

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



**CRIME VICTIMS COMPENSATION BOARD
ANNUAL REPORT
FISCAL YEAR 2014**



DEREK SCHMIDT
ATTORNEY GENERAL

CRIME VICTIMS COMPENSATION BOARD

Board Members

Suzanne Valdez, Lawrence

Chair

Nan Porter, Wichita

Member

Tom Williams, Iola

Member

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Tanya Hoyer-Rogers

Investigator

Arin Young

Investigator

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Secretary

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

I am pleased to present the *Crime Victims Compensation Board's* FY 2014 Annual Report. 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 innocent victims in our State each year.

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

In FY 2014 the Board continued to serve victims of crime with empathy and efficiency. To help accomplish this goal a new case management system was installed that brings more efficiency and accountability to our process. Victims’ applications are being investigated and adjudicated in less time to allow benefits to be paid faster. Board members and staff have done significant outreach to law enforcement, providers, mental health advocates and victims with the goal of increasing awareness of this fine program.

I am grateful to the Board members and my staff, who administer this program with compassion, fairness and integrity to ensure crime victims are helped during their time of need. 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 2014 totaled \$2,914,510. In the 36 years of its existence, from 1978 through 2014, the Board has granted payments to crime victims totaling \$76,145,225. 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.

***"It's wonderful to have a program for family members who are going through tough times. God bless you all."
- Family member of 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 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 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 incitement, 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.
- Rehabilitation Services -- \$25,000.
- 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.

<i>Crime Victims Compensation - Revenue</i>				
<i>REVENUE SOURCES</i>	<i>FY2014</i>	<i>FY2013</i>	<i>FY2012</i>	<i>FY2011</i>
Fines / Penalties	\$1,906,850	\$2,012,268	\$2,101,791	\$2,158,157
Restitution	\$200,093	\$244,397	\$219,306	\$213,792
Subrogation	\$52,207	\$46,660	\$42,248	\$72,923
<i>Department of Corrections:</i>				
Parole Supervision and Administrative Fees	\$303,736	\$319,018	\$313,805	\$305,525
Inmate Contributions Prison Industries Employment (PIE)	\$341,210	\$318,747	\$280,856	\$226,090
TOTAL STATE FUNDING	\$2,804,096	\$2,941,090	\$2,958,006	\$2,976,487
TOTAL VOCA FUNDING	\$2,289,277	\$1,245,740	\$1,718,688	\$1,710,000

CRIME VICTIMS COMPENSATION CLAIMS PROCESSING

<i>Fiscal Years 2011 - 2014</i>				
	<i>FY 2014*</i>	<i>FY 2013</i>	<i>FY 2012</i>	<i>FY 2011</i>
New Claims Received	1,282	1,083	1,143	1,352
Total Number of Claims Granted Awards *	731	1,301	928	915
Amount Awarded on Claims	\$2,914,510	\$2,955,213	\$3,823,668	\$4,004,139
Average Amount Awarded on Claims	\$3,987	\$2,271	\$4,120	\$4,376

* The method in tracking cases and claims was changed in FY 2014 to accommodate the new case management system and to be consistent with federal reporting requirements.

APPROVED CLAIMS – FY 2014

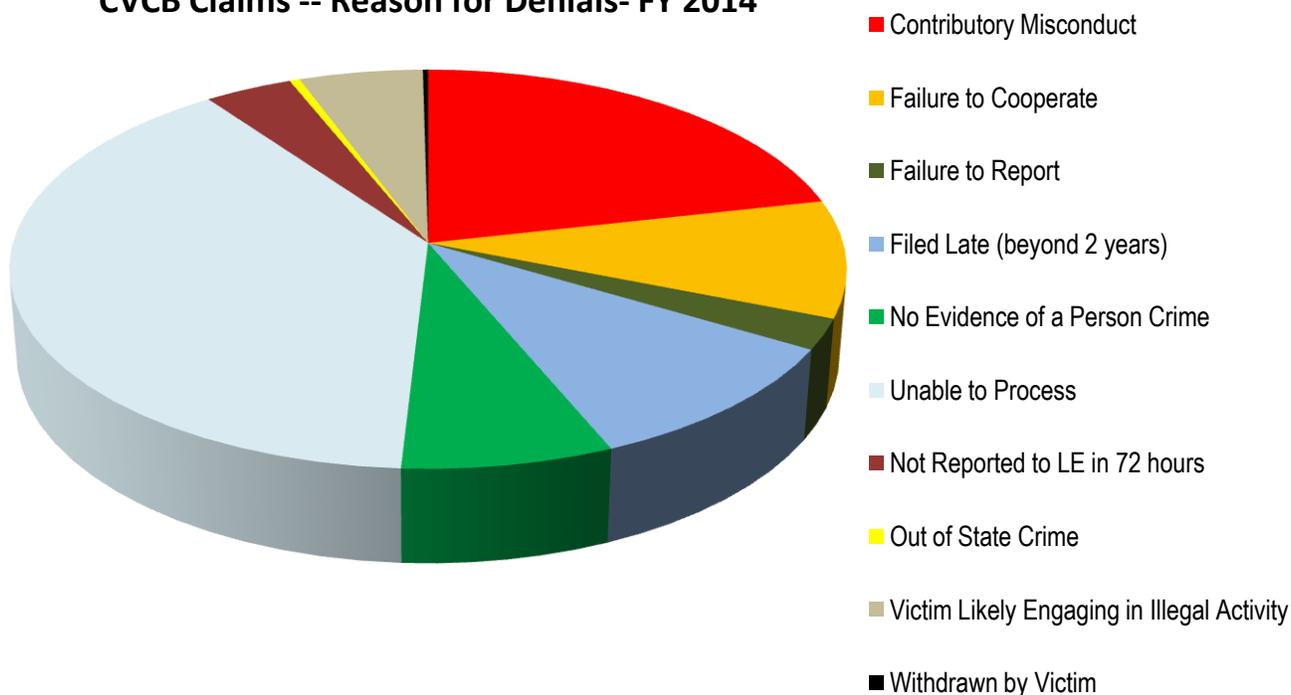
<i>Claims Approved by Crime and Expense</i>		
Crime	Claims Approved	Amount Paid
ARSON	8	\$30,221
ASSAULT	383	2,092,322
CHILD ABUSE <i>(including sexual and physical abuse)</i>	137	108,694
DWI / DUI	8	31,766
HOMICIDE	108	375,395
KIDNAPPING	4	2,692
OTHER	4	35,879
OTHER VEHICULAR CRIMES	11	89,389
ROBBERY	21	103,539
SEXUAL ASSAULT	45	43,876
STALKING	2	737
TERRORISM	0	0
Total Claims Approved	731	
TOTAL AMOUNT AWARDED ON CLAIMS		\$2,914,510

<i>Awards By Age – FY 2014</i>	
<u>AGE CATEGORY</u>	<u>TOTAL CLAIMS</u>
ADULT (18-64)	546
MINOR (0-17)	177
SENIOR (65 and above)	8
FY 2014 TOTAL	731

DENIED CLAIMS

REASON FOR DENIAL - FY 2014	TOTAL
Contributory Misconduct	95
Failure to Cooperate	42
Failure to Report	11
Filed Late (beyond 2 years)	45
No Evidence of a Person Crime	32
Unable to Process (i.e., claim abandoned by applicant)	173
Not Reported to Law Enforcement in 72 hours	17
Out of State Crime	2
Victim Likely Engaging in Illegal Activity	24
Withdrawn by Victim	1
TOTAL CLAIMS DENIED 2014	442

CVCB Claims -- Reason for Denials- FY 2014



2014 COMMENTS FROM VICTIMS AND OTHERS **WHO WORK WITH THE PROGRAM**

“Extremely grateful for the assistance. Makes us proud of our state to care so much and offer such a program.”

“Thank you for everything!”

“I think it is great that there is an organization like yours that may be able to help innocent victims.”

“All the staff in your office were perfectly awesome.”

“Thank you for providing my family some help in being able to move past pain of a difficult situation. Our payment from you was a little bright light needed in a dark and heavy time.”

“I really appreciated the help. Usually it is never this way.”

“I truly appreciate all the moral support that I received from the staff. They were understanding of my situation and gave me advice to point me in the right direction. I wanted to take a moment to say ‘Thank You’.”

“Thank you for your help during this difficult time.”