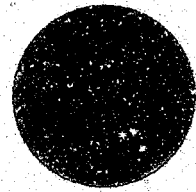


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**4TH ANNUAL
REPORT OF THE
CRIME VICTIMS
REPARATIONS
BOARD OF
MINNESOTA**



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Exhibit 'A' - Minnesota Crime Victims Reparations Law

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Addendum #1 - Register of all claims received and processed from July 1, 1978, to June 30, 1979, for the Governor and Legislators.

Addendum #2 - Register of claims received prior to the fiscal year 1979 but paid during the fiscal year 1979.

Addendum #3 - Register of claims received prior to the fiscal year 1979 but denied during the fiscal year 1979.

*Grateful acknowledgment is given to the artist James Kirwan of San Francisco, California, and to the California District Attorneys Association for the free use of the copyrighted cover picture of a tearful justice.

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Minnesota Crime Victims
Reparations Board

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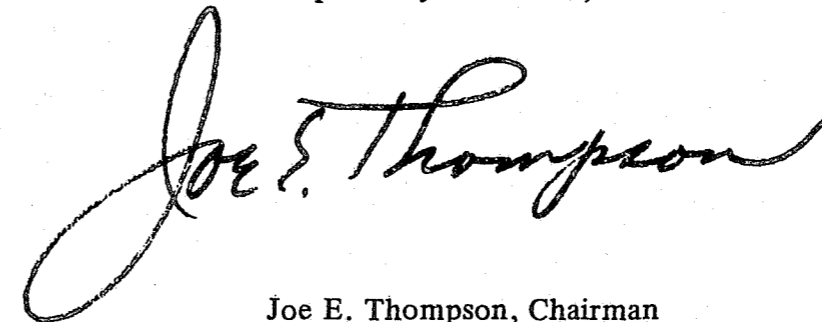
TO:
HONORABLE AL QUIE
Governor of the State of Minnesota

HONORABLE MEMBERS OF THE STATE LEGISLATURE
State of Minnesota

Gentlemen:

I have the honor to submit a completed annual report of the Minnesota Crime Victims Reparations Board submitted pursuant to the provisions of M.S. 299B.06, Subdivision 1 (e) which covers the period July 1, 1978, through June 30, 1979.

Respectfully submitted,



Joe E. Thompson, Chairman

St. Paul
Dated: July 1, 1979

**FOURTH ANNUAL REPORT OF THE
CRIME VICTIMS REPARATIONS BOARD
STATE OF MINNESOTA**

TO:

Honorable Al Quie
Governor of the State of Minnesota

John Sopsic, Commissioner
Department of Public Safety

Honorable Legislators
State of Minnesota

I. LEGISLATION

The Minnesota Crime Victims Reparations Law has been in effect since July 1, 1974. It enables compensation to be paid to or on behalf of innocent victims of crime involving personal injury or death. The full text of the legislation is found at Minn. Stat. §§ 299B.01 et seq., and at Exhibit A herein. Originally the maximum award that could be made was \$10,000.00. This was raised to \$25,000.00 effective July 1, 1977.

II. APPLICATIONS

Applications, informative literature, and other Minnesota Crime Victims Reparations Board forms are available to interested persons at the office of the Minnesota Crime Victims Reparations Board. Further, they may be obtained at most law enforcement agencies, hospitals and social service agencies.

Law enforcement agencies have a mandatory duty to inform all victims who may be eligible of the benefits of the Minnesota Crime Victims Reparations Law.

Applications are received by the executive director, along with all documents, bills, and other evidence submitted to prove the claim. The claim and proofs are investigated and verified by the executive director who then makes a recommendation to the board member to whom the claim has been assigned. The board members may accept, reject or modify the recommendation.

If accepted, the Recommendation, Findings of Fact and Order for payment are forwarded to the Department of Public Safety for payment.

If rejected, the claimant is notified in writing of the reasons for the rejection and of his appeal rights.

If modified, the Recommendation and Findings of Fact and Order for payment, as modified, are forwarded to the Department of Public Safety for payment, the claimant is notified of the reasons for the modification and his right to appeal the modification.

Appeals are handled in accordance with the Administrative Appeal Procedure in Minn. Stat. C. 15.

III. ELIGIBILITY

Persons who may make a claim for economic loss occasioned by the crime are limited to: 1) the victim; 2) dependents of a deceased victim; 3) the estate of a deceased victim; 4) any person who has purchased services for the victim; and 5) the guardian, conservator, or agent of any of the above persons.

Upon receipt of a Preliminary Claim Form, the executive director determines initially whether minimal eligibility has been met. The following statutory requirements must be in evidence on the claim form before the same is processed: 1) a crime as defined in M.S. § 609.02, Subdivision 1, must have been committed; 2) the crime must have been reported to the proper law enforcement authorities within the time period designated in M.S. § 299B.03, Subdivision 2 (a), or within five days, unless the board feels there are extenuating circumstances that allow extension of that time; 3) that the victim or claimant has fully cooperated with the police and other law enforcement officials; 4) that the victim is not the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the board determines that the interests of justice otherwise require in a particular case; 5) the claimant was not the offender or accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; 6) that the claim does not arise . . . out of the use of a motor vehicle, aircraft, or watercraft; 7) is not a claim for personal property; 8) that the victim is an innocent victim of the crime having been committed against his or her person; and 9) must file a claim with the board within one year of the happening of the event.

IV. PROCESSING

If the claim then meets these standards for eligibility, the claimant is requested to submit a Supplementary Claim Form, duly executed and notarized, which indicates the loss sustained by the claimant and what part of the loss has been paid through collateral sources such as private hospitalization or medical plans, free health care, Social Security or any other collateral source that comes from the county, city, state or federal government.

A certificate is sent to the law enforcement agency involved in investigating the crime to determine whether the claimant has filled the requirements of the statute. The law enforcement officers are asked to indicate when the crime was reported, if the claimant was fully cooperative with them, and whether or not the claimant is considered by them to be an "innocent victim of crime".

The executive director as part of his investigative responsibilities verifies: 1) whether or not the claimant was employed, the income reported and its documentation; 2) the hospital and medical bills; and 3) insurance or any other collateral sources.

When the executive director certifies a claim as complete, he drafts Recommendations, Findings of Fact, and Order for payment, for the review of the board member assigned to the claim; the board member then makes a decision, and the claimant is notified of it. If the claimant is dissatisfied, he or she can apply within 30 days in writing for a review of the decision by the full board in a hearing governed by the rules and regulations adopted by the board.

Payment is made for economic loss which is defined as actual economic detriment incurred as a direct result of injury or death, and includes, for injury: 1) reasonable expenses for necessary hospital, medical, chiropractic, rehabilitative, and dental products, services or accommodations, including ambulance services, drugs, appliances and prosthetic devices; psychological or psychiatric services where necessary for rehabilitation; loss of income; and reasonable expenses for substitute child care or household services.

In case of death, economic loss is limited to: 1) reasonable expenses for funeral or cremation and burial; for medical, hospital, chiropractic,

rehabilitative, psychological or psychiatric services which were incurred because of the crime and prior to death and for which the victim's survivors or estate are liable; 2) loss of support to the deceased's dependents but excluding services he would have performed; and 3) reasonable expenses for substitute child care and household services which the deceased would have performed.

A claim is reduced by collateral sources which include: 1) medical and hospitalization insurance; 2) disability insurance payments; 3) welfare payments; 4) Worker's Compensation payments; 5) Social Security payments; and 6) voluntary gifts or donations; 7) the term does not include life insurance; and 8) and by the \$100.00 deductible.

In no case is payment made for damage to or loss of personal property except for medical or dental appliances or prosthesis.

Provision is made for the payment of an emergency award in exceptional cases, and for supplementary awards when justified.

V. BOARD/STAFF

The Minnesota Crime Victims Reparations Board is comprised of three members serving four year staggered terms. They are appointed by the governor and confirmed by the Senate. The board members are: 1) Joe Thompson, Chairman, Attorney, Willmar, Minnesota, appointment expires January, 1981; 2) Johanna Miller, M.D., Minneapolis, Minnesota, appointment expires January, 1980; and 3) John Lyght, Sheriff, Cook County, Lutsen, Minnesota, appointment expires January, 1983.

Of the three board members, one must be admitted to the Bar, and one must be a medical or osteopathic physician licensed to practice in the State of Minnesota.

The board serves part-time, meeting approximately once per month to review claims. They receive \$35.00 per diem plus actual expenses.

The board has the duty to provide for appeal hearings pursuant to Minn. Stat. C. 15, to establish and maintain an office and appoint employees and fix their duties, to promulgate rules and regulations, to publicize the availability of crime victims reparations benefits, and to report annually to the governor and legislature.

The staff is comprised of one executive director and one secretary. The executive director is in the unclassified civil service and the secretary is in the classified civil service.

The executive director has the day to day responsibility of Minnesota Crime Victims Reparations Board operations including management of the office, receipt and investigation of claims, verification of claims, lecturing and training of law enforcement regarding the Crime Victims Reparations Law and their obligations under it, drafting Recommendations, Findings of Fact, and Orders for payment, as well as pre-hearing preparation and attendance at appeal hearings.

The secretary acts as managing secretary of the office, as receptionist, secretary at board meetings, as well as fulfilling record keeping, statistical and typing duties.

VI. BUDGET

The enabling legislation of 1974 appropriated \$100,000 for the creation and operation of the Minnesota Crime Victims Reparations Board. In 1975

this was increased to \$200,000. In 1976 to \$300,000. In 1977 to \$375,000, and in 1979 to \$500,000.

Each year the entire budget has been depleted with encumbrances made upon the following year's budget, with the exception of 1979 when a small amount was returned to the state. The Minnesota Crime Victims Reparations Board has consistently operated at a total administrative cost of slightly over 10 percent. In other words, almost 90 percent of the total budget is spent to service the intent of the law in aid of innocent victims.

VII. PUBLIC AWARENESS

The Minnesota Crime Victims Reparations Law did not become effective until July 1, 1974, and since November 1, 1974, when the executive director was employed, a large effort has been expended by the executive director to acquaint Minnesota citizens that such a law was available to citizens of our state. In this regard, the general mass media, radio, television, newspapers, speeches, etc., have been most helpful. In spite of our public relations efforts, it is quite apparent to us that there are many victims of crime in this state who are still not aware of our law. M.S. § 299B.15 provides:

"All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to Sections 299B.01 to 299B.16, and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims."

Originally it was felt that the most effective way to reach the victims of crime is through the law enforcement agencies. In this regard, thousands of brochures have been distributed to law enforcement personnel throughout the state. In addition, the executive director has spoken before many of the law enforcement agencies and their personnel so that they would be informed of their obligations under the law. At the present time, 15,000 plastic cards for law enforcement officers to carry in their wallets have been printed summarizing the law so that they will have available on their person the information necessary to give to the victims of violent crimes while receiving the report of the incident. It is the law enforcement officer who is the one who usually comes in contact with the victim of a violent crime. If he is knowledgeable about the law, and informs the victims of their rights, no amount of other mass media material can substitute for this personal contact. Also, it demonstrates to the victim that the state is concerned about him or her. Also, other agencies that may come in contact with victims of crime such as hospitals, mortuaries, courts, county social service agencies, and other institutions, have been provided with quantities of informational brochures in order that they may be given to victims of violent crimes.

In December of 1977 the Minnesota Crime Victims Reparations Board entered into a contract with the Department of Administration, Management Services Division, to conduct a study to determine the effectiveness of the Minnesota Crime Victims Reparations Board publicity efforts and to recommend improvements in such efforts.

The concern of the Minnesota Crime Victims Reparations Board arose when Bureau of Criminal Apprehension statistics showed in excess of 15,000 assault cases reported to law enforcement during the 1976 fiscal year compared to 285 claims submitted to the Minnesota Crime Victims Reparations Board arising out of assault cases, or less than 2 percent.

The study conducted by the Department of Administration included contacts with several law enforcement agencies throughout the state, both county and municipal. It included personal contact with line officers, staff officers, and office personnel.

The study results were as expected. In all cases of rape, arson, and assault, less than 2 percent of those reporting crimes to law enforcement were making claims with the Minnesota Crime Victims Reparations Board. The only exception being homicide cases where 65 percent were making claims.

There appears to be several reasons why such a low rate of victims are applying for benefits; however, a system was discovered in one municipality that appears uniquely designed to overcome the problem and provides a model system for other law enforcement agencies to follow. Basically that one person or one department that already reviews all reported crimes, single out those that may involve personal injury or may be entitled to benefits under the Minnesota Crime Victims Reparations Law, and to notify the victim by mail with appropriate Minnesota Crime Victims Reparations Board literature. The ultimate responsibility for actual filing is, thus, placed on the fully informed victim. It is anticipated that full implementation of such a system with the cooperation of local law enforcement agencies will result in greatly improved public information efforts consistent with the duty of the Minnesota Crime Victims Reparations Board to publicize (Minn. Stat. 299B.06, Subd. 1, (d)) and with the mandatory duty of law enforcement agencies to inform victims (Minn. Stat. 299B.15).

VIII. PROJECTION

The Minnesota Crime Victims Reparations Law provides a growth situation for several years to come. Even if crime decreases, the amount of persons eligible to apply who do not is low enough so that as the public becomes aware of this law, the amount of claims presented and dollars awarded will increase.

Using the Department of Administration survey statistics, that only 2 percent of potentially eligible victims apply (save for homicide wherein 65 percent apply but where 100 percent would be expected) the potential for growth is enormous. Although other states report that same statistic as from 2 percent to 4 percent.

This report shows an increase over the preceding year in claims filed of 7 percent, while denials of claims remains at 35 percent of claims filed. Not only may the number of claims increase due to public awareness, but the amount of reparations paid must increase since most payments made are for medical costs and wage losses which are both increasing on account of inflation and cost of living increases.

There has been no assistance forthcoming from the federal government. However, it is known that the Congress has before it bills providing for cost-sharing with states that have qualifying plans. The Minnesota law would qualify with minor amendments.

IX. POLICY, INTENT, AND PHILOSOPHY

The reason for compensating innocent victims of violent crimes is humanitarian, and part of the fulfillment of an arguable duty of the state. Early history of government indicates that one of the primary functions in our society is the protection of citizens from injury or death. When that protection to be afforded the citizen breaks down and the state takes over the function

of punishing the offender, the citizen has generally no other source to look to for help than the government whose duty it was to provide him protection.

The Minnesota Crime Victims Reparations Law provides the means where the injured victim can present his claims in non court room forum. The victim, without the benefits of this statute, is left with nothing except his bills, the worry of his family, as well as the disruption of his household. As a practical matter, now a victim in the State of Minnesota knows that his government is concerned with a victim and not just concerned with the offender. There has been some experience to indicate that victims of crime who formerly might be unwilling and uncooperative with law enforcement agencies to arrest the perpetrators now become willing and cooperative witnesses to the conclusion of a case. Since it costs approximately \$50,000,000 per year to operate the Department of Corrections, the sum of \$500,000 per year to compensate victims of violent crime in this state certainly seems miniscule by comparison (1 percent), but it is a beginning.

The board has continued to treat each claimant not as an adversary, but as people in need of assistance. We are dedicated to the principle of providing more than just a token of assistance to the innocent victim of crime. We are proud to be an arm of our state government extending a helping hand to the long neglected innocent victims of crime.

The board gratefully acknowledges the excellent cooperation extended to it by the past Commissioner Edward Novak, Department of Public Safety, and by the current Commissioner John Sopsic, and their entire staff who so efficiently and effectively assisted our agency. The board further gratefully acknowledges the excellent cooperation that has been extended to it by the law enforcement agencies throughout the state, John Sands and Jim Alfveby of the Attorney General's Office and the media in helping us to acquaint the public with this new law.

To give the reader an idea of the work of the board, we have included a representative sample of case histories involving some of the claims we have decided. We have omitted the name of the victims included in this report, but we have indicated the reasons for denial of their claims or awards made to them.

In the register of cases handled from July 1, 1978, through June 30, 1979, the names of the victims appear with the exception of rape victims who are referred to as "rape claimants", for we do not want to cause these claimants further embarrassment or bad publicity. The names of these claimants, however, are available to the Governor and the Legislature at their request as required by M.S. 299B.06 (e).

Respectfully submitted.

July 1, 1979

JOE E. THOMPSON, Chairman
 JOHANNA MILLER, M.D., Board Member
 JOHN LYGHT, Board Member
 DUANE E. WOODWORTH, Executive Director

EXHIBIT 'A'
CHAPTER 299B
CRIME VICTIMS REPARATIONS

Sec.	Title.	Sec.	
299B.01	Definitions.	299B.09	Reparations; how paid.
299B.02	Eligibility for reparations.	299B.10	Subrogation.
299B.03	Amount of reparations.	299B.11	Medical privilege.
299B.04	Crime victims reparations board.	299B.12	Enforcement of board's orders.
299B.05	Powers and duties of the board.	299B.13	Department of corrections; restitution.
299B.06	Determination of claims.	299B.14	Use of record of claim; evidence.
299B.07	Attorneys fees; limitation for representation before board.	299B.15	Law enforcement agencies; duty to inform victims of right to file claim.
299B.08	Consideration of decisions by full board.	299B.16	Fraudulent claims; penalty.

299B.01 TITLE. Sections 299B.01 to 299B.16 shall be known as the Minnesota crime victims reparations act.
 [1974 c 463 s 1]

299B.02 DEFINITIONS. For the purposes of sections 299B.01 to 299B.16 the following terms shall have the meanings given them:

- (1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to section 609.05.
- (2) "Board" means the crime victims reparations board established by section 299B.05.
- (3) "Claimant" means a person entitled to apply for reparations pursuant to sections 299B.01 to 299B.16.
- (4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under sections 299B.01 to 299B.16 which the victim or claimant has received, or which is readily available to him, from:
 - (a) the offender;
 - (b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 299B.01 to 299B.16;
 - (c) social security, medicare, and medicaid;
 - (d) state required temporary non-occupational disability insurance;
 - (e) worker's compensation;
 - (f) wage continuation programs of any employer;
 - (g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;
 - (h) a contract providing prepaid hospital and other health care services, or benefits for disability; or
 - (i) any private source as a voluntary donation or gift.

The term does not include a life insurance contract.

- (5) (a) "Crime" means conduct that
 - (i) occurs or is attempted in this state,
 - (ii) poses a substantial threat of personal injury or death, and
 - (iii) is included within the definition of "crime" in Minnesota Statutes 1971, Section 609.02, Subdivision 1, or would be included within that

definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or rehearing has been ordered.

(c) "Crime" does not include conduct arising out of the use of a motor vehicle, as defined in section 169.01, subdivision 2, an aircraft or watercraft unless

(i) the conduct was intended to cause personal injury or death, or

(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(iii) loss of income the victim would have earned had he not been injured; and

(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he not been injured.

(b) In the case of death the term is limited to:

(i) reasonable expenses incurred for funeral, burial or cremation;

(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(iii) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived; and

(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of

(a) a crime;

(b) the good faith effort of any person to prevent a crime; or

(c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

[1974 c 463 s 2; 1975 c 359 s 23]

299B.03 ELIGIBILITY FOR REPARATIONS. Subdivision 1. Except as provided in subdivision 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:

(a) a victim who has incurred economic loss;

(b) a dependent who has incurred economic loss;

(c) the estate of a deceased victim if the estate has incurred economic loss;

(d) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 299B.02, clause (7), for a victim;

(e) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if

(a) the crime was not reported to the police within five days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim is the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the board determined that the interests of justice otherwise require in a particular case;

(d) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; or

(e) no claim was filed with the board within one year of victim's injury or death but if it could not have been made within that period, then the claim can be made within one year of the time when a claim could have been made;

(f) the claim is less than \$100.

[1974 c 463 s 3; 1975 c 246 s 1; 1976 c 2 s 119; 1976 c 193 s 1]

299B.04 AMOUNT OF REPARATIONS. Reparations shall equal economic loss except that:

(1) reparations shall be reduced to the extent that economic loss is recouped from a collateral source or collateral sources;

(2) reparations shall be reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom he claims and by the first \$100 of economic loss; and

(3) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed \$25,000.

[1977 c 356 s 1]

299B.05 CRIME VICTIMS REPARATIONS BOARD. Subdivision 1. There is created in the department of public safety, for budgetary and administrative purposes, the crime victims reparations board, which shall consist of three members appointed by the governor with the advice and consent of the senate. One of the members shall be designated as chairman by the governor and serve as such at his pleasure. At least one member shall be a person who is admitted to the bar of this state, and at least one member shall be a medical or osteopathic physician licensed to practice in this state.

Subd. 2. [Repealed, 1976 c 134 s 79]

Subd. 2a. The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 3. Members of the board shall serve part time.
[1974 c 463 s 5; 1976 c 134 s 64,65]

299B.06 POWERS AND DUTIES OF THE BOARD. Subdivision 1. Duties. In addition to carrying out any duties specified elsewhere in sections 299B.01 to 299B.16 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 15;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; and

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied.

Subd. 2. Powers. In addition to exercising any powers specified elsewhere in sections 299B.01 to 299B.16 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 299B.01 to 299B.16;

(g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and

(h) reconsider any decision granting or denying reparations or determining their amount.

[1974 c 463 s 6]

299B.07 DETERMINATION OF CLAIMS. Subdivision 1. A claim, when accepted for filing, shall be assigned by the chairman to himself or to another member of the board.

Subd. 2. The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim.

Subd. 3. The board member to whom a claim is assigned may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in support of it and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of the papers and report, he shall order a hearing.

Subd. 4. After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall make a decision either granting an award or deny the claim.

Subd. 5. The board member making a decision shall file with the board a written report setting forth such decision and his reasons therefor. The board shall notify the claimant and furnish him a copy of the report.

[1974 c 463 s 7]

299B.071 ATTORNEYS FEES; LIMITATION FOR REPRESENTATION BEFORE BOARD. The board may limit the fee charged by any attorney for representing a claimant before the board.

[1975 c 246 s 2]

299B.08 CONSIDERATION OF DECISIONS BY FULL BOARD. Subdivision 1. The claimant may, within 30 days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration of the decision by the full board.

Subd. 2. Any member of the board may, within 30 days after the filing of the report, make an application in writing to the board for consideration of the decision by the full board.

Subd. 3. The board shall treat all claims considered pursuant to this section as contested cases within the meaning of chapter 15.

[1974 c 463 s 8]

299B.09 REPARATIONS; HOW PAID. Reparations may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award shall be deducted from the final award, if a lump sum, or prorated over a period of time if the final award is made in installments. Reparations are exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The board, in its discretion may order that all or part of the reparations awarded be paid directly to these suppliers.

[1974 c 463 s 9]

299B.10 SUBROGATION. The state shall be subrogated, to the extent of reparations awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source. Nothing in this section shall limit the claimant's right to bring a cause of action to recover for other damages.

299B.11 MEDICAL PRIVILEGE. There is no privilege as to communication or records relevant to an issue of the physical, mental, or emotional

condition of the claimant or victim in a proceeding under sections 299B.01 to 299B.16 in which that condition is an issue. Nothing contained in this section shall be interpreted to abridge the attorney-client privilege.

[1974 c 463 s 11]

299B.12 ENFORCEMENT OF BOARD'S ORDERS. If a person refuses to comply with an order of the board or asserts a privilege to withhold or suppress evidence relevant to a claim, the board may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the board may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination.

[1974 c 463 s 12]

299B.13 DEPARTMENT OF CORRECTIONS; RESTITUTION. The department of corrections may, as a means of assisting in the rehabilitation of persons committed to their care, establish programs and procedures whereby such persons may contribute toward restitution of those persons injured as a consequence of their criminal acts.

[1974 c 463 s 13]

299B.14 USE OF RECORD OF CLAIM; EVIDENCE. Neither a record of the proceedings on a claim, a decision of the board, nor the fact that an award has been made or denied shall be admissible as evidence in any criminal or civil action against the alleged offender, except an action by the state on its subrogation claim.

Sec. 3. This act is effective the day after final enactment and applies to all actions arising on or after that date.

Approved May 22, 1979.

299B.15 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM. All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to sections 299B.01 to 299B.16 and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims.

[1974 c 463 s 15]

299B.16 FRAUDULENT CLAIMS; PENALTY. Any person who knowingly makes a false claim under sections 299B.01 to 299B.16 shall be guilty of a gross misdemeanor.

[1974 c 463 s 16]

EXHIBIT 'B'

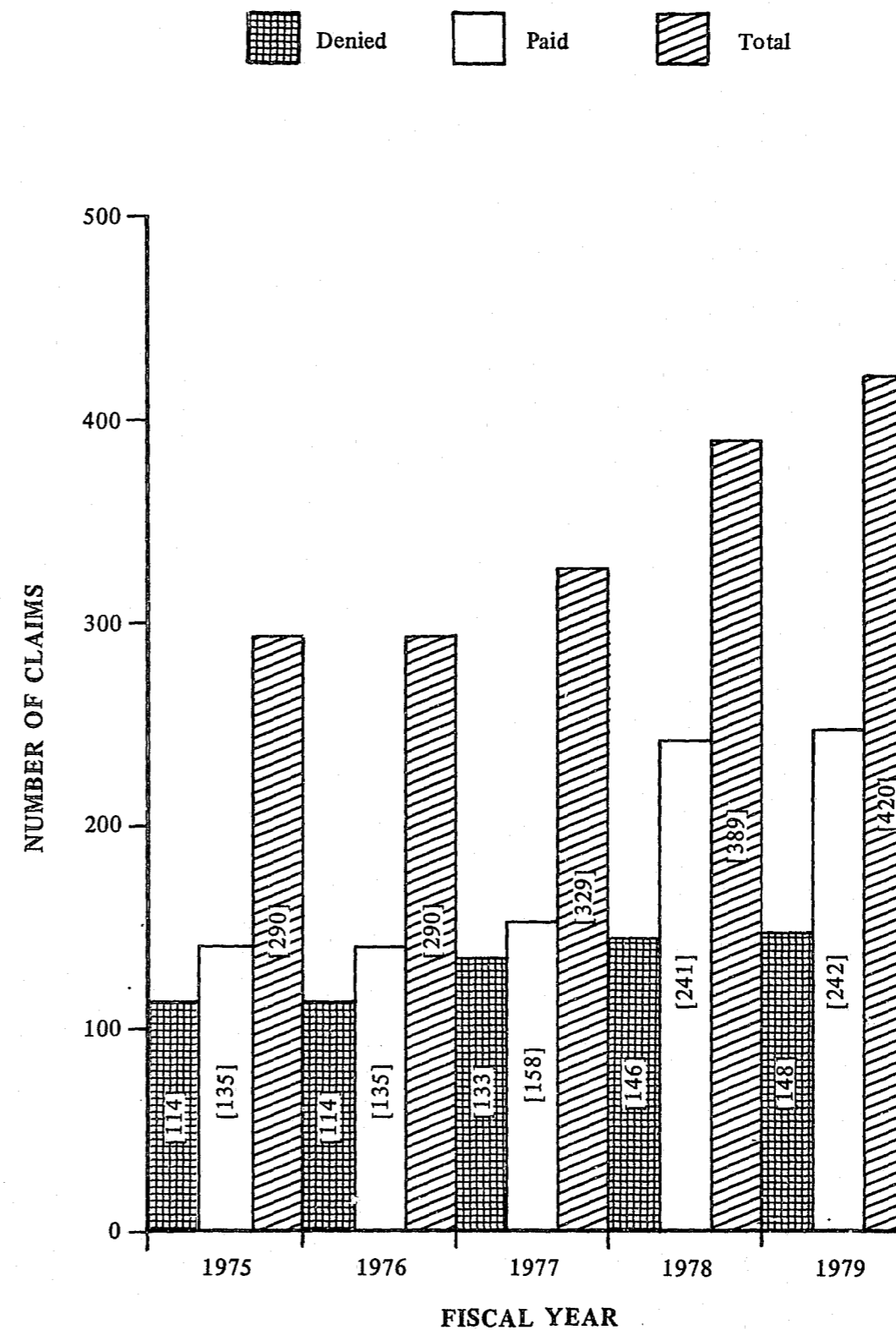


EXHIBIT 'C'

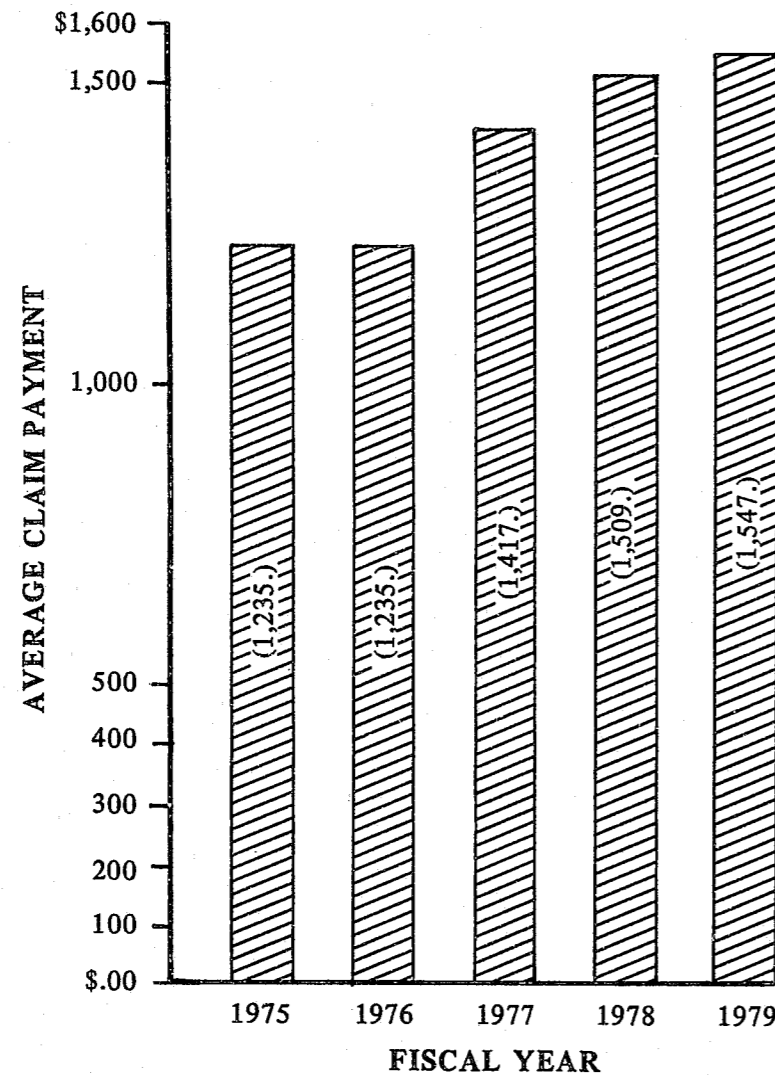


EXHIBIT 'D'
REPRESENTATION OF CLAIMS PAID AND DENIED

CLAIMS PAID

Assault

Case No. 857-AS-78

This claim was made by the father of a 14 year old boy who had his arm cut in a knifing incident. Two boys had been teasing each other on the school bus on the way home from school. After they were off the bus the teasing continued between them until one boy suddenly pulled a knife and slashed the other boy's arm. The total medical expenses were over \$1,800.00 with insurance covering all but \$211.52. After deducting the \$100 deductible an award of \$111.52 was made. The claimant's family eventually recovered in a civil lawsuit against the assailant and the full \$111.52 was eventually returned to the Minnesota Crime Victims Reparations Board under its subrogation rights. The minor assailant was petitioned into court as a juvenile delinquent.

Award: \$111.52 Subrogation: \$111.52

Case No. 838-AS-78

This 34 year old female was the victim of a car bombing. A former boy friend of the claimant's planted a bomb device under the driver's seat of her automobile. When she started the car, it exploded causing massive injuries to the claimant. The claimant's total claim including medical expenses and wage losses exceeded \$15,000.00. After deducting hospitalization insurance payments and income disability insurance payments, awards totaling \$3,611.75 were made. The defendant was charged with attempted murder in the first degree, second degree, and aggravated assault.

Award: \$3,611.75

Case No. 780-AS-78 and 781-AS-78

These two cases were combined as they arose out of the same incident. The two claimants are bachelor brothers, ages 77 and 81, who farmed and lived together. Three persons entered their home to rob the claimants and in the process beat them and shot them. The total bills for both claimants was over \$1,600.00 and after deducting collateral sources an award of \$420.55 was made. Two juveniles were petitioned into court as delinquent and one adult was convicted of aggravated assault.

Awards: \$420.55

Case No. 759-AS-78

This claim is by a 70 year old man who was assaulted by a man and woman who broke into his house in rural Minnesota. The claimant was protecting his wife from the two intruders when the female stabbed him twice with a kitchen knife. The male intruder also beat the claimant with a flashlight. The couple was robbed and held hostage until the morning when the intruders left. As a result of the beatings, the claimant suffered the loss of an eye and the knife wounds. His total claim exceeded \$3,200.00 and after deducting the collateral sources an award of \$1,444.50 was made. The female assailant has been convicted and is in prison. The male assailant is still at large.

Award: \$1,444.50

Case No. 950-AS-79

This 47 year old female was walking home after leaving a friend's home. She passed by a house under construction and two young men came out of hiding, grabbed her and dragged her back into the construction area where they beat her. The assault was unprovoked, was not a sexual assault, and was apparently not motivated by robbery. The claimant suffered facial lacerations, a brain concussion, skull fracture, fractured nose, chipped teeth and other minor injuries. As a result of the assault, the claimant suffered medical and wage losses exceeding \$6,400.00 and after deducting collateral sources, the claimant was awarded \$2,101.67. The assailants were not apprehended.

Award: \$2,101.67

Case No. 940-AS-78

This 20 year old male claimant was driving down a country road when he was forced off the road by a pickup truck. The driver of the truck was a married man who was parked in the woods with a girl friend when someone shined a light in his truck. He drove out of the woods just as the claimant was driving by and the assailant mistook the claimant for the person who shined the light in his truck. The assailant stopped the claimant's car and assaulted him. The claimant suffered a fractured jaw and missed several weeks of work. The claimant's expenses exceeded \$2,200.00 and after deducting the \$100.00 deductible an award to the claimant of \$2,173.72 was made. The defendant pled guilty to simple assault but no restitution was ordered.

Award: \$2,173.72

Case No. 952-AS-79

This 27 year old female claimant was assaulted by a teenage girl on a city bus. The teenager was bumped and then criticized whereupon she assaulted the claimant. The claimant suffered only minor injuries but required psychological counseling. Her expenses totaled \$534.72. The defendant girl was not charged. It appeared to the police to be a case of two people pushing each other and one fell, and then one punched the other in the face doing no damage. After deducting the \$100.00 deductible an award of \$434.72 was made.

Award: \$434.72

Case No. 934-AS-78

This 42 year old female claimant was abducted by two men who assaulted her physically, drove out into the woods and then sexually assaulted her, robbed her, and let her go. The claimant suffered relatively minor physical injuries and some emotional harm. Her total expenses were over \$3,100.00, and the board paid \$3,025.00.

Award: \$3,025.00

Case No. 876-AS-78, 877-AS-78, 878-AS-78, and 879-AS-78

These four claims were consolidated as they arise out of a single incident and are made by a father, mother, and two minor sons. The parents were apparently witnesses to an earlier crime wherein that defendant was attempting to intimidate or get even with them. The defendant threw a fire bomb through the bedroom window of the boy's room, while the family was sleeping. One boy received a minor burn on his left arm and on his face, the mother suffered burns on both legs, the father suffered a burn on his foot, and the other son suffered major burns over 25 percent of his body requiring skin grafts and probable future medical expenses. (The claim has been left open to cover future expenses.) The total family medical expenses and the parents wage losses were over \$25,000.00. The parents' medical insurance paid most of the medical bills and the father received some disability insurance benefits. Only one \$100.00 deductible was applied and an award was made totaling \$3,944.50. The defendant is in Stillwater Prison.

Award: \$3,944.50

Case No. 875-AS-78

This 21 year old female claimant was assaulted and robbed in the hallway of her apartment building. The claimant suffered only minor injuries but was prevented from working as a waitress and was unable to commence work on four paintings, the claimant being a portrait artist, resulting in the loss of the commissions. The claimant's total medical and wage losses were in excess of \$2,283.30. The assailant was not apprehended, and the claimant did not see him well enough to sketch his portrait.

Award: \$2,283.30

Case No. 874-AS-78

This 40 year old male was working as an employee of an armored car service and was picking up cash receipts at a department store when he was robbed. The assailant threw a caustic solution in his face permanently blinding him. Medical insurance and Worker's Compensation insurance assumed most of the claimant's medical bills and wage losses. However, some expenses may be expected in the future and the claim has been left open. The balance due and paid the claimant during the fiscal year 1979 was \$451.95, after deducting the \$100.00 deductible. The assailants were not apprehended.

Award: \$451.95

Case No. 858-AS-78

This 19 year old male claimant was at a friend's house when a third person came in who owed the claimant some money. A minor argument ensued over the debt, and the claimant went outside. The defendant came out later with a rifle and shot the claimant in the foot. Total expenses were over \$5,700.00 and after deducting insurance payments, an award of \$3,930.22 was made, mostly for wage losses. The sum of \$486.50 was recovered by the board from insurance carrier payments. The defendant was charged with aggravated assault.

Award: \$3,930.22

Case No. 827-AS-78

This 27 year old female claimant was an innocent patron of a bar that was robbed. During the robbery one of the robbers struck the claimant on the side of the head. She suffered a concussion and cervical strain. Her medical expenses and wage loss exceeded \$1,000.00 and was partly covered by insurance. The board paid the balance of \$438.82. One adult male has been charged.

Award: \$438.82

Case No. 826-AS-78

This 39 year old male claimant was leaving a grocery store and as he walked across the parking lot, he was almost hit by a car. The claimant hollered at the driver whereupon the car stopped and a man and woman got out and approached him. The man came from the front while the woman came from behind the claimant and stabbed him in the back. The claimant's claim for medical expenses and wage losses exceeded \$3,700.00. After deducting the collateral sources an award of \$3,485.73 was made. Due to police investigations showing the claimant had made lewd remarks to the woman when she was in the store, that the claimant had first struck the man knocking him back into his car, and that the claimant had a previously undisclosed friend with him that was also involved in the incident, the board reduced the claimant's claim by 50 percent. No defendants were apprehended.

Final Total Award: \$1,742.86

Case No. 768-AS-78

This 34 year old male claimant was the victim of a shooting. The claimant and a juvenile boy were arguing over possession of a 12 gauge shotgun. The boy loaded the gun and shot the claimant in the abdominal area. Although the claimant suffered severe injuries, all of his medical expenses were covered by welfare. Lost wages were partly offset by welfare, and the balance of the claim of \$1,901.60 was paid by the board. Subsequently the claimant sued the defendant and recovered resulting in \$333.34 being returned to the board via subrogation rights. The defendant was petitioned into juvenile court.

Award: \$1,901.60 Subrogation: \$333.34

Case No. 729-AS-78

This claimant's 17 year old son was assaulted by two persons. This victim and his brother had been at a party and on the way home they began arguing with two men in another car. A fight ensued and this victim was severely beaten suffering a skull fracture and loss of wages. The medical bills and wage losses exceeded \$5,800.00 and after insurance payments, the board made an award of \$1,037.60. The assailants are unknown.

Award: \$1,037.60

Case No. 561-AS-77

This 27 year old male claimant had just started his first day on the job as a bartender when the club was robbed. The claimant had previously been employed elsewhere and was hurt on the job and had a Worker's Compensation case on appeal. This shooting also involved Worker's Compensation insurance coverage. The claimant's total medical bills and wage losses due to the shooting were in excess of \$1,400.00, and after deducting collateral sources, the board paid \$557.82. The defendant robber was apprehended and charged.

Award: \$557.82

Homicide

Case No. 262-H-79

These claimants are the parents of a 14 year old girl who was shot and killed under circumstances not yet fully determined by law enforcement. The fact of the shooting, death, and homicide have been determined by law enforcement but nothing else. A defendant has been charged. The claim is for medical expenses, funeral and grave marker expenses and exceed \$2,200.00.

Award: \$2,124.29

Case No. 167-H-77

This claimant's 18 year old daughter was found unconscious along side of the road. She died without regaining consciousness as a result of severe head injuries not caused by a motor vehicle. The victim and her girl friend were returning from a high school band performance they had played in, and the girl friend had turned up her drive to walk home and the victim was walking down the township road about 1/4 mile to her home. Her body was found along that road. No defendant has been apprehended. The claim is for medical and funeral expenses remaining after welfare payments in the amount of \$831.15.

Award: \$731.15

Case No. 243-H-78

This claimant's 30 year old wife was standing on her back porch when she was shot and killed by a neighbor boy playing with a rifle. Charges against the boy have been referred to the county attorney. The claim is for medical, funeral, and household services expenses remaining after welfare payments. Balance of claim is \$887.80.

Award: \$787.80

Case No. 254-H-79

This claimant's 19 year old son was shot and killed on Christmas morning. He and a friend were standing on a street corner when a man started shooting at his friend. When the victim went to the aid of his friend, the man shot him also. The claim is for medical and funeral expenses of \$2,215.30. The defendant was charged with murder in the 2nd and 3rd degree.

Award: \$2,115.30

Case No. 231-H-78

This claimant's 26 year old husband was murdered by a severe beating about the head, and his body was found washed up on the shore of a lake. The claim is for the burial only in the amount of \$1,648.00.

Award: \$1,548.00

Case No. 224-H-78

This claimant's 77 year old father was driving down a city street one morning when he was shot and killed. Two juvenile boys had been taking drugs, had armed themselves and began sniping at passers-by. One claim is for medical and funeral expenses, after insurance payments, in the amount of \$1,761.33. The two defendant juveniles were charged with several counts of murder and certified to stand trial as adults.

Award: \$1,661.33

Case No. 218-H-78

This claimant's 21 year old married daughter was found brutally murdered in a semi residential area. No one has been charged with the murder although there is one suspect. The claim is for the funeral bill only in the amount of \$2,847.73. The board, by policy decision made in cooperation with the State Funeral Directors Association, has set a limit of \$1,850.00 per funeral. After deducting collateral sources there remained \$1,495.00 to pay out.

Award: \$1,495.00

Case No. 217-H-78

This claimant is the guardian for two minor children. Their mother was murdered and their father sent to prison as a conspirator to the murder. The father is in prison. The claim is for funeral expenses and loss of support the mother would have provided. Collateral sources (Social Security survivorship benefits) for the children exceeded the loss of support claim. The remaining bill of \$1,495.00 for the funeral was awarded.

Award: \$1,495.00

Rape

Case No. 103-R-78

On July 17, 1978, this 25 year old female was asleep on the sofa in her apartment when she was awakened by a burglar standing over her. The assailant did not physically beat the claimant, although he did commit rape. The claimant's claim was for drugs and one week's lost wages. The week being lost due to a reaction to prescribed drugs intended to prevent a pregnancy. The file was left open to cover any expenses resulting from the possible pregnancy - none occurred. The total claim was \$141.80, after deducting the \$100.00 deductible, \$41.80 was paid to the claimant. No defendant was apprehended.

Award: \$41.80

Case No. 104-R-78

On June 9, 1978, this 57 year old emotionally disabled female was abducted, beaten, raped, and left for dead. She had been waiting for a bus when offered a ride by a passing motorist which she accepted. She was driven to a remote wooded area where she was brutally beaten and raped. The assailant ran over her with his car in an attempt to kill her and then drove off leaving her for dead. He had also robbed her of the money in her purse before he left. She was found by some hikers and the police were called. The police later staked out the area in hopes the defendant would return to the scene of the crime, which he did. He was apprehended and confessed. The claimant suffered multiple fractures and cuts and bruises over her entire body. The claim was for medical expenses after insurance payments and the deductible.

Award: \$1,852.60

Case No. 112-R-78

On August 17, 1978, this 18 year old female was called to work for her high school teacher for whom she had been doing summer work. He took her in his vehicle into the rural areas and attempted to undress and sexually assault the claimant. The defendant eventually returned the claimant to her home. The crime was reported and the defendant charged. The claim was for psychological counseling which continued for some time.

Award: \$975.45

Case No. 82-R-78

On August 19, 1977, this 28 year old female claimant was hitchhiking and was picked up by a lone male who drove to a nearby park and forcibly raped her. He then drove her to a supermarket parking lot where he beat her about the head with a pop bottle. The claimant suffered substantial damage to her teeth and lost two weeks from work. The defendant was apprehended and found guilty of simple assault by a jury.

Award: \$686.26

Case No. 94-R-78

On January 18, 1978, this 16 year old female was alone in her home when a male broke in and assaulted her. He first hit her several times about the head with a telephone receiver and then attempted rape. The claimant suffered some physical injuries and severe emotional trauma. Most of the expenses were covered by her parents' insurance, and the balance was paid by the board less the \$100.00 deductible.

Award: \$539.60

Mugging

Case No. 145-M-79

That on December 21, 1978, this 68 year old female claimant was the victim of a purse snatching. She was thrown to the ground by her assailant suffering a fractured hip. The claim was mostly covered by Medicare, the balance of \$458.13 less the \$100.00 deductible was paid. No defendant was apprehended.

Award: \$358.13

Case No. 146-M-79

On January 17, 1979, this 56 year old female claimant was the victim of a purse snatching. The claimant was thrown violently to the ground while holding onto the purse. She suffered a dislocated left shoulder, fracture of the left arm, and lost two months from work. Most of the claimant's medical expenses were covered by insurance and part of her wage losses were covered by insurance. The balance after the \$100.00 was paid. No defendant was apprehended.

Award: \$3,631.10

Case No. 144-M-79

On January 2, 1979, this 53 year old female claimant was the victim of a purse snatching. The claimant was knocked to the ground by her two young assailants suffering a fractured arm. The claim was for medical expenses only. No defendants were apprehended.

Award: \$352.00

Case No. 130-M-78

On December 19, 1977, this 62 year old female claimant was the victim of a purse snatching. She was thrown to the ground suffering a fractured nose, and two other fractures to facial bones. The claim is for medical expenses after insurance payments, less the \$100.00 deductible. No defendant was apprehended.

Award: \$305.10

Case No. 98-M-78

On February 12, 1977, this 70 year old female claimant was the victim of a purse snatching at or near a supermarket in a shopping center. She was assaulted during the purse snatching and suffered fractured ribs and a fractured jaw, and her dentures were broken. The claim was for medical expenses after insurance payments, less the \$100 deductible. One juvenile has been apprehended.

Award: \$763.50

Case No. 159-M-79

On January 23, 1979, this 57 year old female claimant was attacked on her front porch by a purse snatcher. The assailant struck the claimant breaking her glasses and knocked her down causing only minor injuries. No defendant was apprehended. The claim was for medical expenses, eye glasses, and counselling for emotional disturbance.

Award: \$324.88

Arson

Case No. 13-AR-78

On January 4, 1978, this 67 year old male died in an apartment house fire. He was a bachelor and a mentally disturbed lady in a lower apartment started a fire in her closet. The deceased died of smoke inhalation. The personal representative of his estate made a claim for ambulance, funeral and burial expenses only. The defendant was convicted of negligent control of a fire based upon plea negotiations after a commitment hearing resulted in a ruling that she was competent to stand trial.

Award: \$2,115.24

CLAIMS DENIED

Arson

Case No. 14-AR-79

On February 11, 1979, this victim's automobile, a 1975 Lincoln Continental, was totally burned as a result of arson. The victim is a security guard and had apprehended a murder suspect just days before. It is believed the arson was retaliation by the murder suspect's friends. The claim was made for the loss of automobile and contents. There was no personal injury or death involved. Since the claim was only for personal property it was denied. No defendant was apprehended.

Assault

Case No. 538-AS-77

On October 8, 1976, this 21 year old male claimant was shot and for no apparent reason. The claimant suffered the loss of a kidney and part of his liver as a result of the wound. The claimant incurred medical expenses and wage losses in excess of \$3,000.00. However, the claimant had excellent medical and hospitalization insurance coverage, as well as accrued vacation and sick leave benefits, and disability income insurance. When all of the collateral sources were considered, the claimant's claim fell below the \$100.00 deductible and was accordingly denied. The defendant received ten years probation.

Case No. 697-AS-78

On April 30, 1977, this 19 year old male claimant was a victim of an assault wherein he suffered multiple fractures of the cheekbone. Although the claimant incurred substantial medical expenses, existing medical insurance reduced his losses to under the \$100.00 deductible. Accordingly, the claim was denied. The known defendant was not charged.

Case No. 743-AS-78

On November 12, 1977, this 23 year old male claimant was assaulted as he got out of his car. The claimant suffered a stab wound to his abdomen. The police investigation indicated that the claimant had driven his automobile into another automobile in the parking lot of a bar. The other driver followed the claimant and eventually stabbed him. The claimant knew the name of the assailant but refused to tell the police and refused to look at mug shots for identification. Based upon the claimant's lack of cooperation, the claim was denied. No defendant was apprehended.

Case No. 773-AS-78

On April 20, 1978, this 18 year old female claimant was sitting in an automobile with three others when an argument ensued over the payment of a dinner bill. One of the others pulled a pistol and ordered the claimant out of the car when the gun discharged. The claimant suffered only minor injuries as a result of the wound. Medical insurance coverage was adequate and the claimant declined to proceed further with her claim, thus, the claim was denied. The defendant was charged.

Case No. 783-AS-78

On May 9, 1978, this 49 year old male claimant was assaulted by his brother and his brother's girl friend. The claimant suffered some injuries of an unspecified nature, and the medical expenses were paid for by welfare. The claimant was 100 percent totally disabled and suffered no wage loss. The claim, thus, not exceeding the \$100.00 deductible was accordingly denied for that reason. The defendants were both charged with simple assault and are awaiting trial.

Case No. 819-AS-78

On July 6, 1978, this 47 year old male claimant was the victim of a robbery as he entered his apartment building. The assailants inflicted minor injuries upon the claimant. The claimant has medical coverage adequate to reduce his claim below the \$100.00 deductible, and the claimant's wage losses were covered by his employer. Accordingly, the claim was denied. The defendant was apprehended and charged with simple assault.

Case No. 835-AS-78

On August 5, 1978, this claimant's 17 year old son was assaulted while attending a beer party held out in a remote wooded area. Several fights had broken out amongst the young people there and this claimant's son had been involved in two of them, one he won and one he lost. The victim was felt to have been guilty of contributory misconduct, and the claim was denied. The known defendant was not prosecuted by the authorities.

Case No. 871-AS-78

On August 18, 1978, this 18 year old male claimant parked his car on the street and three persons began kicking at it. When the claimant got out of his car, they stabbed him three times in the back. The police investigation, however, indicated that the claimant originally started the argument and was the cause of the fight. When the board inquired of the claimant to give his version of what happened in light of the police investigation, the claimant declined. Such action by the claimant was viewed as a lack of cooperation, and the claim was denied. No defendants were apprehended.

Homicide

Case No. 229-H-78

On August 7, 1978, this claimant's 18 year old son was shot and killed. Apparently the son was involved in illegal conduct at the time of the shooting. When the claimant was requested to supply further information regarding the details of the shooting and the son's dealings with the assailant, the claimant declined and abandoned the claim. Accordingly, the claim was denied. The assailant was charged.

Mugging

Case No. 140-M-78

On October 16, 1978, this 64 year old female claimant was the victim of a purse snatching. The claimant was thrown to the ground suffering a fractured wrist. The claimant was on Medical Assistance which paid all of her medical expenses, and she declined to process the claim further. Accordingly, the claim was denied.

Rape

Case No. 132-R-79

On April 4, 1979, this 15 year old female claimant was a rape victim. She was assaulted on the way home from babysitting by the man she had babysat for. The crime was not reported until four days later, and the medical exams showed no evidence of trauma, assault, nor rape. However, the assailant entered a plea of guilty to the charge of sexual misconduct. The claimant's medical bills were all covered by welfare and, thus, there was no award to pay and the claim was denied.

Case No. 97-R-78

On June 14, 1978, this 16 year old female claimant was a victim of a rape. She was assaulted suffering numerous bruises about the face. The police investigation that the assailant had propositioned the girl the day before and told her what various sex acts he wanted to do with her. The next day she met with him apparently for the purpose of complying with his sexual requests. They walked together to an empty house where the assault occurred. When requested to explain the inconsistencies between her claim and the police report, the claimant declined to do so. The medical expenses were covered by insurance, and the claimant's claim was below the \$100.00 deductible. For these reasons the claim was denied. A warrant was issued for the arrest of the defendant.

Personal Property

Case No. 27-PP-79

On March 6, 1979, this 19 year old claimant had her purse stolen from her place of employment. She lost \$73.00, but suffered no injuries as there was no assault. Since the claim was for personal property only, the claim was denied. No defendant was apprehended.

END