

**STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL**



**CARLA J. STOVALL
Attorney General**

CRIME VICTIMS COMPENSATION BOARD

ANNUAL REPORT

2000



**STATE OF KANSAS
OFFICE OF THE ATTORNEY
GENERAL**

**CARLA J. STOVALL
ATTORNEY GENERAL**

**CRIME VICTIMS
COMPENSATION BOARD**

Board Members

Glenda Cafer, Topeka	Chair
Paula Salazar, Wichita	Member
Louis Johnson, Kansas City	Member

Staff

Frank S. Henderson, Jr.	Executive Director
Dee Boeck	Investigator
Tanya Hoyer-Rogers	Investigator
* Brett Johnson	Investigator
* Betty Albright	Secretary II
Yolonda Newman	Accounting Specialist
Phyllis Pankratz	Secretary II
Ramona Taylor	Office Assistant III

** Served a portion of the 1999-2000 reporting period.
No longer with the Crime Victims Compensation Board*



State of Kansas
Office of the Attorney General
CRIME VICTIMS COMPENSATION BOARD

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CARLA J. STOVALL
ATTORNEY GENERAL

GLENDAL. CAFER, CHAIR
LOUIS JOHNSON
PAULA S. SALAZAR

TO: Honorable Bill Graves, Governor
Members of the Kansas Legislature

I am pleased to present the Crime Victims Compensation report for fiscal year 2000. This program continues to play a vital role in assisting victims of violent crime in the State of Kansas. I am grateful to the individuals who have unselfishly served on the Board and devoted their time to insure that victims are not forgotten in the criminal justice system.

The Crime Victims Compensation Board, as a payor of last resort, continues to provide aid in the form of reimbursement for medical expenses, lost wages, counseling, funeral expenses, etc., to hundreds of victims each year. I am honored that I have the opportunity to administer the Crime Victims Compensation Board as a division of the Office of the Attorney General. It is crucial that Kansas continue its efforts to compensate individuals who have been injured by criminal acts through no fault of their own.

I commend you for your work on behalf of crime victims and am confident that together we can continue to improve services on their behalf. If my office can be of service to you and your constituents, or if we can answer any questions regarding the Crime Victims Compensation Board, please do not hesitate to contact me.

A handwritten signature in black ink that reads "Carla".

Carla J. Stovall
Attorney General

TABLE OF CONTENTS

I. INTRODUCTION 1

II. COMPOSITION OF THE CRIME VICTIMS COMPENSATION BOARD ... 1

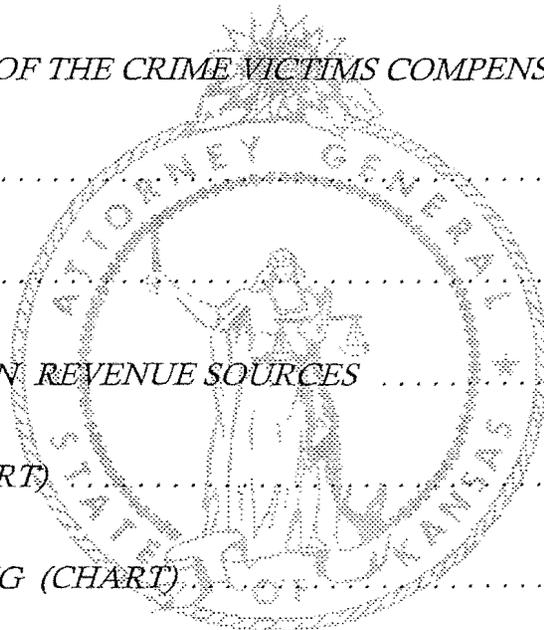
III. ELIGIBILITY 2

IV. BENEFITS 3

V. COMPENSATION REVENUE SOURCES 4

VI. REVENUE (CHART) 5

CLAIMS PROCESSING (CHART) 6



GRAPHS

- *APPROVED CLAIMS*
- *DENIALS*
- *EXPENDITURES BY CRIME TYPE*
- *EXPENDITURES BY AWARD CATEGORY*

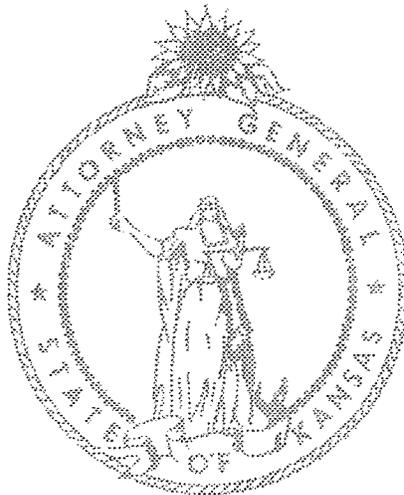


I. INTRODUCTION

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 2000 totaled \$2,591,324. In the first 22 years of its existence, from 1978 through 2000, the Board granted payments to crime victims totaling \$30,204,001. 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 member is appointed for a term of four years. There are six staff members: an executive director, two investigators, one accounting specialist, one secretary and an office assistant. The Board meets monthly to review claim summaries and to make claim determinations. The meetings are conducted at the agency office at 120 S.W. 10th Avenue, Topeka.



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 to 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 date of testimony must be on or after July 1, 1998.
- The victim suffered bodily injury or death as a result of the criminal actions of another or the victim needs mental health counseling due to emotional trauma resulting from a violent crime.
- The incident occurred 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 the claimant's customary level of health, safety and education without undue financial hardship.

IV. 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: inpatient psychiatric care -- \$10,000; outpatient counseling -- \$3,500; grief therapy for family members of homicide victims -- \$1,000. All therapy is subject to a \$60 per hour maximum allowance.

- Dependent Economic Loss, Lost Wages and Replacement Services-- maximum of \$200 per week for incidents that occurred prior to July 1, 1998, and \$400 per week for incidents that occur after June 30, 1998.

- Funeral and related expenses --\$5,000.

- Moving Expenses -- reasonable allowance compensable at recommendation of law enforcement.

- Rehabilitation Services -- \$25,000.

- Attorney Fees -- \$45 per hour, for claim preparation only.

- Reasonable costs for items of clothing and bedding seized as evidence. No other property items are subject to compensation.

Compensation can not be provided for pain and suffering.

V. COMPENSATION REVENUE SOURCES

The Crime Victims Compensation Board receives funding from both the state and federal government. The monies come from the following sources:

- Twenty-two percent of all fines, penalties and forfeitures remitted from Kansas district courts.

- Fines, penalties and forfeitures from federal convictions. This money is 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 40 percent of the total awarded to victims from state funds in the previous federal fiscal year.

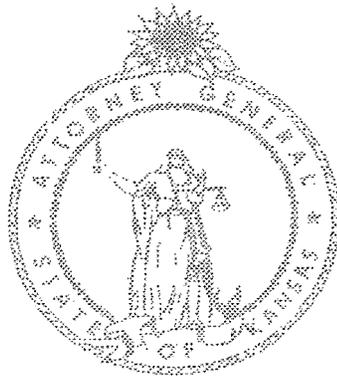
- Court-ordered restitution from offenders, subrogation, and refunds. (When compensation is awarded to a crime victim, the state is subrogated to all the claimant's rights to receive or recover benefits or advantages for economic loss from a collateral source, to the extent that compensation was awarded. Refunds are received when a claimant's financial obligation has been met through a collateral source.)

- Five percent of the gross wages of Kansas Department of Corrections' inmates employed in a private industry program other than work release. This is paid monthly into the Crime Victims Compensation Fund.

- Supervision fees from parolees and probationers and administrative fees assessed to inmates for maintenance of their trust accounts. (The Board applauds the Department of Corrections' move to hold offenders accountable for the benefit of victims.

CRIME VICTIMS COMPENSATION BOARD
Revenue

REVENUE			
	FY 2000	FY 1999	FY 1998
Fines/Penalties	\$2,297,471	\$2,184,006	\$2,083,328
Restitution	123,322	84,055	60,641
Subrogation	20,796	24,493	19,230
Refunds	0	3,649	39,183
Memorials	0	0	0
Department of Corrections			
Parole Supervision Fees	158,778	100,147	91,756
Inmate Contributions	135,089	127,472	119,571
Administration Fees	97,462	86,095	93,962
Dept. of Justice VOCA Grant	580,000	694,000	659,000
TOTAL REVENUE AVAILABLE	\$3,388,225	\$3,303,917	\$3,166,671

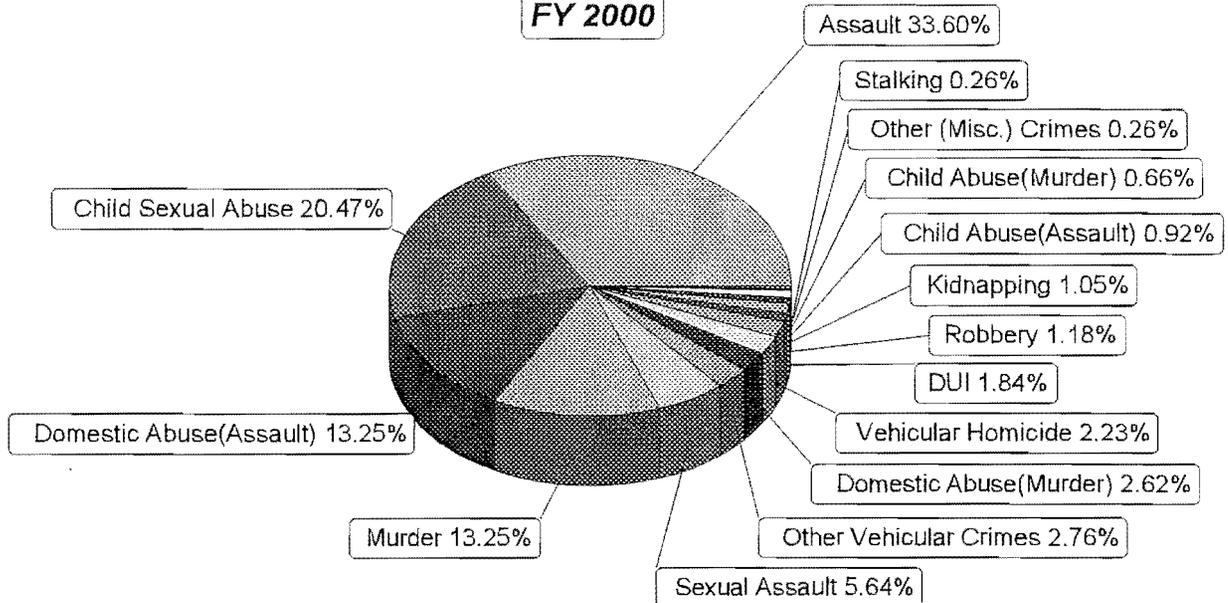


CRIME VICTIMS COMPENSATION CLAIMS

	FY2000	FY1999	FY1998
NEW CLAIMS RECEIVED	1176	1019	1026
CLAIMS RESOLVED	1116	1011	970
CLAIMS PENDING AT YEAR END	377	317	309
TOTAL NUMBER OF ORIGINAL CLAIMS	599	688	613
TOTAL AMOUNT AWARDED ON ORIGINAL CLAIMS	\$1,753,612	\$2,540,051	\$1,586,980
AVERAGE AMOUNT AWARDED ON ORIGINAL CLAIMS	\$2,928	\$3,691	\$2,589
TOTAL NUMBER OF SUPPLEMENTAL CLAIMS	436	471	456
TOTAL AMOUNT AWARDED ON SUPPLEMENTAL CLAIMS	\$837,711	\$926,182	\$759,881
AVERAGE AMOUNT AWARDED ON SUPPLEMENTAL CLAIMS	\$1,921	\$1,966	\$1,667
TOTAL AMOUNT AWARDED ON CLAIMS	\$2,591,324	\$3,466,233	\$2,346,861

APPROVED CLAIMS

FY 2000



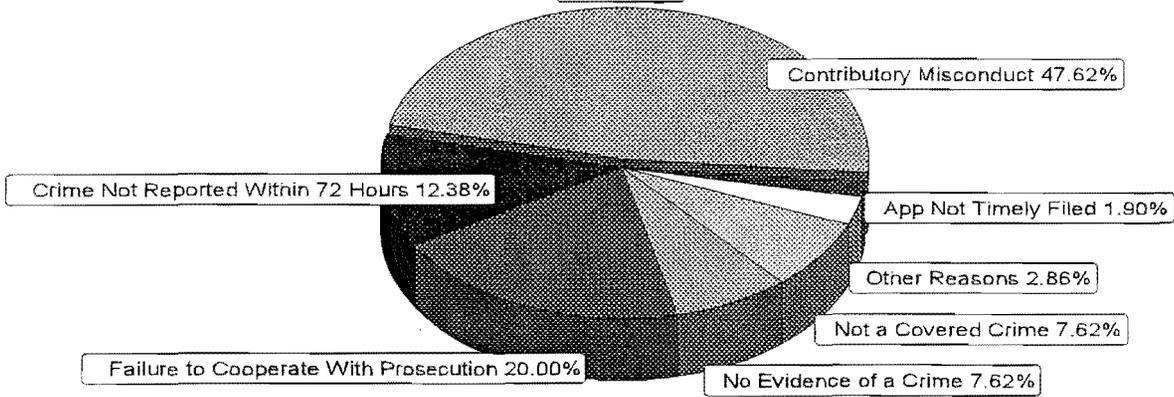
Approved Claims - FY 2000

Type of Crime	Total Claims
Assault	256
Child Abuse (Assault)	7
Child Abuse (Murder)	5
Child Sexual Abuse	156
Domestic Abuse (Assault)	101
Domestic Abuse (Murder)	20
DUI	14
Kidnapping	8
Murder	101
Robbery	9
Sexual Assault	43
Stalking	2
Vehicular Homicide	17
Other Vehicular Crimes	21
Other (Miscellaneous) Crimes	2

TOTAL CLAIMS 762

DENIALS

FY 2000

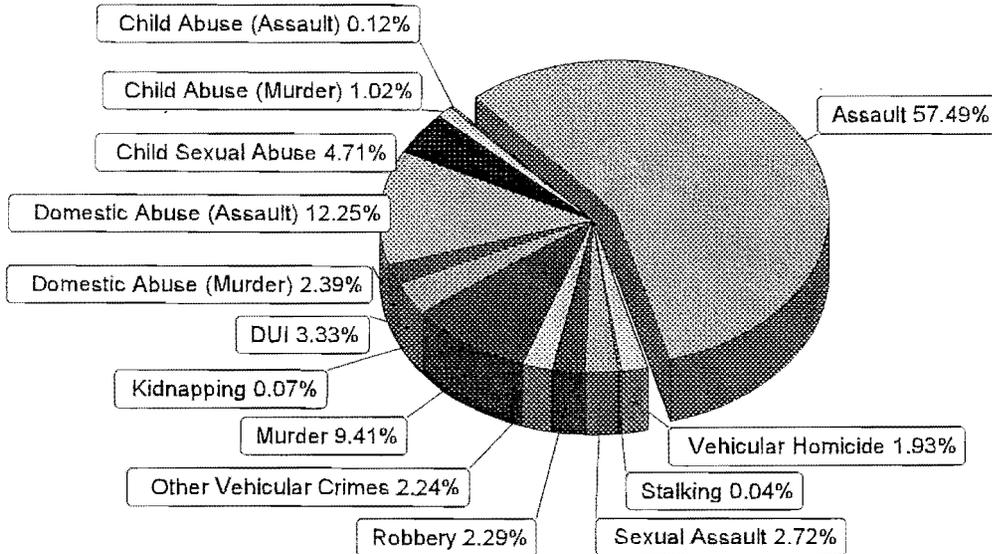


Denials - FY 2000

Reason for Denial	Total Claims
Application Not Timely Filed	2
Crime Not Reported Within 72 Hours	13
Not a Covered Crime	8
Contributory Misconduct	50
Failure to Cooperate With Prosecution	21
No Evidence of a Crime	8
Other Reasons	3
TOTAL	105

EXPENDITURES BY CRIME CATEGORY

FY 2000

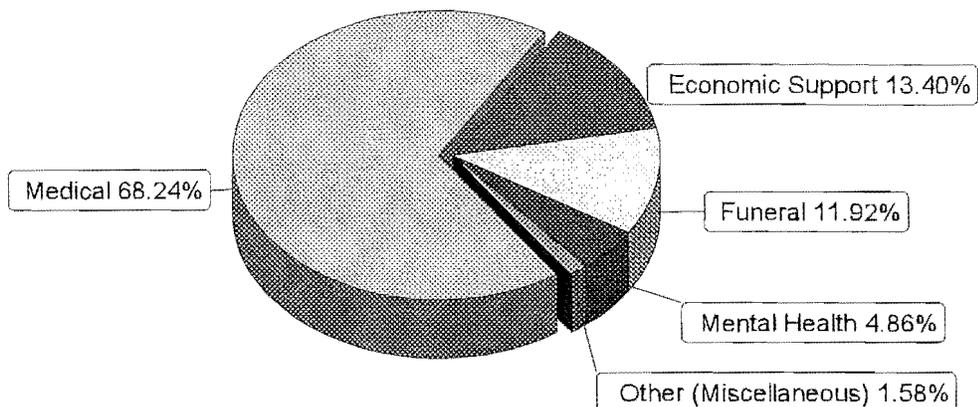


Expenditures by Crime Category - FY 2000

Total Claims	Total Award
Assault	\$ 1,489,745
Child Abuse(Assault)	3,131
Child Abuse(Murder)	26,444
Child Sexual Abuse	122,155
Domestic Abuse(Assault)	317,484
Domestic Abuse(Murder)	61,950
DUI	86,319
Kidnapping	1,838
Murder	243,771
Other (Misc.) Crimes	0
Other Vehicular Crimes	57,929
Robbery	59,228
Sexual Assault	70,422
Stalking	937
Vehicular Homicide	49,971
Total Awards	\$ 2,591,324

EXPENDITURES BY AWARD CATEGORY

FY 2000



Expenditures by Award Category FY 2000

Medical	\$ 1,768,320
Economic Support	347,119
Funeral	308,896
Mental Health	125,996
Other (Miscellaneous)	40,993
Attorney Fees	0

Total Awards **\$ 2,591,324**