

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



**CARLA J. STOVALL  
Attorney General**

**CRIME VICTIMS COMPENSATION BOARD**

**ANNUAL REPORT**

**2001 - 2002**



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

**CARLA J. STOVALL  
ATTORNEY GENERAL**

**CRIME VICTIMS  
COMPENSATION BOARD**

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Paula Salazar, Wichita	Member
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GLYNNIS L. GIBBS, CHAIR  
LOUIS JOHNSON  
PAULA S. SALAZAR

December 2, 2002

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

I am pleased to present the 2001 - 2002 Crime Victims Compensation report. 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.

Very truly yours,

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

Carla J. Stovall  
Attorney General

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## ***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 years 2001 - 2002 totaled \$6,670,261.00. In the first 24 years of its existence, from 1978 through 2002, the Board granted payments to crime victims totaling \$36,874,262. 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. 10<sup>th</sup> 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 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, or was an act of terrorism, as defined in 18 U.S.C. 2331, committed outside the United States.
- 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 \$400 per week.
  
- 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:

- 7.99 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.

## CRIME VICTIMS COMPENSATION BOARD

### REVENUE

	FY 2002	FY 2001	FY 2000	FY 1999	FY 1998
<b>Fines/Penalties</b>	\$1,269,802	\$2,328,815	\$2,297,471	\$2,184,006	\$2,083,328
<b>Restitution</b>	98,101	117,031	123,322	84,055	60,641
<b>Subrogation</b>	20,480	32,352	20,796	24,493	19,230
<b>Refunds</b>	0	350	0	3,649	39,183
<b>Department of Corrections</b>					
Parole Supervision Fees	139,771	134,687	158,778	100,147	91,756
Inmate Contributions	174,017	176,611	135,089	127,472	119,571
Administration Fees	96,384	96,860	97,462	86,095	93,962
<b>Dept. of Justice VOCA     Grant</b>	1,074,000	911,000	580,000	694,000	659,000
<b>TOTAL</b>	<b>\$2,872,555</b>	<b>\$3,797,706</b>	<b>\$3,388,225</b>	<b>\$3,303,917</b>	<b>\$3,166,671</b>

## CRIME VICTIMS COMPENSATION CLAIMS

	<b>FY 2002</b>	<b>FY 2001</b>	<b>FY2000</b>	<b>FY1999</b>	<b>FY1998</b>
<b>NEW CLAIMS RECEIVED</b>	1277	1272	1176	1019	1026
<b>CLAIMS RESOLVED</b>	1325	1101	1116	1011	970
<b>CLAIMS PENDING AT YEAR END</b>	500	548	377	317	309
<b>TOTAL NUMBER OF ORIGINAL CLAIMS</b>	653	544	599	688	613
<b>TOTAL AMOUNT AWARDED ON ORIGINAL CLAIMS</b>	\$2,095,498	\$1,520,827	\$1,753,612	\$2,540,051	\$1,586,980
<b>AVERAGE AMOUNT AWARDED ON ORIGINAL CLAIMS</b>	\$3,209	\$2,796	\$2,928	\$3,691	\$2,589
<b>TOTAL NUMBER OF SUPPLEMENTAL CLAIMS</b>	449	459	436	471	456
<b>TOTAL AMOUNT AWARDED ON SUPPLEMENTAL CLAIMS</b>	\$866,243	\$920,982	\$837,711	\$926,182	\$759,881
<b>AVERAGE AMOUNT AWARDED ON SUPPLEMENTAL CLAIMS</b>	\$1,929	\$2,007	\$1,921	\$1,966	\$1,667
<b>TOTAL AMOUNT AWARDED ON CLAIMS</b>	<b>\$2,961,744</b>	<b>\$2,441,809</b>	<b>2,591,324</b>	<b>3,466,233</b>	<b>2,346,861</b>

## ILLUSTRATED CASES

### APPROVALS

- A 52 year old female was involved in an argument with her husband. Her husband became violent by kneeling the applicant several times in the back, putting a knife to her throat, and threatening to kill her. This was promptly reported to law enforcement and charges were filed. The Board approved \$240.00 in medical expenses.
- A 21 year old male and a friend were out fishing late at night at a nearby river. The applicant heard a voice from behind saying "Give me all your money now!" The applicant did not hand his money over, instead he turned around and looked at the suspect who was pointing a gun at him. The suspect fired the gun, striking the applicant in the leg, and fled. The offender was never identified. The Board approved \$11,591.71 in medical expenses.
- A 9 year old girl was molested by her step-father. The girl's mother came home from work early one day and discovered her husband and daughter coming out of the bedroom. The mother, after questioning the daughter, reported the incident to the Department of Social and Rehabilitation Services, who in turn notified law enforcement. Charges were filed and the husband plead guilty. The Board approved \$159.89 in counseling expenses.
- A 33 year old male and his 23 year old cousin were riding with an acquaintance when the acquaintance shot both of the men in the back of their heads. The motive was to keep the younger man from testifying in a murder trial. The offender was charged and convicted of two counts of First Degree Murder. The Board approved \$8860.05 in funeral expenses.

### DENIALS

- A 24 year old male, who admittedly was drunk the night of the incident, was approached from behind and assaulted. He suffered brain damage which required surgery as a result of the beating. The manager of the pub indicated to law enforcement that the applicant provoked the offender by yelling profanely and threatening to shoot the offender. The manager also stated that the applicant was escorted from the property, but returned to the pub and continued to provoke the offender.
- A 45 year old male indicated that he was at a friend's house sitting around talking. He reported that suddenly one of the guys started hitting and kicking him and trying to take his money. The law enforcement investigation concluded that the applicant was using illegal drugs with the suspects and had supplied the group with crack cocaine. Apparently, the suspects felt that the applicant had shortchanged them on the drug purchase. The applicant admitted to law enforcement that he was indeed using drugs.

# **GRAPHS**

**2001**

*APPROVED CLAIMS*

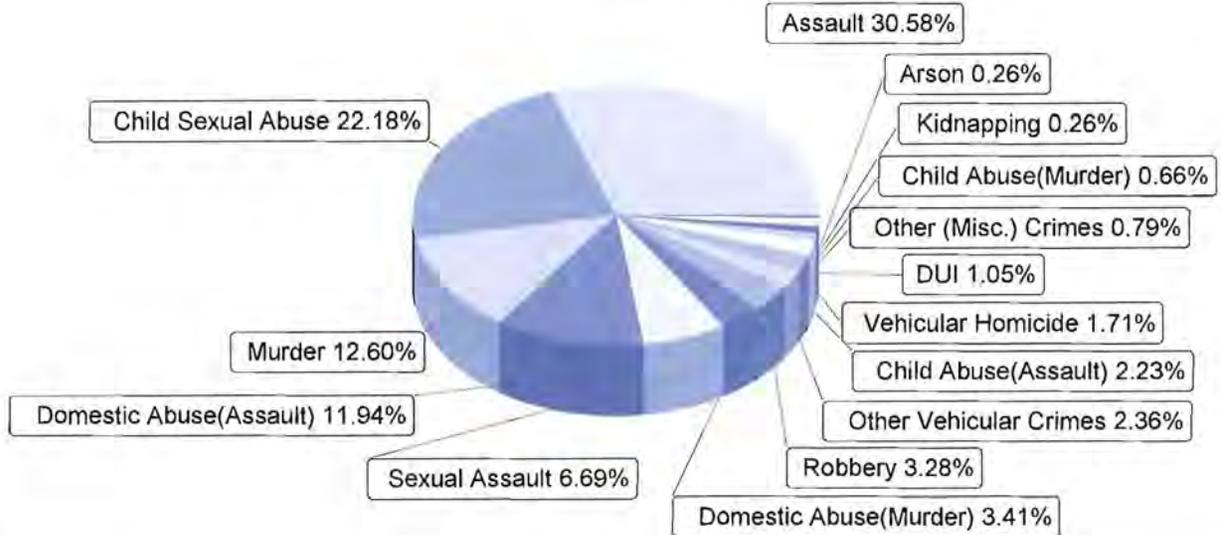
*DENIALS*

*EXPENDITURES BY CRIME TYPE*

*EXPENDITURES BY AWARD CATEGORY*

# APPROVED CLAIMS

FY 2001



## Approved Claims - FY 2001

Type of Crime	Total Claims
Assault	233
Arson	2
Child Abuse (Assault)	17
Child Abuse (Murder)	5
Child Sexual Abuse	169
Domestic Abuse (Assault)	91
Domestic Abuse (Murder)	26
DUI	8
Kidnapping	2
Murder	96
Robbery	25
Sexual Assault	51
Stalking	0
Vehicular Homicide	13
Other Vehicular Crimes	18
Other (Miscellaneous) Crimes	6
<b>TOTAL CLAIMS</b>	<b>762</b>

# DENIALS

FY 2001

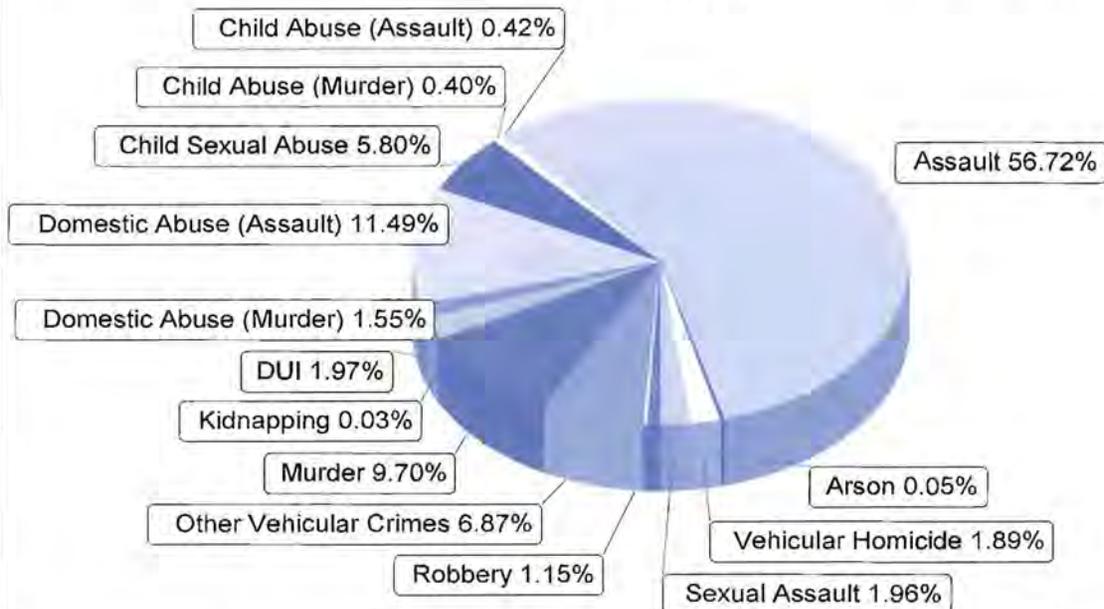


## *Denials - FY 2001*

<b>Reason for Denial</b>	<b>Total Claims</b>
Crime Not Reported Within 72 Hours	13
Not a Covered Crime	11
Contributory Misconduct	84
Failure to Cooperate With Prosecution	19
No Evidence of a Crime	14
Other Reasons	7
<b>TOTAL</b>	<b>148</b>

# EXPENDITURES BY CRIME CATEGORY

FY 2001

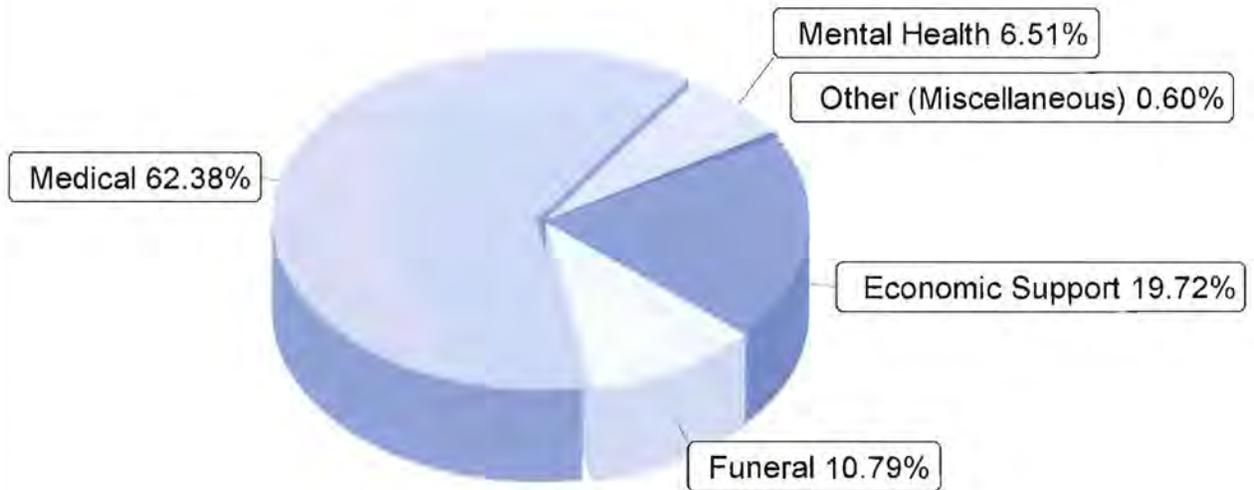


## Expenditures by Crime Category FY-2001

Total Claims	Total Award
Arson	\$ 1,275
Assault	1,384,968
Child Abuse (Assault)	10,263
Child Abuse (Murder)	9,772
Child Sexual Abuse	141,539
Domestic Abuse (Assault)	280,516
Domestic Abuse (Murder)	37,842
DUI	48,203
Kidnapping	709
Murder	236,754
Other (Misc.) Crimes	0
Other Vehicular Crimes	167,870
Robbery	28,033
Sexual Assault	47,850
Stalking	0
Vehicular Homicide	46,215
<b>Total Awards</b>	<b>\$ 2,441,809</b>

# EXPENDITURES BY AWARD CATEGORY

**FY 2001**



## ***Expenditures by Award Category FY 2001***

Medical	\$ 1,523,308
Economic Support	481,485
Funeral	263,354
Mental Health	159,039
Other (Miscellaneous)	14,623
Attorney Fees	0

**Total Awards**                      **\$ 2,441,809**

# *GRAPHS*

**2002**

*APPROVED CLAIMS*

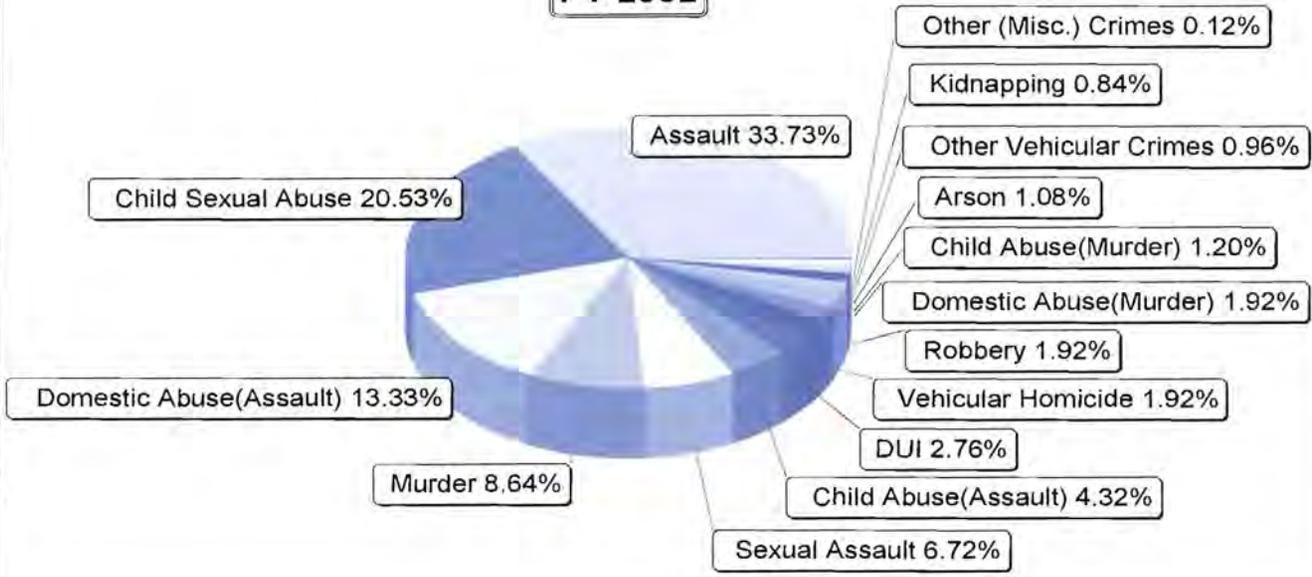
*DENIALS*

*EXPENDITURES BY CRIME TYPE*

*EXPENDITURES BY AWARD CATEGORY*

# APPROVED CLAIMS

**FY 2002**



## ***Approved Claims - FY 2002***

<b>Type of Crime</b>	<b>Total Claims</b>
Assault	281
Arson	9
Child Abuse (Assault)	36
Child Abuse (Murder)	10
Child Sexual Abuse	171
Domestic Abuse (Assault)	111
Domestic Abuse (Murder)	16
DUI	23
Kidnapping	7
Murder	72
Robbery	16
Sexual Assault	56
Stalking	0
Vehicular Homicide	16
Other Vehicular Crimes	8
Other (Miscellaneous) Crimes	1
<b>TOTAL CLAIMS</b>	<b>833</b>

# DENIALS

FY 2002

Contributory Misconduct 62.96%



Other Reasons 1.23%

Not a Covered Crime 5.56%

No Evidence of a Crime 9.26%

Crime Not Reported Within 72 Hours 3.09%

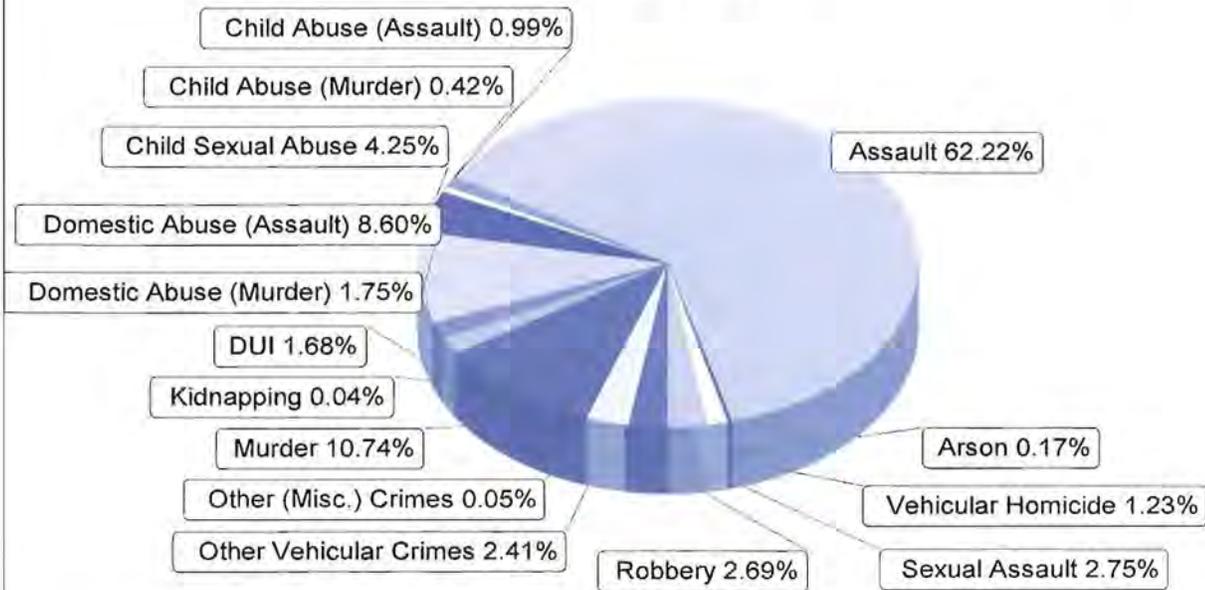
Failure to Cooperate With Prosecution 17.90%

## *Denials - FY 2002*

<b>Reason for Denial</b>	<b>Total Claims</b>
Crime Not Reported Within 72 Hours	5
Not a Covered Crime	8
Contributory Misconduct	102
Failure to Cooperate With Prosecution	29
No Evidence of a Crime	15
Other Reasons	9
<b>TOTAL</b>	<b>168</b>

# EXPENDITURES BY CRIME CATEGORY

FY 2002

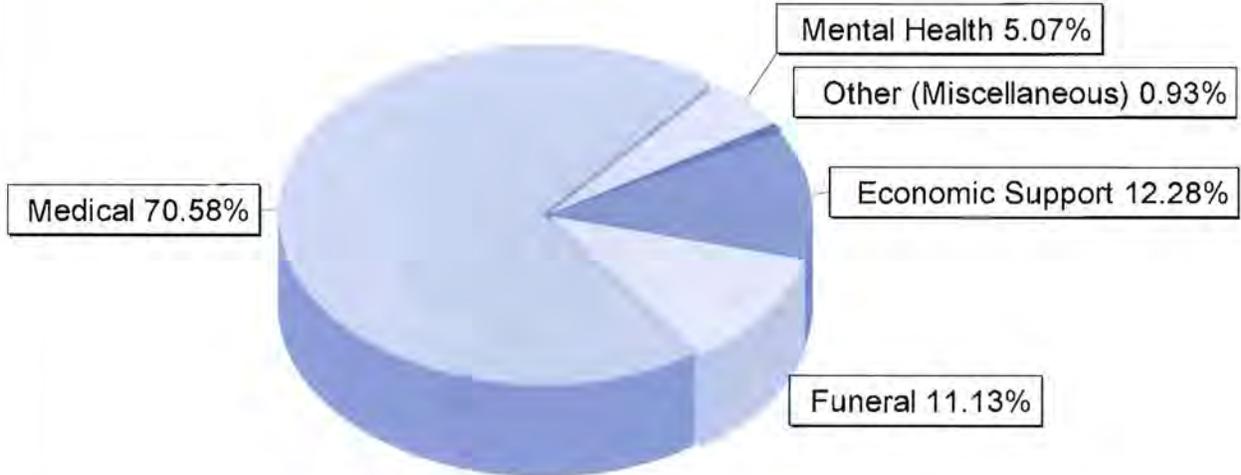


## Expenditures by Crime Category FY-2002

Total Claims	Total Award
Arson	\$ 4,936
Assault	1,842,837
Child Abuse (Assault)	29,238
Child Abuse (Murder)	12,585
Child Sexual Abuse	125,837
Domestic Abuse (Assault)	254,738
Domestic Abuse (Murder)	51,706
DUI	49,871
Kidnapping	1,102
Murder	318,218
Other (Misc.) Crimes	1,416
Other Vehicular Crimes	71,483
Robbery	79,744
Sexual Assault	81,591
Stalking	0
Vehicular Homicide	36,439
<b>TOTAL AWARD</b>	<b>\$ 2,961,741</b>

# EXPENDITURES BY AWARD CATEGORY

**FY 2002**



## ***Expenditures by Award Category FY 2002***

Medical	\$ 2,090,507
Economic Support	363,823
Funeral	329,714
Mental Health	150,154
Other (Miscellaneous)	645
Attorney Fees	0

**Total Awards**                      **\$ 2,441,809**