

2016



KANSAS ATTORNEY GENERAL

Derek Schmidt

**Crime Victims Compensation Board
Kansas Fiscal Year 2016
Annual Report**

July 1, 2015 – June 30, 2016

www.ag.ks.gov



DEREK SCHMIDT
ATTORNEY GENERAL

CRIME VICTIMS COMPENSATION BOARD

Board Members

Suzanne Valdez, Lawrence

Nan Porter, Wichita

Tom Williams, Iola

Chair

Member

Member

Staff

Jeffrey S. Wagaman

Arin Young

Andrea Hernandez

Paige Trimble

Linda Kreifels

Kim Davis

Executive Director

Investigator

Investigator

Accounting Specialist

Secretary

Secretary



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TO: Honorable Sam Brownback, Governor
Members of the Kansas Legislature

The FY 2016 Annual Report of the Crime Victims Compensation Board is attached. As a payer of last resort, the Crime Victims Compensation Board continues to provide assistance for medical expenses, lost wages, funeral expenses, counseling, and other crime related expenses for hundreds of innocent victims in our state each year.

Our goal, **“To award just compensation to victims for economic loss arising from violent crime,”** is a mission we strive to meet through ongoing partnership with victim advocates, criminal justice professionals, and service providers.

The Board continued to serve victims of crime throughout FY 2016. The Board and staff have worked hard to increase awareness of this program with victims, medical providers, law enforcement, and others so more victims can receive services or assistance during their time of need.

I am grateful to the Board members and my staff who administer this program. On behalf of my staff and the innocent crime victims of Kansas, I thank you for your continued support of the Kansas Crime Victims Compensation Board.

Sincerely,

Derek Schmidt
Kansas Attorney General

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*All reported values are subject to audit and correction following the close of the fiscal year.

I. INTRODUCTION

The Crime Victims Compensation Board (CVCB) was established by the Kansas Legislature in 1978 pursuant to *K.S.A. 74-7301, et seq.*, to provide monetary compensation for out-of-pocket medical expenses, loss of earnings or support, burial expenses, and other costs associated with the treatment of injuries sustained as a result of being a victim of a violent crime. Compensation provided in fiscal year 2016 totaled **\$3,881,203**. In the 38 years of its existence, from 1978 through 2016, the Board has granted payments to crime victims totaling **\$83,070,058**. While financial assistance alone does not provide complete restoration, the Legislature is to be commended for recognizing that monetary aid can relieve some of the immediate pressures and stresses that compound the consequences of crime.

II. COMPOSITION OF THE CRIME VICTIMS COMPENSATION BOARD

The Crime Victims Compensation Board is a three-member Board appointed by the Attorney General. Members are subject to confirmation by the Kansas Senate. No more than two members of the Board are to be of the same political party. The chair is required by statute to be a person regularly admitted to practice law in Kansas. Each board member is appointed for a term of four years. The Crime Victims Compensation Board consists of six staff members: an executive director, two investigators, one accounting specialist, and two secretaries. The Board meets monthly to review claim summaries, make claim determinations, and hear appeals.

**“After going through such a traumatic experience,
it was so amazing to have help and support from
Crime Victims Compensation. Thank you!”**
- Family Member of a Victim

III. ELIGIBILITY

- An application for compensation may be filed by:
 - (1) the victim;
 - (2) a dependent of a deceased victim;
 - (3) a third person other than a collateral source; or
 - (4) an authorized person acting on behalf of any of the above.
- The claim must be filed within two years of the incident (Child sexual assault claims are based on the date the crime was reported to law enforcement officials).
- Compensation for mental health counseling may be provided if a claim is filed within two years of testimony by a claimant who is, or will be, required to testify in a sexually violent predator commitment of an offender who victimized the claimant or the victim on whose behalf the claim is made.
- The victim suffered bodily injury or death as a result of the criminal actions of another or the victim needs mental health counseling because of emotional trauma resulting from a violent crime.
- The incident occurred in Kansas or was committed outside the United States against a person whose domicile is in Kansas.
- The incident was reported to law enforcement officials within 72 hours or would have been reported within that time except for a valid reason.
- The victim and/or claimant fully cooperated with law enforcement officials during the investigation and prosecution of his or her case.
- Economic loss (medical expenses, wage loss, etc.) will total \$100 or more and has not been, nor will be, totally paid by other sources. The loss may be less than \$100 for crimes of sexual assault.
- The claimant was not the offender or an accomplice of the offender. An award may not be made to another person if the award would unjustly benefit the offender or accomplice.

➤ Compensation may be awarded only if the Board finds that unless the claimant is awarded compensation, the claimant will suffer financial stress as the result of economic loss that is otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain his or her customary level of health, safety and education without undue financial hardship.

IV. DIMINISHMENT OF COMPENSATION

The board may diminish a claim if:

- The board finds the claimant or victim has not fully cooperated with the appropriate law enforcement agencies.
- The economic loss is recouped from other sources, including collateral sources.
- The board deems reasonable...
 - ...Because of the *contributory misconduct* of the claimant or of a victim whom the claimant claims.
 - ...Because the victim was likely engaging in or attempting to engage in unlawful activity at the time of the crime (does not apply to claims for sexual assault or domestic violence).

CONTRIBUTORY MISCONDUCT

K.A.R. 20-2-8

Acts or behaviors that may signify contributory misconduct:

- *Consent, provocation or enticement, including the use of fighting words or obscene gestures.*
- *Willing presence in a vehicle operated by a person who is known to be under the influence of alcohol or an illegal substance.*
- *Abuse of alcohol or an illegal substance.*
- *Failure to retreat or withdraw from a threatening situation when an option to do so is readily available.*
- *Failure to act as a prudent person.*

(May be excused in claims for domestic violence or sexual assault)

V. BENEFITS

Compensation payable to a victim, and to all other claimants sustaining economic loss because of injury to or death of that victim, may not exceed \$25,000 in the aggregate.

Compensable Costs/ Limits

- Medical Expenses – Including transportation to obtain medical assistance -- \$25,000 maximum
- Mental Health (maximums):
 - Inpatient psychiatric care -- \$10,000
 - Outpatient counseling -- \$5,000
 - Grief therapy for family members of homicide victims -- \$1,500

All therapy is subject to a \$90.00 per hour maximum allowance.

- Dependent Economic Loss, Wage Loss and Replacement Services -- Maximum of \$400 per week.
- Funeral and related expenses --\$5,000.
- Moving Expenses -- reasonable allowance compensable at recommendation of law enforcement or prosecution.
- Rehabilitation Services
- Reasonable replacement costs for items of clothing and bedding seized as evidence.
- Crime Scene Cleanup -- \$1,000.
- Attorney Fees -- \$45 per hour, for claim preparation only.
- Compensation cannot be provided for pain and suffering.

VI. COMPENSATION REVENUE SOURCES

- The Crime Victims Compensation Board receives funding from both the state and federal government. The monies come from the following sources:
- **10.94 percent of all fines, penalties and forfeitures** remitted from Kansas district courts.
- **Fines, penalties and forfeitures from federal convictions.** These funds are administered through Victims of Crime Act (VOCA) grants by the Office for Victims of Crime within the U.S. Department of Justice. States may apply for a grant each year equal to 60 percent of the total awarded to victims from state funds in the previous federal fiscal year.
- **Court-ordered restitution from offenders, subrogation, and refunds.** Judges are encouraged to order offenders to pay restitution to reimburse the fund for awards granted. Refunds and funds from subrogation are received when a claimant's financial obligation has been met through a collateral source.
- **Kansas Department of Corrections.** Five percent of the gross wages of inmates employed in a private industry program other than work release, a portion of supervision fees from parolees and probationers, and administrative fees assessed to inmates for maintenance of their trust accounts are paid to the Crime Victims Compensation Fund.

Crime Victims Compensation – State Revenue FY 2016

<i>REVENUE SOURCES</i>	<i>FY2016</i>	<i>FY2015</i>	<i>FY2014</i>	<i>FY2013</i>
Fines / Penalties	\$1,875,425	\$1,877,599	\$1,906,850	\$2,012,268
Restitution	\$194,263	\$181,652	\$200,093	\$244,397
Subrogation	\$60,634	\$35,516	\$52,207	\$46,660
Department of Corrections:				
Parole Supervision and Administrative Fees	\$318,101	\$315,556	\$303,736	\$319,018
Inmate Contributions Prison Industries Employment (PIE)	\$344,058	\$351,158	\$341,210	\$318,747
TOTAL REVENUE RECEIVED	\$2,792,481	\$2,761,481	\$2,804,096	\$2,941,090

CRIME VICTIMS COMPENSATION APPLICATION SUMMARY

Fiscal Years 2014 - 2016

	<i>FY 2016</i>	<i>FY 2015</i>	<i>FY 2014</i>
*New Applications Received	1,243	1,113	1,282
Total Number of Applications Approved	794	636	696
Total Number of Applications Denied/Closed	468	411	380
Total Amount Awarded	\$3,881,203	\$3,043,630	\$2,914,510

**Applications neither approved nor denied are still in the processing phase*

CRIME VICTIMS COMPENSATION DEMOGRAPHICS

**Primary Victims By Age – FY 2016*

ADULT CATEGORY	TOTAL CLAIMS
Minor (0-17)	235
Adult (18-59)	885
60 and Older	38
Not Reported	7

**Primary Victims By Gender – FY 2016*

GENDER	TOTAL CLAIMS
Male	521
Female	644
Not Reported	0

**Primary Victims By Race/Ethnicity – FY 2016*

RACE/ETHNICITY	TOTAL CLAIMS
American Indian/Alaskan Native	21
Asian	11
Black/African American	231
Hispanic or Latino	215
White Non-Latino/Caucasian	662
Some Other Race	25
Not Reported	0

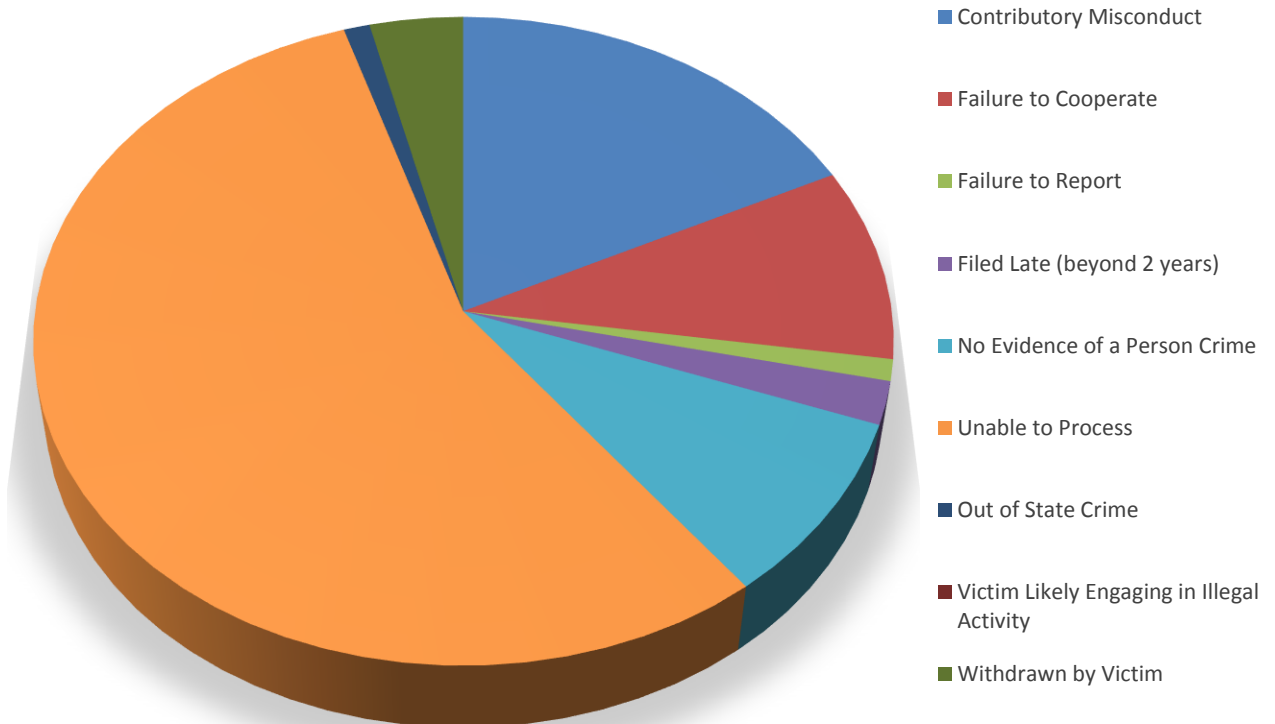
**Direct victims are considered primary claims while an indirect victim is considered a secondary claim*

CRIME VICTIMS COMPENSATION AWARDED CLAIMS – FY 2016

<i>Total Claims Awarded by Crime and Expense</i>		
Crime	Payments Made	Amount Paid
ARSON	0	\$0.00
ASSAULT	1,313	\$2,162,722.81
CHILD ABUSE MURDER	35	\$22,955.37
CHILD PHYSICAL ABUSE	28	\$12,577
CHILD SEXUAL ASSAULT	461	\$119,996.02
DOMESTIC ABUSE	583	\$530,394.39
DOMESTIC ABUSE (HOMICIDE)	9	\$39,540.08
DUI	43	\$35,720.30
DUI/HOMICIDE	23	\$23,544.95
HOMICIDE/MURDER	233	\$418,384.55
HUMAN TRAFFICKING	7	\$7,454.47
KIDNAPPING	81	\$33,937.30
OTHER	30	\$16,682.04
OTHER VEHICULAR	62	\$181,652.08
ROBBERY	158	\$121,178.53
SEXUAL ASSAULT	350	\$127,065.07
STALKING	17	\$5,423.57
VEHICULAR HOMICIDE	13	\$21,973.98
Total Payments Made	3,446	
TOTAL AMOUNT AWARDED ON CLAIMS		\$3,881,202.51

DENIED/CLOSED CLAIMS

<i>REASON FOR DENIAL - FY 2016</i>	<i>TOTAL</i>
Contributory Misconduct	83
Failure to Cooperate	45
Failure to Report	5
Filed Late (beyond 2 years)	10
Out of State Crime	5
No Evidence of a Person Crime	42
Unable to Process (i.e., claim abandoned by applicant)	260
Withdrawn by Victim	18
<i>TOTAL CLAIMS DENIED 2016</i>	<i>468</i>



2016 COMMENTS FROM VICTIMS AND OTHERS **WHO WORK WITH THE PROGRAM**

“I want to thank your office staff for helping financially during this whole incident.”

“Everyone (there) was so nice to my son and myself. So thank you to everyone for the help.”

“I had never heard of this Board before, but I really appreciate what was done for our family during this difficult time.”

“This is a wonderful program. This assault has really set me back. It was nice to be compensated for it, very scary ordeal for me.”

“I am crying right now I am forever indebted to the Attorney General of Kansas and the Crime Victims Compensation Board. God Bless you all. Love, forever.”

“I am thankful there is a program like this available.”

“Thank you all so very much for the approval of the Board’s decision to help me. This provided relief/eliminated the financial burden.”

“Thank you for the compassionate care!”