

# 2018



**KANSAS ATTORNEY GENERAL**

**Derek Schmidt**

**Crime Victims Compensation Board  
Kansas Fiscal Year 2018  
Annual Report**

July 1, 2017 – June 30, 2018

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# OFFICE OF THE ATTORNEY GENERAL



**DEREK SCHMIDT**  
**ATTORNEY GENERAL**

## CRIME VICTIMS COMPENSATION BOARD

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### Board Members

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Suzanne Valdez, Lawrence	Chair
Nan Porter, Wichita	Member
Tom Williams, Iola	Member

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### Staff

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Jeffrey Wagaman	Executive Director
Arin Turvey	Investigator
Paige Campbell	Investigator
Sharol Couch	Accounting Specialist
Diana Espinoza	Secretary
Danni Stallbaumer	Secretary



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February 2019

TO: Honorable Laura Kelly, Governor  
Members of the Kansas Legislature

The goal of the Crime Victims Compensation Board is, **“To award just compensation to victims for economic loss arising from violent crime.”** This is a mission the Board and the staff of our Division of Crime Victims Compensation strive to meet through ongoing partnerships with victim advocates, criminal justice professionals and service providers. In 2018, staff and Board members continued to reach out to promote this program and serve more victims.

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 thousands of innocent victims in our state each year. We work to support victims during their time of need.

The Crime Victims Compensation Board and service to victims is one of my top priorities as Attorney General. 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

# Table of Contents

Introduction.....	1
Composition of the Crime Victims Compensation Board .....	2
Eligibility .....	3
Diminishment of Compensation .....	4
Benefits .....	5
Revenue Sources .....	6
Application Summary .....	7
Demographics .....	8
Awarded Claims.....	9
Denied/Closed Claims .....	10
Comments from Victims and Others Who Work with the Program.....	11

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

# 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 2018 totaled **\$3,554,244**. In the 40 years of its existence, from 1978 through 2018, the Board has granted payments to crime victims totaling **\$89,821,364**. 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.

## 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.

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*“Everyone we’ve worked with has been so kind and helpful.  
They are wonderful, truly a lifesaver. God bless you all!”*

*-Victim, 2018*

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## 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 with certain exceptions for sexual assault cases (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.***

# 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)



# 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.

# 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 2018				
REVENUE SOURCES	FY 2018	FY 2017	FY 2016	FY 2015
Fines / Penalties	\$1,895,699	\$1,851,388	\$1,875,425	\$1,877,599
Restitution	\$242,394	\$190,802	\$194,263	\$181,652
Subrogation	\$89,781	\$55,387	\$60,634	\$35,516
<b>Department of Corrections:</b>				
Parole Supervision and Administrative Fees	\$306,725	\$319,944	\$318,101	\$315,556
Inmate Contributions Prison Industries Employment (PIE)	\$365,622	\$354,545	\$344,058	\$351,158
<b>TOTAL REVENUE RECEIVED</b>	<b>\$2,900,221</b>	<b>\$2,772,066</b>	<b>\$2,792,481</b>	<b>\$2,761,481</b>

# Application Summary

Fiscal Years 2015 - 2018

	FY 2018	FY 2017	FY 2016	FY 2015
<b>*New Applications Received</b>	1,444	1,390	1,243	1,113
<b>Total Number of Applications Approved</b>	864	744	794	636
<b>Total Number of Applications Denied/Closed</b>	589	546	468	411
<b>Total Amount Awarded</b>	<b><u>\$3,554,244</u></b>	<b>\$3,197,062</b>	<b>\$3,881,203</b>	<b>\$3,043,630</b>

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

# Demographics

## \*Primary Victims By Age – FY 2018

ADULT CATEGORY	TOTAL CLAIMS
Minor (0-17)	308
Adult (18-59)	981
60 and Older	68
Not Reported	10

## \*Primary Victims By Gender – FY 2018

GENDER	TOTAL CLAIMS
Female	792
Male	575
Not Reported	0

## \*Primary Victims By Race/Ethnicity – FY 2018

RACE/ETHNICITY	TOTAL CLAIMS
American Indian/Alaskan Native	19
Asian	26
Black/African American	257
Hispanic or Latino	253
White Non-Latino/Caucasian	751
Some Other Race	61
Not Reported	0

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

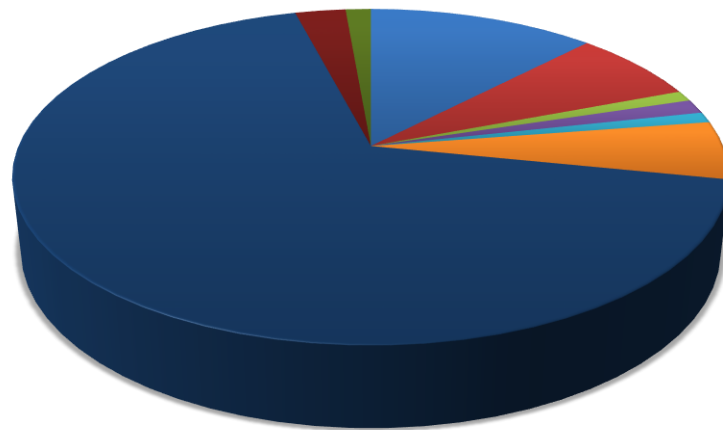
## Awarded Claims

Total Claims Awarded by Crime and Expense		
Crime	Payments Made	Amount Paid
ARSON	3	\$1,262.40
ASSAULT	1,107	\$1,629,402.81
CHILD ABUSE MURDER	7	\$10,880.09
CHILD PHYSICAL ABUSE	25	\$7,958.33
CHILD SEXUAL ASSAULT	537	\$204,566.14
DOMESTIC ABUSE	756	\$542,680.97
DOMESTIC ABUSE (HOMICIDE)	18	\$26,603.49
DUI	68	\$63,043.36
DUI/HOMICIDE	16	\$12,751.67
HOMICIDE/MURDER	298	\$504,400.44
HUMAN TRAFFICKING	0	\$0.00
KIDNAPPING	59	\$34,630.31
OTHER	16	\$5,518.02
OTHER VEHICULAR	80	\$159,215.33
ROBBERY	113	\$103,411.38
SEXUAL ASSAULT	345	\$168,693.04
STALKING	60	\$28,634.84
VEHICULAR HOMICIDE	16	\$50,592.33
<b>TOTAL PAYMENTS MADE</b>	3,524	
<b>TOTAL AMOUNT AWARDED ON CLAIMS</b>		<b>\$3,554,244.95</b>

## Denied/Closed Claims

REASON FOR DENIAL - FY 2018	TOTAL
Contributory Misconduct	72
Failure to Cooperate	41
Failure to Report	6
Filed Late (beyond 2 years)	8
Out of State Crime	6
No Evidence of a Person Crime	33
Unable to Process (i.e., incomplete information)	399
Withdrawn by Victim	16
Other	8
<b>TOTAL CLAIMS DENIED 2017</b>	<b>589</b>

**Denial Reasons FY 2018**



- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><span style="color: blue;">■</span> Contributory Misconduct</li> <li><span style="color: green;">■</span> Failure to Report</li> <li><span style="color: cyan;">■</span> Out of State Crime</li> <li><span style="color: darkblue;">■</span> Unable to Process</li> <li><span style="color: green;">■</span> Other</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: red;">■</span> Failure to Cooperate</li> <li><span style="color: purple;">■</span> Filed Late (beyond 2 years)</li> <li><span style="color: orange;">■</span> No Evidence of a Person Crime</li> <li><span style="color: maroon;">■</span> Withdrawn by Victim</li> </ul> |
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## Comments from Victims and Others Who Work with the Program

- *“Thank you for everything!”*
- *“I appreciate the help.”*
- *“Awesome customer service... and very easy to work with. Our family sends our thanks...”*
- *“Thank you for all of your concern.”*
- *“Although this has been extremely difficult, we appreciate the additional efforts. Your concerns and kind interaction has helped tremendously.”*
- *“I am writing to express my gratitude to you and the Kansas Office of the Attorney General.”*
- *“This is a great help for families who have lost a loved one to crime – Thank you so much for this help.”*
- *“I spoke with staff several times throughout the process, and they were wonderful! Very knowledgeable, very empathetic, and so professional... Thank you, you made a tough experience less stressful!”*



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