

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



**PHILL KLINE
Attorney General**

CRIME VICTIMS COMPENSATION BOARD

ANNUAL REPORT

2003 - 2004



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OFFICE OF THE ATTORNEY
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**PHILL KLINE
ATTORNEY GENERAL**

CRIME VICTIMS COMPENSATION BOARD

Board Members

Rita Noll, 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
Yolonda Newman	Accounting Specialist
Phyllis Pankratz	Secretary II
Ramona Taylor	Office Assistant III
Judy Nightingale	Restitution Coordinator



TO: Honorable Kathleen Sebelius, Governor
Members of the Kansas Legislature

It is my honor to present the Annual Report for the *Crime Victims Compensation Board* for the period *2003-2004*. This report outlines the Board's continuing mission : **"To award just compensation to victims for economic loss arising from violent crime"**--a mission that is met through the ongoing partnership with victims advocates, criminal justice professionals and service providers.

The *Crime Victims Compensation Board* , as a payor of last resort, continues to provide aid for medical expenses, lost wages, funeral expenses, counseling and other crime related expenses, for hundreds of victims each year. I am grateful to the Board members and staff who have served with unselfish devotion to ensure victims are not forgotten in the criminal justice system.

Thank you for your efforts on behalf of crime victims and their families. If my office can be of service to you, or if you would like to know more about the *Board*, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Phill Kline". The signature is written in a cursive, flowing style.

Phill Kline
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 year 2004 totaled \$3,205,387. In the first 26 years of its existence, from 1978 through 2004, the Board granted payments to crime victims totaling \$43,253,808. 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 seven staff members: an executive director, two investigators, one accounting specialist, one secretary, an office assistant, and a restitution coordinator. The Board meets monthly to review claim summaries and to make claim determinations. The meetings are conducted at the agency office 120 S.W. 10th Avenue, Topeka.

We want to thank you and the State of Kansas for the financial help you awarded to us. This came at a time in our lives when it was very much needed and very appreciated.

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 because of 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 replacement costs for items of clothing and bedding seized as evidence.
 - ▶ Compensation can not be provided for pain and suffering.
 - ▶ Property items are not subject to compensation, with the exception of clothing and bedding seized as evidence.

As I continue with regular counseling sessions, I am now finding myself well along the road to recovery. As always, the support and services provided by your staff have been invaluable to me throughout this difficult time. Many thanks for your continued assistance.

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.** 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.

I would like to say thank you for your care and concern for the citizens of Kansas. I really do appreciate all of your hard work and attention to my case and others like mine. It is so easy for victims of violent crime to be lost in the crowd. May God bless all of your endeavors. Keep up the excellent work.

Crime Victims Compensation Board

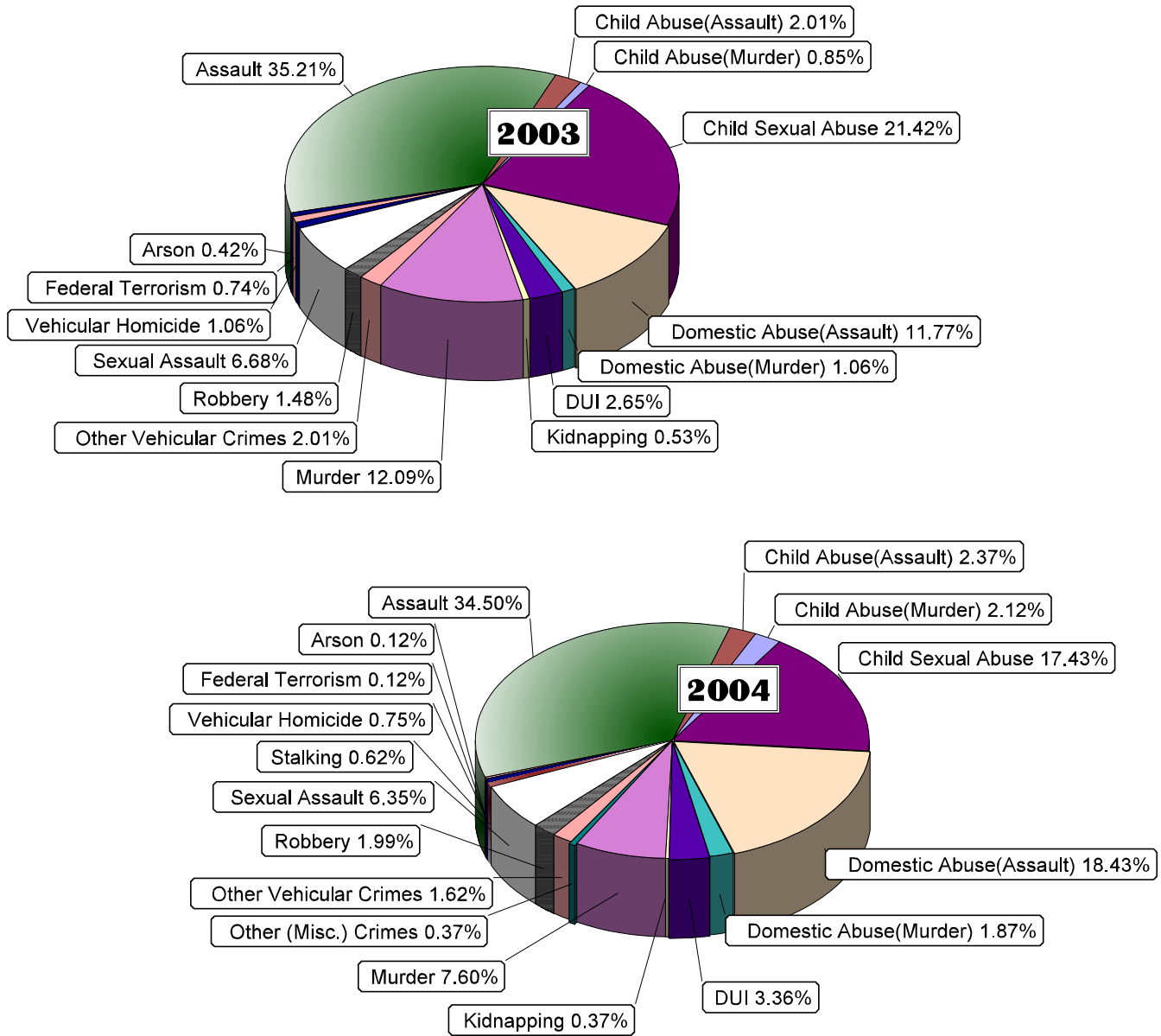
REVENUE

	FY 2004	FY 2003	FY 2002	FY 2001	FY 2000
Fines/Penalties	\$1,733,422	\$1,509,035	\$1,269,802	\$2,328,815	\$2,297,471
Restitution	151,327	144,240	98,101	117,031	123,322
Subrogation	54,662	13,443	20,480	32,352	20,796
Refunds	0	0	0	350	0
Department of Corrections					
▶ Parole Supervision Fees	175,532	166,211	139,771	134,687	158,778
▶ Inmate Contributions	196,983	189,666	174,017	176,611	135,089
▶ Administration Fees	103,951	102,511	96,384	96,860	97,462
Department of Justice VOCA Grant	1,222,000	1,058,000	1,074,000	911,000	580,000
TOTAL	\$3,637,877	\$3,183,106	\$2,872,555	\$3,797,706	\$3,388,225

CRIME VICTIMS COMPENSATION CLAIMS

<u>DESCRIPTION</u>	<i>FY 2004</i>	<i>FY 2003</i>	<i>FY 2002</i>	<i>FY 2001</i>	<i>FY2000</i>
NEW CLAIMS RECEIVED	1246	1319	1277	1272	1176
TOTAL NUMBER OF CLAIMS GRANTED AWARDS	1211	1230	1102	1003	1035
TOTAL AMOUNT AWARDED ON CLAIMS	\$3,205,387	\$3,174,159	\$2,961,744	\$2,441,809	2,591,324
AVERAGE AMOUNT AWARDED ON CLAIMS	\$2,647	\$2,581	\$2,688	\$2,435	\$2,504

APPROVED CLAIMS (By Crime Type)



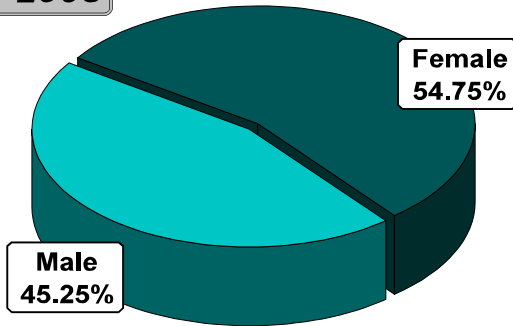
APPROVED CLAIMS (By Crime Type)

TYPE OF CRIME	2003	2004
ASSAULT	325	277
ARSON	4	1
CHILD ABUSE (<i>ASSAULT</i>)	19	19
CHILD ABUSE (<i>MURDER</i>)	8	17
CHILD SEXUAL ABUSE	202	140
DOMESTIC ABUSE (<i>ASSAULT</i>)	111	148
DOMESTIC ABUSE (<i>MURDER</i>)	10	15
DUI	25	27
FEDERAL TERRORISM	7	1
KIDNAPPING	5	3
MURDER	115	65
ROBBERY	14	16
SEXUAL ASSAULT (<i>ADULT</i>)	63	51
STALKING	0	5
VEHICULAR HOMICIDE	10	6
OTHER VEHICULAR CRIMES	19	13
OTHER (MISCELLANEOUS CRIMES)	0	3
TOTAL	937	807

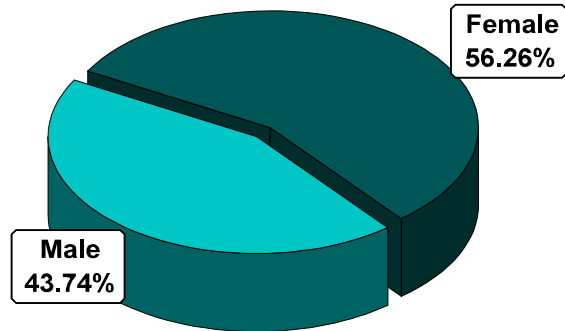
Thank you so much for your support and caring. It means a lot to me. We've been through so much for so long, so it gives us hope.

CLAIMS APPROVED (By Gender)

FY 2003

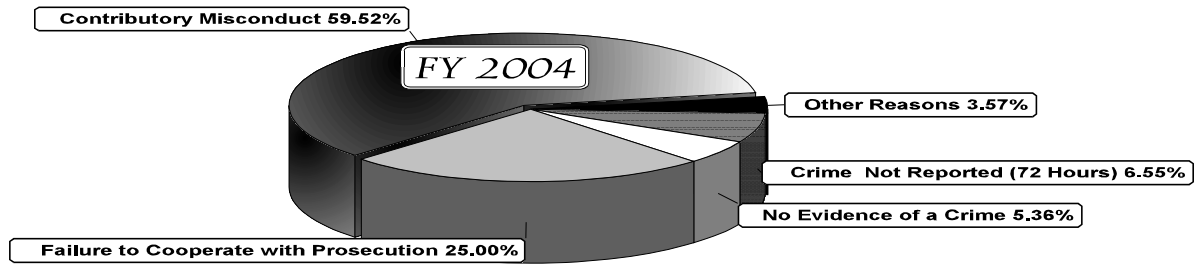
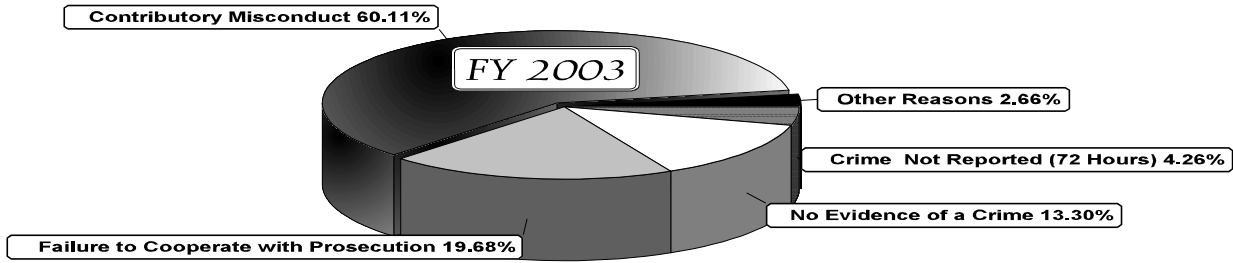


FY 2004



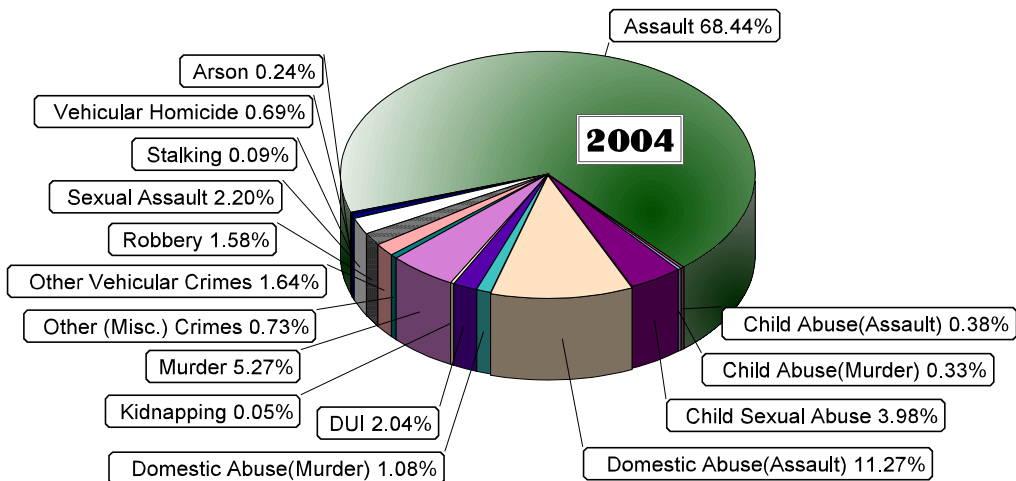
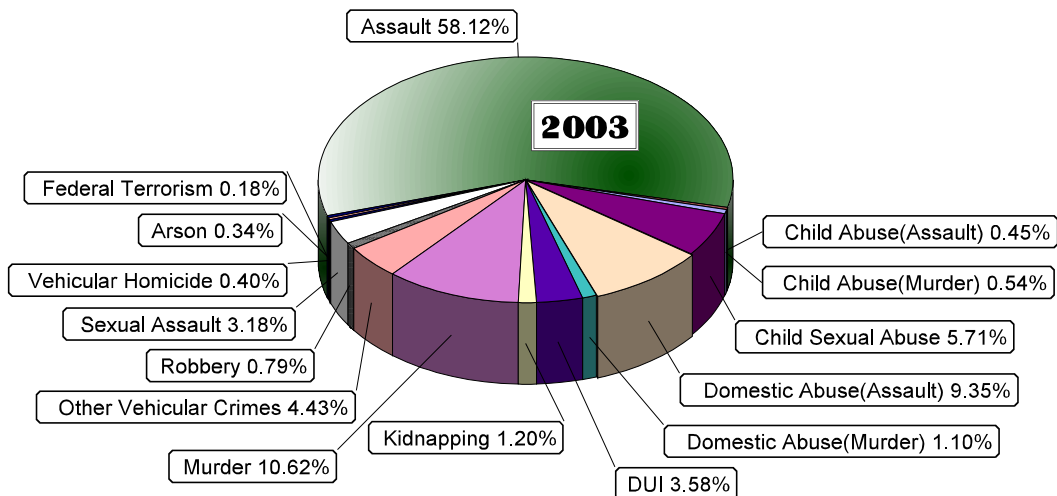
APPROVED CLAIMS (By Gender)		
GENDER	2003	2004
FEMALE	513	454
MALE	424	353
Total	937	807

DENIALS



REASON FOR DENIAL	2003	2004
Contributory Misconduct	113	100
Failure to Cooperate with Prosecution	37	42
No Evidence of a Crime	25	9
Crime Not Reported to Law Enforcement (72 hours)	8	11
Other Reasons	5	6
Total	188	168

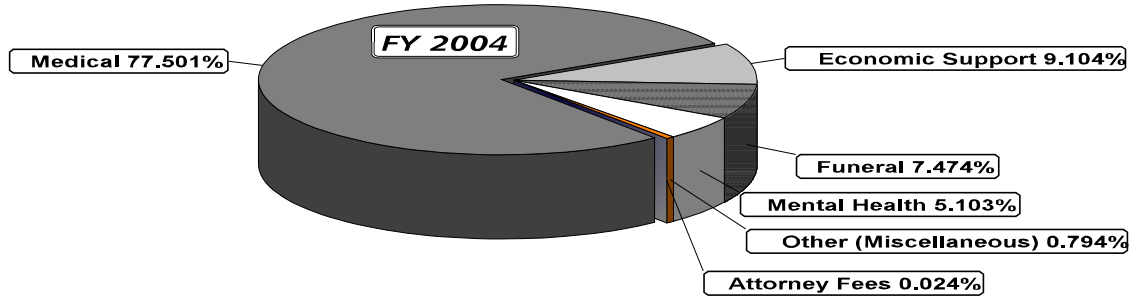
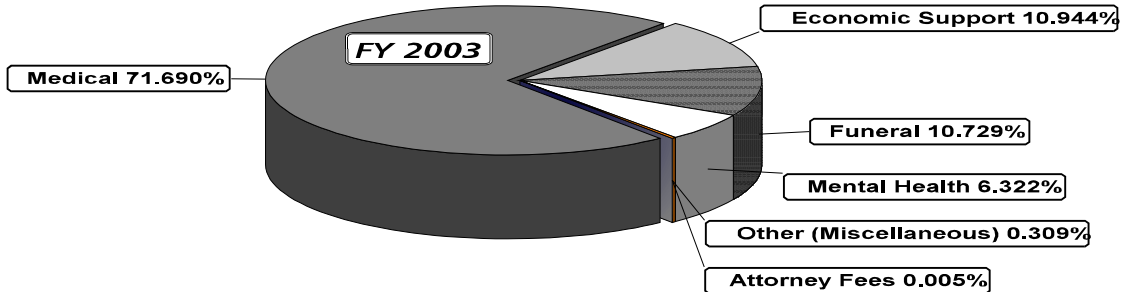
EXPENDITURES BY CRIME TYPE



EXPENDITURES BY CRIME TYPE

TYPE OF CRIME	2003	2004
ASSAULT	\$1,844,880	\$2,051,798
ARSON	10,912	8,722
CHILD ABUSE (ASSAULT)	14,409	13,765
CHILD ABUSE (MURDER)	17,006	12,127
CHILD SEXUAL ABUSE	181,387	145,305
DOMESTIC ABUSE (ASSAULT)	296,903	411,926
DOMESTIC ABUSE (MURDER)	34,982	39,616
DUI	113,698	74,547
FEDERAL TERRORISM	5,770	0
KIDNAPPING	37,975	1,783
MURDER	337,215	192,514
ROBBERY	24,918	57,597
SEXUAL ASSAULT (ADULT)	100,921	80,429
STALKING	0	3,240
VEHICULAR HOMICIDE	12,586	25,372
OTHER VEHICULAR CRIMES	140,597	59,887
OTHER (MISCELLANEOUS CRIMES)	0	26,759
TOTAL	\$3,174,159	\$3,205,387

EXPENDITURES BY AWARD CATEGORY



Expenditures by Award Category		
Expense	2003	2004
Medical	\$2,275,568.00	\$2,484,207.00
Economic Support	347,391	291,833
Funeral	340,570	239,563
Mental Health	200,669	163,556
Other (Miscellaneous)	9,812	25,463
Attorney Fees	149	76
TOTAL	3,174,159	3,204,698

ILLUSTRATED CASES

July 1, 2002 - June 30, 2004

Approvals

- A 21 year old woman was attending a large family gathering at her mother's home. Her boyfriend arrived and began yelling and behaving erratically then pulled out a gun and started shooting, fatally wounding the 21 year old woman and her 22 year old brother, injuring her 25 year old sister. The offender then shot and killed himself.

The board approved \$14,885.09 in funeral and medical expenses.

- An 80 year old man was eating lunch when two young men, ages 16 and 19, knocked on his door and requested assistance under the premise that their vehicle was stuck in the mud, when in actuality they were conspiring to shoot the victim and steal his truck. He invited them into his home and offered to take them to someone who could help them as soon as he finished lunch. As he sat at the table, one of the men approached him from behind, shooting him in the head. The two fled the scene in the victim's truck. The victim was able to make his way to a neighbor's house where 911 was called. Both suspects were convicted of multiple charges and received 26 year sentences. The victim recovered, but suffered some loss of hearing and sight. Most of the victim's medical expenses were covered by other insurance.

The board approved \$1,105.76 in medical expenses.

- A 13 year old girl revealed to her mother she had been physically and sexually abused by her father for a period of time. The offender was convicted of numerous charges and sentenced to 27.5 years in prison.

The board approved \$7,088.48 in counseling and medical expenses.

- A 39 year old woman and her 46 year old boyfriend lived together with his mother. He believed his girlfriend was cheating on him because he found a business card in her purse with a phone number written on it. He became very angry and assaulted the victim repeatedly with his fists and finally a metal folding chair, causing extensive injuries. When his 70 year old mother tried to intervene, he assaulted her, resulting in her death. He later realized he had given his girlfriend the card to hold on to for him, with the number of a prospective employer - the handwriting was his own. The offender was charged with multiple counts of aggravated battery and 2nd degree murder.

The board approved \$5,667.51 (to date) in wage loss, funeral and medical expenses.

- A 48 year man was behind the house, where he lived with his grandmother. As he was taking the trash around to the front of the house for pick-up the next day, he saw a man come from between the houses and asked him what he was doing. The suspect ran towards him with a knife and the two began wrestling. During the struggle, the suspect stabbed him in the chest. The victim suffered a collapsed lung as a result of his injury. The suspect ran away and victim was unable to give a description of him to police because it was so dark outside. No arrests have been made.

The board approved \$25,000.00 in medical expenses.