial attention only to bodily injuries or death caused by criminal action. The prospects of property indemnification having more potential for fraud has also been a recurring consideration among policy makers (Lamborn, 1968: 762). It is also emphasized by some that the social consequences produced from property loss or damage are less serious, or are viewed as being less serious, than those produced from personal injury or death (Harris, 1965: 56). The administrators of crime compensation programs favor the exclusion of property loss or damage from the programs by eighteen to two.

To some degree all of the jurisdictions considered here, except for California, exclude from compensation the members of the offender's family or "household" who are the victims.

The rationalization behind this exclusion is that an administrative finding of facts would be more difficult in cases involving members of the same family or household and that awards, if made, might benefit the offender.¹¹ It is suggested that this exclusion is unwarranted. Other cases are accepted in which the facts are just as difficult to determine. For example, claims are accepted by those injured by strangers where there are no witnesses and the attacker is not apprehended (Childres, 1965: 276). Claims are also accepted where there are offenses involving strangers that occur within homes. Preventing the offender from sharing the award poses a technical problem but various solutions have been suggested (Samuels, 1967: 31). For one thing, the award could be limited to the payment of expenses, and unpaid creditors such as doctors and hospitals could be paid directly (Sandler, 1966: 651). If there is such an arbitrary exclusion as this, it would unduly penalize the innocent members of the family or household. An extreme example would be the denial of any compensation to the children where one spouse kills the other or the spouses kill one another.

As considered in the review of tort actions, awards from the crime compensation program are reduced or repaid in part or whole depending upon the amount of judgment in the civil suit. Other kinds of monies received by the crime victim have caused some problems for those trying to decide whether such monies plus awards from the compensation program would amount to double recovery or not. Five of the jurisdictions considered here bar awards from their compensation programs that would duplicate monies received by the victim from all other sources. In Hawaii and New Zealand only monies received from private insurance are not deducted from awards. Great Britain had some difficulties in trying to draw a line between monies received from private and public insurance and pensions. It initially tried to reduce awards by an amount equal to that received from public insurance and pensions. Repercussions from cases involving the widows of policemen led to both categories of insurance and pensions being treated the same way (reducing awards) by the compensation board (*London Times*, May 22, 1969: 2d). It is suggested that there be no attempt to draw such distinctions as were initially attempted in Great Britain. The practice of New York is recommended. There the award is made only for out-of-pocket expenses and net loss of support or earnings (New York Crime Victims Compensation Board, 1970: 12-13). Program administrators polled believe that the compensation scheme should prevent "double

recovery" by eighteen to one. Twelve believe that *all* other money received should reduce the amount of the award. Five believe that private insurance benefits should not reduce the amount of the award. One believes that gifts should not reduce the amount of awards.

Only two of the jurisdictions considered here compensate "pain and suffering." Although allowed in tort actions, it is generally felt that the reasons for its being allowed there, to punish the wrongdoer and to expand recovery to indirectly compensate for disallowed expenses, are not suitable reasons for its being allowed in crime compensation programs.¹² Twelve of the program administrators polled favor making awards for "pain and suffering." Eight do not favor such awards. Of those who favor such awards, only two believe that a maximum award should be allowed.

Program Costs

One of the chief political considerations that will be weighed by policy makers thinking about the adoption of crime compensation programs is the cost of such a program. Reflecting the concern of this study to provide information to policy makers within the United States that will assist them in evaluating specific aspects of crime compensation programs, the costs of these programs to the states in the United States that have operational programs will be examined here. These states are California, New York, Maryland, Hawaii, Massachusetts, and Nevada. The costs presented include those of the most recent year for which complete data is available for each jurisdiction.

The California State Board of Control, which administers California's victim compensation program, made 130 awards in fiscal 1969-70 (California State Board of Control, 1970). The total cost of these awards was \$167,235.01. The average cost was \$1,286.42.

In 1970, the New York Crime Victims Compensation Board made 458 awards to victims of crimes of violence.¹³ These included 100 awards for death claims, 112 awards in which periodic payments were made, and 246 lump-sum payments for injuries. The average lump-sum award was for \$1,930.00; the average death award was \$2,040.00; and the average protracted claim award was \$3,450.00. Total lump-sum awards amounted to \$474,780.00; total death awards amounted to \$204,000.00; and total protracted claim awards amounted to \$386,000.00. The total cost of

the New York crime compensation program for 1970 was \$1,064,780.00.

The Criminal Injuries Compensation Commission of Hawaii made 121 awards in 1970 (Hawaii Criminal Injuries Compensation Commission, 1970). The average award was for \$2,167.58. The total awards amounted to \$262,157.14.

In Maryland, in fiscal year 1970-71, the Criminal Injuries Compensation Board made 111 awards (Maryland Criminal Injuries Compensation Board, 1971). The lump-sum awards averaged \$1,850.00; death awards averaged \$2,400.00; and periodic payments in protracted claims awards averaged \$1,625.00. The averages for death awards and protracted awards represent only the costs for the fiscal year and not the total amount of the awards, which may or may not continue in subsequent fiscal years. Total lump-sum awards amounted to \$120,971.05; total protracted awards, including death awards and periodic payments, amounted to \$588,283.36. The total costs for fiscal 1970-71 were \$622,074.41.

Massachusetts has made the following awards:

Fifty-five cases were filed in the year ending July 30, 1969; 129 in the next twelve months; 88, in the period from July 1, 1970 to April 26, 1971. As of March 30, 1971, awards have totalled \$80,460. Sixty-five cases have been closed. Of this number 62 awards were granted, or an average award of \$1,298.¹⁴

By August 16, 1971, the total payments to victims of violent crimes under Massachusetts' crime compensation program had reached \$113,310.76. Legislative appropriations for Massachusetts' crime compensation program have been in the following amounts: 1969, \$1,000.00; 1970, \$30,000.00; 1971, \$65,000.00; 1972, \$25,000.00. Total appropriations have amounted to \$121,000.00.¹⁵

In Nevada, the Board of Examiners administers that state's limited "citizenship" compensation program. As of August 4, 1971, only four awards had been made under this program. Three awards of \$5,000.00 each and one of \$59.00 had been made. "Of the three maximum awards, injury resulted from gunshot wounds while attempting to prevent an armed robbery. The claimant awarded special damages was the result of knife wounds sustained while attempting to prevent an assault."¹⁶

Tentative Program Evaluations

The experiences of the compensation boards indicate that the administration of crime compensation programs is a feasible undertaking. Some jurisdictions have found it desirable to make modifications in their programs and in the administra-

tion of their programs, but there have been no insoluble problems. Comments regarding the technical performance of the compensation boards have been favorable. The administrative means are available to make crime compensation programs operational.

The recommendations proposing criminal injury compensation programs have been warmly received, and it has not been on account of disagreement with them based upon principle that there have not been more adoptions. Rather there has been a hesitancy, which will perhaps be only temporary, to launch new programs by governments in general during the present economic difficulties that governments are experiencing.¹⁷ The support for national legislation in this area is growing. The introduction of bills by prominent Democrats in the United States Senate and passage of a Senate bill have been noted. There is also support for national legislation from the state level. Appearing before the Senate Subcommittee on Criminal Law and Procedures in November, 1971, Stanley L. Van Rensselaer, Chairman of New York's Crime Victims Compensation Board, and Governor Marvin Mandel of Maryland both urged the passage of a national grant-in-aid program to enable more states to adopt crime compensation programs (*New York Times*, December 1, 1971). As noted above, the programs of the states represented by these two spokesmen are the two biggest programs in the United States, in terms of claims and awards. Both the Mansfield and the McClellan bills include provisions that would encourage additional state adoptions of crime compensation programs by giving states financial grants amounting to 75 percent of total program costs. It would seem most advantageous, from the point of view of one who is interested in there being more future program adoptions, for such legislation to be enacted.

FOOTNOTES

¹ S. 750, U.S. Congressional Record, 92d Congress, 1st Session, 1971, CXVII, Part 2, 2633-2636.

² S. 2994, U.S. Daily Congressional Record, 92d Congress, 1st Session, 1971, CXVII, No. 194, S21328-S21338.

³ S. 750, U.S. Daily Congressional Record, 92d Congress, 2d Session, 1972, CXVIII, No. 145, S. 15099.

⁴ This is exemplified by the co-sponsors of the McClellan bill. They were Senators James C. Boggs (R) Delaware, Quenton N. Burdick (D) North Dakota, Marlow W. Cook (R) Kentucky, James O. Eastland (D) Mississippi, Clifford P. Hansen (R) Wyoming, Ernest F. Hollings (D) South Carolina, Roman L. Hruska (R) Nebraska, Hubert H. Humphrey (D) Minnesota, Mike Mansfield (D) Montana, Lee Metcalf (D) Montana, Frank E. Moss (D) Utah, William V. Roth (R) Delaware, Hugh Scott (R) Pennsylvania, Strom Thurmond (R) South Carolina, Alan Bible (D) Nevada, and Robert P. Griffin (R) Michigan.

- ⁵ In its Model Act, the Council of State Governments suggests as Alternate I the establishment of a Criminal Injuries Compensation Board and as Alternate II the use of a court (Suggested State Legislation, 1967).
- ⁶ Letter from Richard D. Gerould, Executive Secretary, Supreme Judicial Court for the Commonwealth of Massachusetts, September 1, 1971.
- ⁷ Great Britain, "Crimes of Violence: Compensation for the Victim," Parliamentary Debates (Lords), 245 (December 5, 1962), col. 271.
- ⁸ See the remarks of Sir Walter Carter, Q.C., Chairman of the British Criminal Injuries Compensation Board in "The Work of the Criminal Injuries Compensation Board," 34 *Medico-Legal Journal* 52.
- ⁹ See the remarks of Wilfred S. Pang, Executive Secretary of the Hawaii Criminal Injuries Compensation Commission in Altonn (1970).
- ¹⁰ Great Britain, "Crimes of Violence (Compensation for Victims)," Parliamentary Debates (Commons), 694 (May 5, 1964), col. 1132 and col. 1230.
- ¹¹ *Ibid.*
- ¹² New Jersey, Senate Committee on Law and Public Safety, Public Hearing on Senate Bill No. 284 — providing for the innocent victims of crime (November 30, 1966), pp. 39-40 (letter from Robert Childres).
- ¹³ The data for New York is taken from and calculated from New York, 1970 Fourth Annual Report of the Crime Victims Compensation Board, Legislative Document (1971) No. 95 (April 1, 1971).
- ¹⁴ Letter from Richard D. Gerould, Executive Secretary, Supreme Judicial Court from the Commonwealth of Massachusetts, September 1, 1971.
- ¹⁵ Letter from Robert Q. Crane, Treasurer and Receiver General, The Commonwealth of Massachusetts, August 16, 1971.
- ¹⁶ Letter from Howard E. Barrett, Clerk, Board of Examiners, State of Nevada, August 4, 1971.
- ¹⁷ This opinion is shared by Stanley L. Van Rensselaer, Chairman of the Crime Victims Compensation Board of New York and co-chairman of the International Association of Criminal Injuries Compensation Boards, letter of January 31, 1972; Joseph Pickus, Chairman of the Criminal Injuries Compensation Board of Maryland, letter of February 29, 1972; and Wilfred S. Pang, Executive Secretary of the Criminal Injuries Compensation Commission of Hawaii, letter of February 3, 1972.

REFERENCES

- ALTONN, Helen (January 22, 1970) "Victims of Crimes Reminded of Compensation Law" Honolulu Star-Bulletin (reported in U.S. Daily Congressional Record, 91st Congress, 2nd Session, 1970, CXVI, No. 18, E 890).
- BENTEL, David J. (1968) "Selected Problems of Public Compensation to Victims of Crime," 3 *Issues in Criminology* 217-23.
- CALIFORNIA STATE BOARD OF CONTROL (1968, 69, 70, 71) *Monthly Activity: Victims of Violent Crimes Claims, Fiscal Years 67-68, 68-69, 69-70, 70-71*. California State Government: mimeograph.
- CAMERON, B.J. (1963) "Compensation for Victims of Crime: the New Zealand Experiment," 12 *Journal of Public Law* 367-75.
- CHILDRES, Robert (1965) "Compensation for Criminally Inflicted Personal Injury," 50 *Minnesota Law Review* 271-83.
- (1964) "Compensation for Criminally Inflicted Personal Injury," 39 *New York University Law Review* 444-71.
- DOWNEY, Bernard W.M. (1965) "Compensating Victims of Violent Crime," 5 *British Journal of Criminology* 92-95.
- FLOYD, Glenn Eldon (1968) "Massachusetts' Plan to Aid Victims of Crime," 58 *Boston University Law Review* 360-71.
- GARNER, J.F. (1967) "The Criminal Injuries Compensation Board" *Public Law* 323-29.
- GEIS, Gilbert (1967) "State Compensation to Victims of Violent Crime," Appendix B, U.S. Task Force on Assessment: the President's Commission on Law Enforcement and Administration of Justice. Task Force Report: Crime and Its Impact — An Assessment. Washington, D.C.: Government Printing Office.
- (1966) "Experimental Design and the Law: A Prospectus for Research on Victim Compensation in California," 2 *California Western Law Review* 85-91.

- and Dorothy Zietz (1966) "California's Program of Compensation to Crime Victims," 25 Legal Aid Briefcase 66-69.
- GREAT BRITAIN CRIMINAL INJURIES COMPENSATION BOARD** (October, 1969) Fifth Report, Cmnd. 4179.
- (1968) Fourth Report, Accounts for the Year Ended 31st March 1968. Cmnd. 3814.
- HARRIS, D.R.** (1965) "Compensation for Victims of Crimes of Violence," in J.F. NORTHEY (ed.) *The A.G. Davis Essays in Law*. London: Buttersworths.
- HARVARD JOURNAL ON LEGISLATION** [Note] (1966-67) "A State Statute to Provide Compensation for Innocent Victims of Violent Crimes," 4 *Harvard Journal on Legislation* 127-47.
- HARVARD LAW REVIEW** [Note] (1965) "Great Britain Approves Compensation Program for Victims of Criminal Violence," 78 *Harvard Law Review* 1683-86.
- HAWAII CRIMINAL INJURIES COMPENSATION COMMISSION** (December 22, 1970) Third Report. Hawaii: mimeograph.
- JUSTICE (Society)** (1962) *Compensation for Victims of Crimes of Violence*. London: Stevens and Sons.
- LAMBORN, Leroy L.** (1968) "Toward A Victim Orientation in Criminal Theory," 22 *Rutgers Law Review* 733-68.
- LONDON TIMES** (May 22, 1969).
- MARYLAND CRIMINAL INJURIES COMPENSATION BOARD** (July 15, 1971) Second Report.
- NEW YORK CRIME VICTIMS COMPENSATION BOARD** (1970) 196 Annual Report. Legislative Document, No. 97.
- (April 1, 1969) 1968 Second Annual Report, Legislative Document No. 100.
- NEW YORK TIMES** (October 25, 1971) 28 C: 3.
..... (December 1, 1971) 52 C: 2.
- NORTHWESTERN UNIVERSITY LAW REVIEW** [Note] (1966) "Compensation to Victims of Violent Crimes," 61 *Northwestern University Law Review* 74-104.
- ROTHSTEIN, Paul Frederick** (1965) "State Compensation for Criminally Inflicted Injuries," 44 *Texas Law Review* 38-54.
- SAMUELS, Alec** (1967) "Compensation for Criminal Injuries in Britain," 17 *University of Toronto Law Journal* 20-50.
- SANDLER, Robert A.** (1966) "Compensation for Victims of Crime — Some Practical Considerations," 15 *Buffalo Law Review* 645-55.
- SCHULTZ, LeRoy G.** (1965) "The Violated: A Proposal to Compensate Victims of Violent Crime," 10 *St. Louis University Law Journal* 238-50.
- SPECIAL COMMISSION ON THE COMPENSATION OF VICTIMS OF VIOLENT CRIMES** (1967) Report. Massachusetts: House, No. 5151.
- SUGGESTED STATE LEGISLATION** (1967) "Compensation for Victims of Crime," pp. A38-A48.
- YARBOROUGH, Ralph W.** (1966) "We Should Compensate the Victims of Crime," 12 *Student Lawyer Journal* 6-7.
- WALKER, J.C.** (1966) "Valuations of the Criminal Injuries Compensation Board," 110 *The Solicitors' Journal* 970-71.