



# An Evaluation of Crime Victim Compensation in West Virginia

Part of a National Study of Victim Compensation Programs

Malore Dusenbery, Joshua Fording, and Jennifer Yahner  
URBAN INSTITUTE

with Jeanette Hussemann and Robbie Dembo  
NORC AT THE UNIVERSITY OF CHICAGO

July 2024

**Victims of crime can experience serious harms and face significant costs with long-term implications for their economic security and safety. All US states and territories have crime victim compensation programs that provide financial assistance to cover out-of-pocket expenses associated with the financial, physical, and psychological burdens of victimization. From 2022 to 2024, the Urban Institute and NORC at the University of Chicago conducted a National Study of Victim Compensation Program Trends, Challenges, and Successes, which included evaluations of four state crime victim compensation programs.<sup>1</sup> This brief presents the findings of the evaluation we conducted of West Virginia's victim compensation program to understand its utilization and professionals' and victim claimants' perspectives on its ability to meet victims' needs.**

In 2003, the Urban Institute published a seminal report, *The National Evaluation of State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future* (Newmark et al. 2003). Twenty years later, updated research was needed to provide guidance to victim compensation

---

<sup>1</sup> This project was supported by Award No. 15PNIJ-21-GG-00995-NONF, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the Department of Justice.

practitioners and policymakers. With funding from the National Institute of Justice, NORC at the University of Chicago partnered with Urban to conduct this current national study.<sup>1</sup> Our study aims to examine the effectiveness, utilization, and comprehensiveness of state crime victim compensation programs, including identifying strengths and challenges of policies and funding models and best practices. Our multimethod design included (1) a national survey of victim compensation program administrators, and (2) deep-dive evaluations in four diverse states: Arizona, Delaware, New York, and West Virginia. The state evaluations included interviews with victim compensation staff (“staff”) and community-based providers (“providers”), analysis of compensation claims data, and a survey of people who filed for compensation (“claimants”) about their experiences and perspectives (see box 1 for our methods).

---

## BOX 1

### Our Methods for Evaluating Crime Victim Compensation in West Virginia

For this evaluation, the West Virginia compensation program leadership voluntarily facilitated our collection of quantitative and qualitative data. Our three primary data sources were deidentified claims data, stakeholder interviews, and an online survey of claimants. This assessment was also informed by data from the Office for Victims of Crime’s Performance Measurement Tool and program leadership’s responses to our National Survey of Victim Compensation Program Administrators.<sup>a</sup>

**Claims data.** West Virginia provided data for the five-year period of 2017 to 2021 on claims (filing date, victimization, victim demographics), denials (date, outcome, reason for denial), and payments (expense type, amount, date). Urban cleaned, merged, and analyzed the data using the programming language R. We conducted longitudinal comparisons of key frequencies and descriptive statistics, *t*-tests and ANOVAs to compare means, Kruskal-Wallis tests and Dunn’s tests to compare distributions of data between subgroups, chi-square tests to compare cross-tabulations and frequencies, and ordinary least squares and logistic regressions to model claims outcomes and payments.

**Interviews with professionals.** Urban received contact information for 16 professionals and sent up to three email invitations to each requesting their participation in a voluntary 60-minute virtual interview.<sup>b</sup> A total of 6 professionals participated (a 38 percent response rate, partly due to turnover), including 4 staff from the compensation program and 2 professionals from victim assistance programs. We used a thematic coding structure to synthesize qualitative information from these interviews.

**Claimant survey.** We confidentially received the contact information for claimants with recently closed claims who did not opt out of the study. NORC sent email, mail, and/or phone invitations to 404 claimants for voluntary and confidential participation in an online survey about their claims experiences, 125 of whom (31 percent) completed the survey. NORC used Stata to analyze the survey data, sharing frequencies, descriptives, and cross-tabulations with Urban. See table 1 below for participant demographics.

<sup>a</sup> This evaluation has several limitations similar to other social research. The response rate and sample size for the professionals interviewed is small, and West Virginia has additional professionals in the victim assistance space whom we were not able to interview. Though we received a large amount of West Virginia claims data, analysis of it was limited to the fields collected by the compensation program. With regard to the claimant survey, those who participated in the survey were more likely to be female and Black (than white), compared with claimants who were invited but did not participate in the survey.

<sup>b</sup> The interview protocol is attached to the national evaluation report (Hussemann et al. 2024).

# Introduction to Victim Compensation in West Virginia

The West Virginia Legislature created the Court of Claims in 1967 to hear claims against state agencies, which then incorporated the crime victim compensation program in 1981. In 2017 it became the West Virginia Legislative Claims Commission led by three commissioners appointed to six-year terms with the goal to “provide for the safety of citizens and the inviolability of their property.”<sup>2</sup> The Claims Commission investigates and awards claims through the Crime Victims Compensation Fund to “innocent victims of crime who have suffered personal injury and who have incurred out-of-pocket losses as a result of criminally injurious conduct.”

Compensation staff shared that one advantage to being housed in the Legislature is independence and not having the governor’s or attorney general’s office define the program’s mission. One staff member said they have strong support from the Legislature and leeway to try new programs and outreach. However, another thought the program would be better as a specialized unit not in the Legislature.

Like other states, the West Virginia compensation fund’s primary state funding source is a portion of court-ordered fines and penalties, including restitution, for motor vehicle and other offenses. The program brings in roughly \$1 million in court fees a year. In the past, the fund has also been bolstered by settlements resulting from lawsuits that attorneys general have brought against pharmaceutical companies in relation to the opioid epidemic. These state funds, combined with federal funding from the Victims of Crime Act Crime Victims Fund, have resulted in a “healthy reserve” and the ability to cover all approved claims. West Virginia also uses state funds to pay for expenses that are not allowed to be paid for with federal funds, such as relocation and certain personal property needs. One concern shared by an interviewed professional is the reliance on court fees and the effects that legalizing certain substances and other policy changes could have on the fund.

The three commissioners make final decisions on claims. The director of the compensation program is the commission clerk, while the business manager tracks grants, orders, and claims payments. There are two claims investigators, which some staff feel is sufficient for the current claims volume but others feel is insufficient for the caseload. One shared that there has been turnover and some challenges with staff retention and finding qualified candidates to fill open positions. During the period of evaluation, the compensation program also hired an outreach coordinator who tries to raise awareness about the program in the community. The compensation program does not have an advisory or appeals board.

Key Numbers: WV State Context	
Population (2022)	1.78 million
Counties	55
Population density (2022)	39% rural

## Victims and Claimants in West Virginia

Crime victims and compensation claimants in any state do not perfectly overlap. Compensation is limited to certain crimes and out-of-pocket costs, and not all victims who are eligible apply. But

understanding victims' needs and victimization trends across a state helps in evaluating the comprehensiveness, effectiveness, and accessibility of the state's compensation program.

## Victim Needs and Costs

We asked professionals in West Virginia about the victimization experiences and victims' needs in the state. Respondents reported that violent crimes had generally increased and specifically referenced domestic violence, battery, human trafficking, and homicide, particularly since the COVID-19 pandemic. One challenge that began during COVID involved delays in the criminal legal system and challenges getting to court. Another professional also attributed the rise in crime to the opioid crisis. When asked about the largest costs victims face and the costs they most see increasing, the two largest were funeral expenses and relocation expenses. The participants also highlighted uncovered medical expenses, mental health and counseling expenses, security measures such as new locks, lost work, and travel or transportation costs. Transportation is particularly an issue in West Virginia because the state has so many rural areas, which also affects access to medical and mental health services.

---

*In my experience, I think [victims] can do pretty well as long as they're linked to someone who can give them the resources. They have to know about the resources. —Community provider*

---

Victim compensation programs are a valuable resource for crime victims, but they are the payers of last resort, with finite resources and strict limitations on what they cover.<sup>3</sup> As a result, victims' ability to recover from the full range of financial costs of crime often depends on their access to insurance and health care, other social programs and benefits (such as worker's compensation), community resources, and direct court-ordered payments. Participants from the compensation program and community both thought that victims have the potential to recover financially in West Virginia if they have access to the compensation program, Medicaid, and other resources.<sup>4</sup> But both acknowledged that they have to know about these resources and, most likely, be connected to someone who will inform them about their options. People who may be less likely to report a crime or victimization, and therefore have limited access to this information and programs, include people of color, people in the LGBTQ+ community, and people in rural communities that lack services, transportation, and cell phone services. Challenges recovering the costs of crime also emerged as an issue in the claimant survey we conducted: 26 percent of 78 claimants surveyed said they had to pay money from their own pockets for expenses without being paid back by victim compensation, restitution, insurance, or other sources, totaling \$5,885 on average. By contrast, nearly three-quarters

of claimants who responded had no additional out-of-pocket expenses beyond those covered by West Virginia’s compensation program or other sources.

## Compensation Claimants

The West Virginia compensation program tracks costs related to 21 different crime categories. From 2017 to 2021, claimants most commonly submitted claims related to assault (49 percent), followed by homicide (18 percent), child sexual abuse (8 percent), and sexual assault (5 percent). Claims related to domestic and family violence made up 12 percent of claims between 2017 and 2021.

The claimants we surveyed reported on the expenses they incurred regardless of coverage by victim compensation. As shown in table 1, the most frequently incurred costs were from medical treatment, mental health counseling, lost wages, funeral or burial fees, and moving or relocation. Of the claimants who reported each cost, most but not all requested compensation, with some variation. Crime scene cleanup, temporary housing, and attorney fees were the costs least requested for reimbursement. West Virginia categorizes costs as crime scene cleanup, economic support, funeral and burial, medical and dental, mental health, property, relocation, and travel. From 2017 to 2021, medical and dental was the most common expense type reimbursed by the compensation program, accounting for 47 percent of compensated expenses. The other most common expenses were mental health (15 percent), travel (13 percent), and economic support (13 percent).

TABLE 1

West Virginia Claimant Costs and Corresponding Requests for Reimbursement

	Percentage of survey respondents who experienced this cost	Percentage of survey respondents who requested compensation for this cost
Medical treatment	39%	84%
Mental health counseling	37%	73%
Lost wages	35%	71%
Funeral/burial fees	26%	100%
Moving or relocation	18%	61%
Transportation services	13%	71%
Attorney fees	12%	53%
Other property loss or replacement	11%	57%
Dental	10%	77%
Loss of support	10%	54%
Crime scene cleanup <sup>a</sup>	5%	14%
Stolen cash or checks	5%	71%
Temporary housing	5%	33%
Vocational or rehabilitation services	3%	100%

Source: Survey of claimants administered by NORC in 2023.

Notes: n=125. Totals may not add up to 100 percent, as respondents could skip questions and select multiple choices. <sup>a</sup> In 2014, West Virginia stopped covering crime scene cleanup because of the large number of “meth lab” claims that were draining the available funds.

The demographics of West Virginia’s claimants also help illustrate the program’s usage and can be affected by the types of crimes covered, help-seeking behaviors, and access to information. As shown in table 2, across both data sources, claimants were more likely to be female and white. Claimants from 2017 through 2021 had an average age of 34 years and half of survey respondents reported income from their own employment. In the claimant survey, 37 percent of the 125 claimants were not the direct victim, of whom 63 percent were a parent or guardian and 26 percent a sibling, grandparent, or other family member.

**TABLE 2**  
**Demographics of Claimants Who Used West Virginia’s Victim Compensation Program**

	Percentage of claimants (2017–2021)	Percentage of survey respondents (2023)
<b>Sex/Gender</b>		
Male	44%	18%
Female	56%	82%
Transgender	N/A	0%
Prefer not to answer/not reported	0%	1%
<b>Race/ethnicity</b>		
White	72%	91%
Black	9%	9%
Asian/Pacific Islander/Hawaiian	1%	0%
American Indian/Alaskan Native	1%	0%
Hispanic/Latino	1%	0%
Other	0%	0%
Multiracial	2%	0%
Unknown	2%	N/A
<b>Age</b>		
0–17	19%	N/A
18–24	15%	9%
25–34	21%	18%
35–44	17%	30%
45–54	14%	23%
55–64	9%	11%
65+	5%	9%
<b>Main Sources of Income at Time of Crime</b>		
Own employment	N/A	53%
Other family members’ income	N/A	18%
Government assistance	N/A	15%
Financial aid/school loans	N/A	3%
Another form of income	N/A	12%

**Source:** Claims data for 2017–2021 shared with the Urban Institute and survey of claimants administered by NORC in 2023.

**Notes:** N/A = not available.  $n=2,009$  for 2017–2021 claims and  $n=125$  for claimant survey. Survey respondent totals may not add up to 100 percent, as respondents could select multiple choices.

# Accessibility of Victim Compensation in West Virginia

The accessibility of a crime victim compensation program depends on the program's eligibility and coverage requirements, awareness of the program in the community, outreach efforts by the program, the type and ease of the application process, and resources available to assist victims in making claims.

## Eligibility

Eligibility for crime victim compensation in West Virginia requires that a qualifying crime resulted in personal injury or death and an economic loss not covered by other sources. The residency requirement is that the crime occurred in West Virginia, to a West Virginia resident in another state without victim compensation, or to a West Virginia resident outside the US who experienced the injury as a result of terrorism. The crime must be reported to law enforcement within 96 hours unless just cause exists, the claimant must cooperate with law enforcement, and the claim for compensation must be filed within two years of the crime. Other than by a direct victim who has been injured, a claim can be submitted by a legal guardian of a minor, an executor of a deceased victim's estate, a spouse or dependent "who suffers noneconomic loss due to the death of a victim," and anyone who pays for the medical, funeral, or burial expenses of a victim. West Virginia also makes a clear exception to the law enforcement reporting requirement for sexual assault victims, who can use a forensic medical exam instead of a police report. In 2020, the program expanded to cover children in foster care (described further below).

## Awareness of the Compensation Program

According to our claimant survey, 89 percent of claimants learned about the compensation program after the crime occurred or was reported. After the crime, 25 percent learned about the program within a week, 30 percent within two to four weeks, and 19 percent within one to six months. For 12 claimants, the delay in learning about the program caused problems in filing their claim, mostly with meeting filing deadlines. As shown in table 3, most claimants learned about the program from advocates in law enforcement or prosecution offices, victim service providers, and prosecutors.

**TABLE 3**  
**How Surveyed Claimants Learned About the West Virginia Victim Compensation Program**

	Number	Percentage
<b>Source claimant learned about the program from</b>		
Victim/witness staff or advocates employed by prosecutors' offices	42	32%
Victim service provider	35	30%
Prosecutor	13	10%
Other	12	9%
Victim/witness staff or advocates employed by law enforcement	11	9%
Funeral director	10	8%
Law enforcement personnel	9	7%
Another victim or their survivor	8	6%

	Number	Percentage
State or local protective service agencies, such as those serving child abuse victims, elder abuse victims, and vulnerable adults	7	5%
Other legal system staff, such as judges, public defenders, or victim assistance staff in correctional facilities	6	5%
Court social worker	5	4%
Internet search	3	2%

**Source:** Survey of West Virginia compensation claimants administered by the Urban Institute and NORC research team in 2023.

**Notes:** n=125. Totals may not add up to 125 or to 100 percent, as respondents could skip questions and select multiple choices.

The professionals interviewed perceived a widespread lack of awareness about the compensation program and confirmed that people usually only learn about it after they need it, which is common across many state compensation programs.<sup>5</sup> The professionals all thought that victims become more aware once they report a crime or reach out to a community-based advocate. Advocates within the legal system and community-based programs all receive a lot of training, some directly from the compensation program, and they are all thought to have a high level of awareness about the program and do a good job informing victims about compensation. The providers interviewed also reported a “very close working relationship” with the compensation program in which providers know the staff and feel comfortable reaching out with questions. They also felt the program does a good job providing updates about changes to the provisions and speaking with any group that wants training.

The compensation program also trains law enforcement officers at the police academy and prosecutors at the prosecuting institute, but perceptions are mixed regarding how consistently they pass that information on to victims. Despite law enforcement officers being mandatory informers, participants thought—and the data above confirm—that they are not routinely fulfilling those duties. However, professionals have noted an improvement in awareness owing to the work of the outreach coordinator and developments including a wallet-size informational card that officers can hand out to victims that includes their Miranda rights on one side and information about compensation with a QR code to the application on the other side. Despite improvements in awareness, several staff acknowledged that awareness remains much lower in rural counties, which often do not have many advocates, lack major population centers, and typically have older and less educated populations.

---

*I don't know that people are aware of it before [their victimization]. For people after, I think that we are doing a much better job in the last one to two years in getting the word out, setting things up, doing trainings through the outreach coordinator. We have a fresher approach now. I still think that word is still the best tool. —Compensation staff member*

---

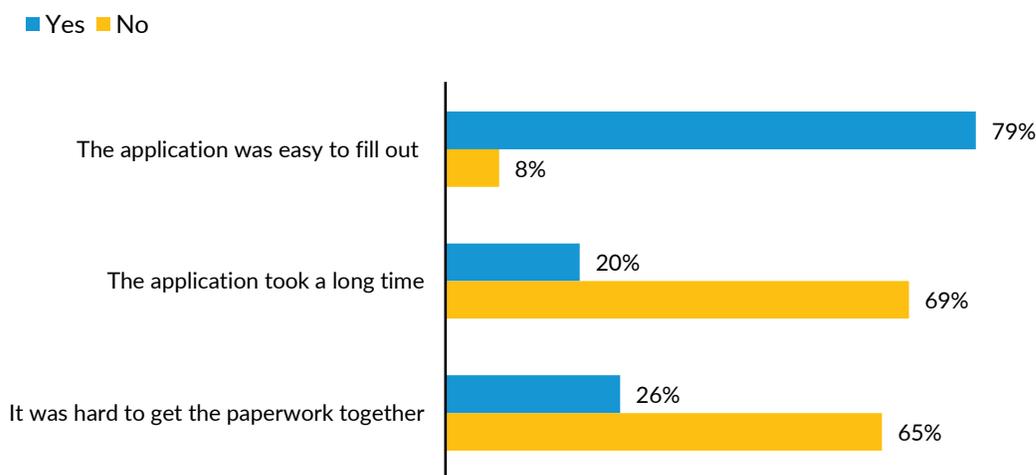
## Perceptions of Accessibility

Of the claimants surveyed, 57 percent applied without assistance, while 43 percent received help. Of those who got help, the most common sources were prosecution-based advocates (13 percent), compensation program staff (12 percent), victim service providers (11 percent), and law enforcement-based advocates (5 percent). These people explained the program to claimants (30 percent), helped them fill out the application (25 percent), and gave them the application (24 percent). Another 18 percent said they wanted but did not receive help, whether that meant help understanding the program, gathering the paperwork required, or filling out the application. Although the numbers were small, Black and Hispanic/Latino respondents were more likely to say there was help they wanted but did not get.

Most of the claimants who responded to the survey submitted their claims applications by mail (61 percent), with 23 percent submitting online and 9 percent in person. The majority also filled out the application themselves (86 percent). As shown in figure 1, claimants mostly thought the application was easy to fill out (79 percent), while 20 percent thought it took a long time to complete and 26 percent found it difficult to gather the paperwork required. West Virginia requires claimants to have their application notarized, which may contribute to their perceptions of this process. Claimants' perceptions regarding how easy the application was to submit also differed, with claimants who submitted by mail slightly less likely to say it was easy than those who submitted online. No one who submitted in person said it was hard, but they were much more likely to express uncertainty over its ease.

FIGURE 1

### Claimant Perceptions of the Accessibility of the Application Process



Source: Survey of West Virginia compensation claimants administered by the Urban Institute and NORC team in 2023 (n=124).

In general, the professionals interviewed think West Virginia's compensation program is mostly accessible. They appreciate that the application is simple, short, and easy to understand. One noted

that it does not ask victims for a lot of context or information about the victimization, which makes it less overwhelming and retriggering. Staff and providers both highlighted that there are multiple ways to submit the application: online or on paper. The application and informational pamphlets are also widely available where victims might access them. The application must be notarized to be accepted, however, which can be confusing for victims and complicated for them to figure out, particularly when dealing with trauma and in rural areas. Rural communities, where there is often a lack of transportation, was the primary group that participants identified as having greater barriers to accessing compensation. The interviewed professionals also identified older adults, people with disabilities, people who cannot read and write, and non-English speakers as being less likely to report victimization, less likely to access advocates, and facing greater challenges completing the application. Notably, the participants all saw an overall improvement in accessibility because of the efforts of the program’s outreach coordinator. For example, they saw a decrease in the number of rural areas from which they received no applications.

## Claims Processing in West Virginia

Once claimants submit their claim, the investigative assistant inputs the application into the claims system, after which the assigned investigator requests and reviews any police or court reports, medical or dental records, and other materials they need to decide whether the claimant is eligible, including whether they are “an innocent victim of crime” as required by statute. The next step is to confirm expenses and write up a finding of fact and recommendation that is reviewed by the compensation program director, modified if needed, and then sent to the claimant. The claimant has 30 days to respond, after which it is presented to the commissioner, who then files an opinion to deny the claim or approve the payment.<sup>6</sup> Awards get paid through the treasurer’s office, generally within about three weeks. Denied claimants receive a letter that tells them about the appeals process and claimants have 21 days to request a hearing.<sup>7</sup> Hearings are heard by a different commissioner and claimants are entitled to hire an attorney that the program will pay for and to bring witnesses and new evidence.

Compensation staff believe that their consistency with processing claims is a strength, which stems from being bound by the state code. But some participants think the rigid rules may create frustration among victims and providers, particularly the policy to deny claims without a valid economic loss. The program also does well at issuing and tracking record requests from law enforcement and service providers to substantiate claims. They reported that

### Key Numbers: Compensation Claims Made in West Virginia, 2017–2021

Average annual number of claims	400
Average approval rate	54%
Average time filing to payment (median)	129 days
Average time filing to denial (median)	144 days
Average total payment per claim	\$5,556

personalizing these requests and including the investigator’s email on the requests has helped increase responsiveness. However, one staff member shared that they currently experience particular challenges getting autopsy reports. Lastly, one staff member thought the finding of fact and recommendation form and process does not allow a lot of room to be trauma-informed.

## Claims Outcomes

As shown in table 4, West Virginia received approximately 400 claims a year from 2017 to 2021, with the number of claims generally decreasing through 2020 and then starting to rise again in 2021, likely because of COVID and the subsequent recovery.<sup>8</sup> From 2017 to 2021, the average time for the West Virginia compensation program to process claims and issue payments on approved claims was 152 days from the date filed. Time between claim filing and payment increased between 2017 and 2018 but decreased by a similar amount between 2019 and 2020, with no statistically significant change between 2020 and 2021. Time between claim filing and denial averaged 144 days and decreased significantly between 2017 and 2021. The claimants who responded to the survey also reported on processing time, and 16 percent reported receiving a decision in less than a month, 27 percent received a decision in one to two months, and 12 percent received a decision in two to three months.

**TABLE 4**  
**Annual Victims and Unique Claims a Year**

	Victims	Claims	Approvals	Denials	Claims without outcome
<b>Year</b>					
2017	501	495	235	141	119
2018	429	429	194	190	45
2019	374	374	166	149	59
2020	327	324	142	94	88
2021	378	378	79	126	173
<b>Total</b>	<b>2009</b>	<b>2000</b>	<b>816</b>	<b>700</b>	<b>484</b>

Source: West Virginia claims data for 2017–2021 shared with the Urban Institute.

West Virginia’s claims data categorize claims as “receiving payment” (which we consider “approved” in our analysis) or “denied,” leaving a number of claims without a documented outcome. Across the five years of data, roughly 54 percent of claims submitted were approved and paid, ranging from 39 percent in 2021 to 63 percent in 2017. The number of claims without an outcome ranged from 10 percent in 2018 to a high of 46 percent in 2021. This variation is predicted to largely stem from challenges related to COVID regarding staffing and claimants’ ability to acquire the required documentation and notarization. The drop in approvals in 2021 may also be related to the increase in applications put in for foster care children without current expenses. There were statistically significant differences in approval rate by race, but not by sex.<sup>9</sup>

As described above, West Virginia’s “denial” of claims is unique in that it includes claims deemed eligible for compensation but for which there has been no economic loss. As a result, the primary

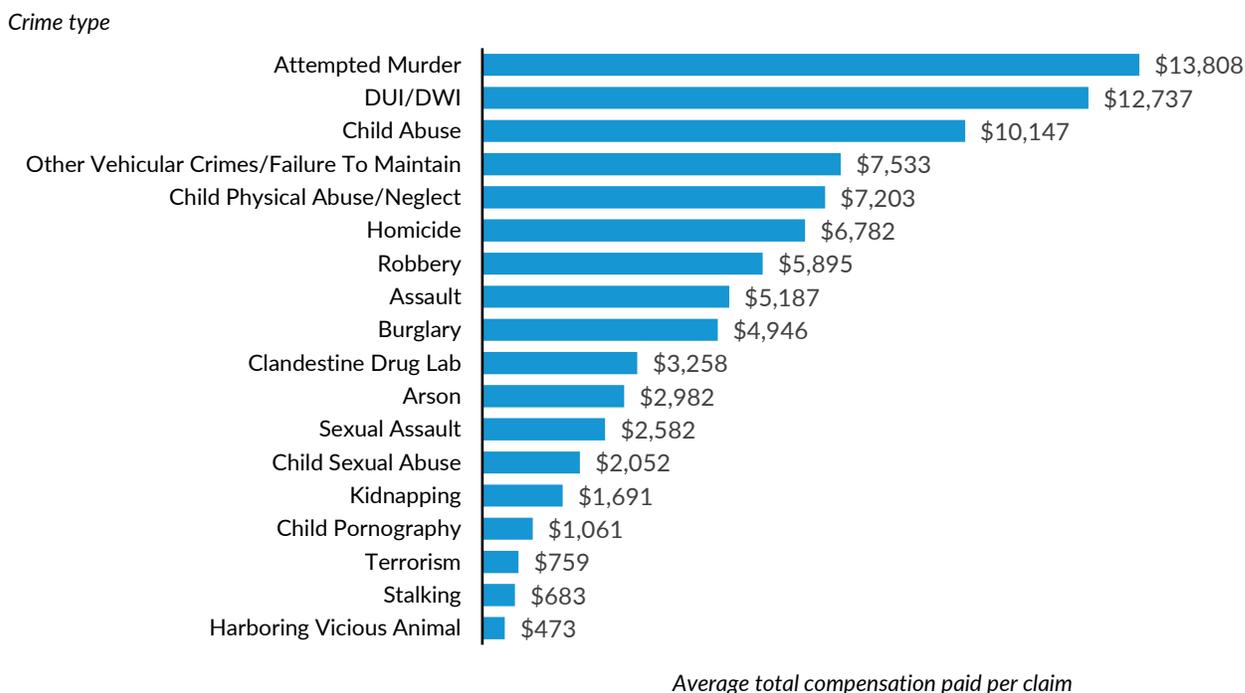
reasons claims were denied, accounting for 63 percent of denials for 2017 to 2021, was that there was no economic loss reported. Staff reported that these claimants receive a letter stating they have been deemed an innocent victim of crime with no losses at this time, but that they can reopen the application if they have to pay anything out of pocket in the future.<sup>10</sup> The next most common reasons for denials were contributory conduct (13 percent) and failure to cooperate with law enforcement (8 percent).<sup>11</sup> Denials related to paperwork or jurisdiction (e.g., duplicate claim, incomplete information, claim withdrawn, crime outside West Virginia) accounted for another 6 percent. Not reporting the crime in a timely manner and not filing the claim within two years accounted for another 4 percent of denials. There were no differences in denials for contributory conduct by race/ethnicity, but male claimants were significantly more likely to be denied for this reason. Among male claimants, 20 percent of denials were for contributory conduct, whereas for female claimants, 7 percent of denials were for contributory conduct. This disparity lessens when controlling for crime type.

West Virginia caps total compensation for most claimants at \$35,000 and for homicide survivors at \$50,000. For victims for whom the crime results in a disability, however, the cap is raised to \$135,000. The average total payment per claim was \$5,556. A few claimants reached the maximum of \$135,000, but 98.5 percent of claimants received \$35,000 or less. This total payment amount is usually made up of multiple individual payments over time and/or for different expenses. The average individual payment across the five years was \$1,699. There were some differences in total payment amounts by sex, with male claimants receiving on average \$1,996 more than female claimants. These effects decrease but remain statistically significant when controlling for type of crime experienced.<sup>12</sup> Total payment amount also differed by race, with Black victims receiving on average \$1,928 more than white claimants, but this difference disappeared when controlling for crime type.

As shown in figure 2, the total compensation paid by crime type varies widely. On average, victims of attempted murder and crimes related to driving under the influence or while intoxicated received the most compensation between 2017 and 2021, followed by child abuse, other vehicular crimes, and child physical abuse. In contrast, victims of stalking, child pornography, and terrorism received the least compensation on average. The costs with the highest average payments were relocation (\$4,794), funeral and burial (\$4,325), and economic support (\$3,107). The cost categories with the lowest average payments were medical and dental (\$1,430), mental health (\$452) and travel (\$321). However, the maximum provided per cost ranged from \$3,944 for crime scene cleanup to \$100,000 for economic support and \$135,000 for medical and dental.

FIGURE 2

**Average Total Compensation Issued by West Virginia’s Victim Compensation Program by Crime Type, 2017–2021**



Source: West Virginia claims data for 2017–2021 shared with the Urban Institute.

Of the surveyed claimants who had their application approved, 61 percent reported that compensation for their expenses was approved, 27 percent were denied (including for no economic loss), and 12 percent did not know. Of those approved and/or paid, 60 percent reported the payment went to them directly and 28 percent reported it was paid to their service providers, with 12 percent saying it went to both. Of the claimants who completed the survey and were denied compensation, only 13 percent reported that someone explained the appeals process to them and only 13 percent felt they understood the appeals process. Most claimants who were denied (87 percent) did not file an appeal.

Staff and community providers also shared their perceptions of claim outcomes. Participants were divided over whether the processing time was reasonable or too long, but the providers reported that they do not hear many complaints from victims about the process or decision. One shared that victims are more surprised to have their bills taken care of, particularly costs they did not know were covered, and are very relieved when that happens. Interviewed professionals discussed the high rate of denials in West Virginia. Staff explained the policy of issuing denials if claimants are covered by Medicaid or other collateral sources and do not have any out-of-pocket expenses, which some participants think causes confusion among providers. One provider expressed concern about the denials for contributory conduct and ongoing frustration despite the improvements that have been made.

In 2020, West Virginia took the initiative to make all foster care children eligible for compensation for abuse and neglect and then in 2022 broadened the class of persons who can apply to the compensation program on behalf of these children.<sup>13</sup> Staff and providers supported this change to support these children's counseling needs once they age out of their Medicaid coverage; but because their economic losses would not accrue until much later, passage of the statute may have had the effect of artificially lowering the overall compensation approval rate. Staff anticipate that approvals will rise as those children grow up and exit the foster care system.

## Experiences of Claimants

After submitting their claim, 37 percent of claimants surveyed were asked for additional information, 78 percent of whom were able to provide all requested. When they received communication from the program, 76 percent found the letters or emails easy to understand.<sup>14</sup> Over half of the claimants surveyed (58 percent) spoke to someone in the compensation program during the process, and of those claimants, 89 percent felt the compensation staff member listened to their questions or concerns, 84 percent had their questions answered, and 70 percent felt the staff understood their background and experience. Of the 28 people who needed someone from the compensation program to call them back, 17 (61 percent) felt this was not done promptly. However, the survey did not define a "prompt response" and these claimants likely had their claims processed during COVID when the office was closed and staff were on a staggered schedule, which may have affected response times.

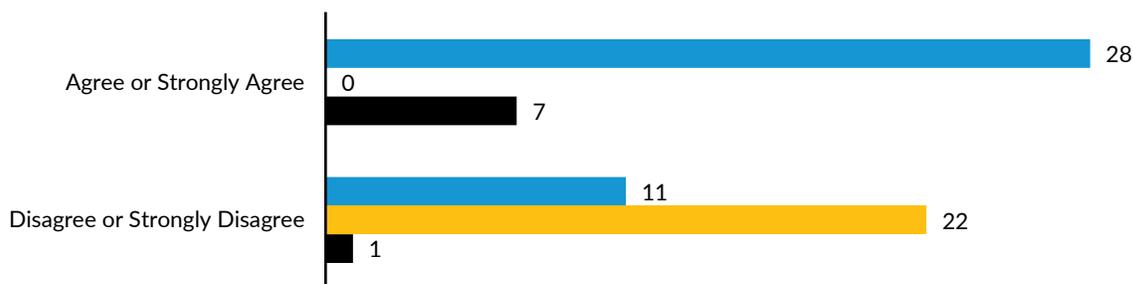
Out of 125 claimants surveyed, 48 percent felt the program paid their claim in a reasonable amount of time, while fewer than a quarter (22 percent) reported that the amount of time it took to receive the payment caused them problems. Overall, claimants were slightly more satisfied than dissatisfied with the outcome of their claim (53 percent versus 40 percent), with nearly identical numbers for whether the outcome was fair. But figure 3 shows that satisfaction was largely predicted by the claim outcome. Only 2 of the 26 surveyed claimants (8 percent) whose claims were denied reported satisfaction compared with 31 of the people who were approved (76 percent).

FIGURE 3

### Number of Claimants in West Virginia Who Felt Satisfied with the Outcome of Their Claim for Victim Compensation, by Claim Outcome

■ Approved ■ Denied ■ Don't Know

"I am satisfied with the outcome of my compensation claim"



Source: Survey of West Virginia victim compensation claimants administered by the Urban Institute and NORC team in 2023. Note: n=117.

## Perceptions of the Victim Compensation Program

### Comprehensiveness

Most of the professionals interviewed think the West Virginia compensation program is overall comprehensive and that West Virginia is a “generous state” that is “pretty progressive with the amounts,” as one put it. One staff member believes claimants whose claims involve medical costs are able to recover very well through compensation, and others appreciate that the disability add-on raises the cap by \$100,000. Caps in general are thought to be sufficient and many have been increased in recent years, including for relocation, travel to court, lost wages, and counseling for secondary victims. But as with other compensation programs, there are some gaps in coverage that the professionals reported. Several participants described the evolution of coverage for crime scene cleanup, which covered methamphetamine lab cleanups until 2014, at which point the legislature eliminated that coverage because the high costs of such cleanups were overwhelming and draining the victim compensation fund. Although participants understand this reasoning, some think the loss of crime scene cleanup coverage leaves a gap in victims’ financial recovery. Other potential remaining gaps in coverage include property-related costs and medical technology.

### Equity

The professionals interviewed believe the compensation program is as equitable as it can be. Even though the racial demographics of claimants are largely homogenous, they generally reflect the demographics of the state as being primarily white with low numbers of Asian, Native Hawaiian and Pacific Islander, and Native American and Alaska Native residents in particular. Moreover, the state’s population has been declining in recent years, increasing the share of the population in rural areas and

the related barriers to accessing services and compensation. Staff acknowledge that a person's access to funds is less about their identity and more a matter of whether they know about the program. Providers suggested that communities that do not speak English, such as certain immigrants, might be less aware of the program. And other groups, such as the LGBTQ+ community, may be more hesitant to report a crime or cooperate with law enforcement. As we present above, however, analysis of claims data reveals some racial and gender discrepancies, some of which can be accounted for by differences in crime type or other factors, some of which have improved, and some of which remain unexplained, warranting further exploration to maximize equity.

---

*We are reaching as many people as we can. Not everyone is going to choose to file a claim.*  
—Compensation staff member

---

## Effectiveness

The professionals we interviewed defined a successful victim compensation program as having the following components:

- **Accessibility:** Victims are aware of the program and what they are eligible for, the form is easy to understand, and victims have someone to help them apply.
- **Comprehensiveness:** The program pays out as many awards as it can to all eligible victims, and payments increase to meet victims' costs.
- **Responsiveness:** The program is flexible enough to evolve with changes in costs, victimizations, and payment processes. The program also responds to victims' needs and trauma responses.
- **Efficiency:** The program processes claims and issues payments in a timely manner so that victims do not experience challenges or hardship from loss of money.
- **Sustainability:** Program funding is consistent, sufficient, and not reliant on federal funding.

When asked to what extent the West Virginia compensation program is meeting their definition of success, staff and providers had a wide range of perspectives. Several staff attributed any lack of efficiency and outreach to not having enough staff because of significant turnover, which also affects the program's accessibility. Almost all participants credited the hiring of the outreach coordinator as one of the most impactful improvements the program has made in recent years, but some acknowledged that there is a lot more work to do to increase awareness, particularly in rural counties. Other than the few gaps in coverage, interviewees think the program is sufficiently comprehensive. But there is some concern about the number of denials and claims considered ineligible, and a need for

the program to be transparent with providers about decisions so they can improve how they help victims.

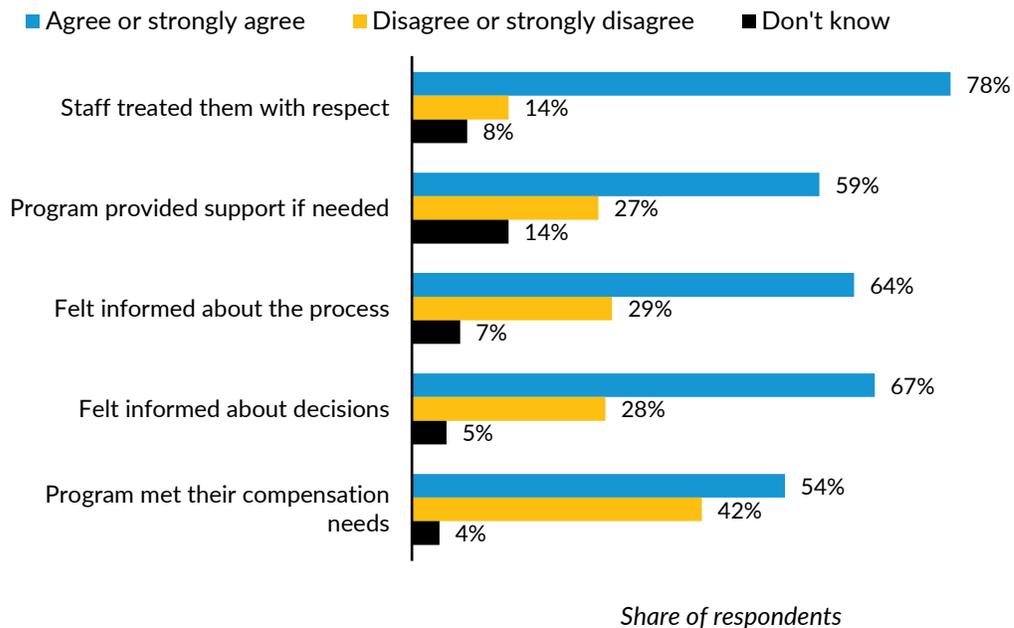
---

*We're working as hard as we can, but there are a lot of counties to reach out to. We're really timely when we're fully staffed, but we've been really short-staffed recently. I think that's a problem throughout the state. –Compensation staff member*

---

We asked claimants about their perceptions of the compensation program. As shown in figure 4, surveyed claimants overwhelmingly felt treated with respect, with slightly fewer feeling informed about the process or decisions. There were some differences in the latter by gender: only women strongly disagreed or expressed uncertainty, whereas men were more likely to disagree or strongly disagree in general. Although still the majority, fewer still felt the program met their needs. These responses almost entirely depended on whether the respondent's claim was denied or approved. And while 30 percent of claimants surveyed said seeking compensation was more trouble than it was worth, 77 percent said they would recommend the program to a friend.

**FIGURE 4**  
**Claimants' Perceptions of the West Virginia Victim Compensation Program**



**Source:** Survey of West Virginia compensation claimants administered by the Urban Institute and NORC team in 2023.  
**Note:** n=125.

## Conclusion and Recommendations

This evaluation of the West Virginia victim compensation program synthesizes findings from five years of deidentified claims data, 125 claimants who responded to an online survey, and interviews with 6 compensation program staff and community-based victim assistance providers. We conclude that the West Virginia compensation program is connected to providers in the community and provides valuable benefits to victims in a mostly efficient, effective, and comprehensive way. Its being located in the legislature allows for independence and strong legislative support, but perhaps less connection to providers. It benefits from adequate funding and wants to ensure that continues and is not affected by external changes. Program staff and assistance providers note great improvement in awareness of the program since staffing an outreach coordinator. The number of staff and staff retention, however, continue to be a challenge for the program. Our analysis found some disparities in the data related to race and gender, which may be partially attributable to differences in the crimes experienced and reported by gender and by racial group and coverage by the state's Medicaid system. Future research could dive deeper into these findings to better understand these patterns and the role the compensation program can play in improving access and success for diverse groups.

Professionals in the compensation program and providers in the community offered recommendations for how to improve West Virginia's victim compensation program regarding victim awareness, accessibility, and program staffing. Regarding outreach, West Virginia should maintain its outreach coordinator position and continue to build its presence in the community to increase awareness among assistance providers and victims, with a particular focus on rural areas. Strategies for addressing rural barriers could be to conduct a rural-focused state needs assessment or to work with other state compensation programs with large rural populations to share lessons learned and successes. These efforts would likely help claimants learn about the program sooner after their victimization occurs. West Virginia can also continue efforts to increase referrals from law enforcement specifically. In addition, the program will benefit if it captures referral sources and timelines in its claims data so it can track improvement related to these efforts. Although more than 7 in 10 claimants who wanted help received it, there was some indication that increased partnerships and education with nontraditional programs that serve diverse victim populations would be beneficial. Lastly, the program should assess its protocols and train staff on being trauma-informed and victim-centered.

The program recently changed the language of its decision letters to provide more transparency about denials owing to no economic loss. We see this change as a positive movement based on the data reviewed for this study, and encourage similar transparency and communication about denials for other reasons, such as contributory conduct. Aligning with current efforts to improve plain language communication with claimants, program staff can adjust how and when they present information about what is covered and the appeals process. One option is to update the website. Additional staff would also help the compensation program accomplish many of these recommendations to increase access, process claims and payments faster, and ensure responsiveness to claimant outreach. This may require legislative support in addition to hiring efforts by the program itself. We also recommend

exploring options for reducing barriers related to notarizing applications, whether via policy changes or additional resources in the community.

Additional recommendations focus on policy changes to the compensation program's coverage. First, providers would like the program to consider changing the language it uses to categorize claims with no financial payment to be something other than a "denial." They also strongly recommend the legislature add crime scene cleanup back into the statute as an eligible expense. Regarding other costs, moving and relocation was the fifth most common cost, but only 61 percent of claimants requested reimbursement for it, which indicates a gap that the program could fill. Participants also identified travel and transportation costs, security measures, and additional funeral costs as victim needs that the program could cover. Lastly, we suggest conducting regular statutory reviews to identify what works and areas to update in response to changing needs and guidelines.

Many of these findings and recommendations align with those emerging nationally in conversations about how to improve victim compensation programs (Alliance for Safety and Justice 2022; Hussemann et al. 2024; Maki and Warnken 2023). We are grateful that programs such as West Virginia's remain open to evaluation and eager to understand how to continue expanding and improving their accessibility, responsiveness, and coverage to provide meaningful benefits to victims.

## Notes

- <sup>1</sup> Visit [www.urban.org](http://www.urban.org) and [www.norc.org](http://www.norc.org) for additional products resulting from this national study.
- <sup>2</sup> "West Virginia Legislature's Crime Victims Compensation Fund," West Virginia Legislature, accessed July 2, 2024, <https://www.wvlegislature.gov/Joint/victims.cfm>.
- <sup>3</sup> Being a "payer of last resort" means the compensation only reimburses victim cost that are not covered or paid by health insurance, restitution, workers compensation, or any other source.
- <sup>4</sup> West Virginia has a high rate of Medicaid enrollment, providing insurance to roughly one in four adults in West Virginia in 2021, which may result in lower eligibility for victim compensation. See the Mountain Health Trust Annual Report: [https://dhr.wv.gov/bms/Members/Managed%20Care/Documents/Reports/Annual%20Reports/SFY21\\_WV\\_BMS\\_MHT\\_AnnualReport\\_Final%20%281%29.pdf](https://dhr.wv.gov/bms/Members/Managed%20Care/Documents/Reports/Annual%20Reports/SFY21_WV_BMS_MHT_AnnualReport_Final%20%281%29.pdf).
- <sup>5</sup> See results of the national survey of victim compensation administrators conducted as part of this study (Hussemann et al. 2024)
- <sup>6</sup> The statute stipulates that the commissioner file the opinion in 45 days, but the internal policy is to review the claim file within 10 days following the period for the claimant's comments.
- <sup>7</sup> A hearing may also be requested by the investigator if they disagree with the commissioner's decision.
- <sup>8</sup> The West Virginia program reports that claims for 2023 and 2024 are now over 500 a year.
- <sup>9</sup> The only statistically significant difference was between Black claimants (42 percent approved) and white claimants (58 percent approved). This disparity remained statistically significant when controlling for crime type. However, the reporting of racial and ethnic identities is not mandatory. These statistics reflect data that were voluntarily provided by claimants.
- <sup>10</sup> Language in this letter was revised recently to improve transparency to such claimants. The claimants who responded to our claimant survey would not have received letters with that language.

- <sup>11</sup> In 2024 the Office for Victims of Crime proposed revisions to the VOCA Compensation Guidelines with focus on improving diverse victims' access to compensation and equity of the program's administration (Rose 2024). These rules would likely restrict the use of contributory conduct and cooperation with law enforcement as reasons for compensation denying claims (Ruebman et al. 2024). The West Virginia program reported it is waiting to see what the final federal guidelines are before making any changes to its state program as those changes would require action by the Legislature.
- <sup>12</sup> The disparity between compensation amounts for male and female victims may in part owe to men being more likely than women to be victims of homicide (a relatively high-cost victimization) and less likely to file claims for sexual assault and child sexual abuse (both of which result in lower cost reimbursements).
- <sup>13</sup> Fiscal Note: Crime Victims Compensation Fund, [https://www.wvlegislature.gov/Fiscalnotes/FN\(2\)/fnsubmit\\_recordview1.cfm?submitID=10899&recordid=827591305](https://www.wvlegislature.gov/Fiscalnotes/FN(2)/fnsubmit_recordview1.cfm?submitID=10899&recordid=827591305).
- <sup>14</sup> In response to the current trend to prioritize plain language and clear communication in compensation programs, the West Virginia program reports it is trying to make additional changes in 2024 to its communications.

## References

- Alliance for Safety and Justice. 2022. *Healing from Harm: Expanding Access to Victim Compensation*. Oakland, CA: Alliance for Safety and Justice.
- Hussemann, Jeanette, Dusenbery, Malore, Yahner, Jennifer, ... Fording, Josh, et al. 2024. *Twenty Years Later: National Study of Victim Compensation Program Trends, Challenges, and Successes*. Chicago: NORC at the University of Chicago.
- Maki, John, and Heather Warnken. 2023. *Realizing the Promise of Victim Compensation: Recommendations to Help Community Violence Intervention Meet the Needs of Underserved Victims*. New York University, Marron Institute of Urban Management.
- Nemark, Lisa, Judy Bonderman, Barbara Smith, and Blaine Liner. 2003. *State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future*. Washington, DC: Urban Institute.
- Rose, Kristina. 2024. "Message from the Director: Notice of proposed rulemaking to enhance the federal crime victim compensation program." Washington, DC: Office for Victims of Crime, Office of Justice Programs, US Department of Justice.
- Ruebman, E., Katrina Peterson, Aswad Thomas, and Heather Warnken. 2024. "Realizing the promise of victims' compensation." Presentation at the 2024 Community Based Violence Intervention and Prevention Initiative Grantee Conference.

## About the Authors

**Malore Dusenbery** is a principal policy associate in the Urban Institute's Justice Policy Center focusing on victimization and gender-based violence. Her research, evaluation, and technical assistance aim to improve victim services and increase access to justice. As associate director of the national Center for Victim Research, she further fosters collaboration between researchers and practitioners.

**Joshua Fording** is a research analyst in the Justice Policy Center. His research and technical assistance focus on crime victimization and violence prevention in the United States and Mexico, with an emphasis on victimization among marginalized communities.

**Jennifer Yahner** is a senior research fellow in the Justice Policy Center, where she co-leads the Victim Safety and Justice portfolio. Yahner has conducted research for more than 20 years, focused on the needs and experiences of historically marginalized and resilient populations, including crime survivors, older adults, and Latinx people.

**Jeanette Hussemann** is a principal research scientist in the Economics, Justice & Society department at NORC at the University of Chicago.

**Robbie Dembo** is a senior research scientist at NORC at the University of Chicago.

## Acknowledgments

This project was funded by the National Institute of Justice, US Department of Justice, via a subaward to the Urban Institute from NORC at the University of Chicago. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute’s funding principles is available at [urban.org/fundingprinciples](https://urban.org/fundingprinciples).

We are grateful to the crime victims and their loved ones, compensation program staff, and victim service providers who participated in this study, sharing their perspectives and experiences by survey or interview. We also appreciate support for this study from the National Association of Crime Victim Compensation Boards and the National Association of VOCA Assistance Administrators.



500 L'Enfant Plaza SW  
Washington, DC 20024  
[www.urban.org](http://www.urban.org)

### ABOUT THE URBAN INSTITUTE

The Urban Institute is a nonprofit research organization that provides data and evidence to help advance upward mobility and equity. We are a trusted source for changemakers who seek to strengthen decisionmaking, create inclusive economic growth, and improve the well-being of families and communities. For more than 50 years, Urban has delivered facts that inspire solutions—and this remains our charge today.

Copyright © July 2024. Urban Institute. Permission is granted for reproduction of this file, with attribution to the Urban Institute.