

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



**CARLA J. STOVALL
Attorney General**

**CRIME VICTIMS COMPENSATION BOARD
ANNUAL REPORT**

1997 - 1999



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

**CARLA J. STOVALL
ATTORNEY GENERAL**

**CRIME VICTIMS
COMPENSATION BOARD**

Board Members

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Paula Salazar, Wichita	Member
Louis Johnson, Kansas City	Member
* Dorthy Stucky Halley, Pittsburg	Member
* Carlos Cooper, Kansas City	Member

Staff

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Dee Boeck	Investigator
Brett Johnson	Special Agent
* Sharon Kearse	Special Agent
Betty Albright	Secretary II
Yolonda Newman	Secretary II
* Cherise New	Office Assistant III

** Served a portion of the 1997 - 1999 reporting period. No longer with the Crime Victims Compensation Board*



CARLA J. STOVALL
ATTORNEY GENERAL

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

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WENDY E. CATER, CHAIR
LOUIE 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 years 1997, 1998 and 1999. This program is essential to assist victims of violent crime in the State of Kansas. I am proud of the individuals who have served on the Board and their efforts to insure that victims are not forgotten in the criminal justice system.

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. This program, 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. It is imperative that Kansas continue its efforts to compensate citizens 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,

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 year 1999 totaled \$3,723,609. In the first 21 years of its existence, from 1978 through 1999, the Board granted payments to crime victims totaling \$27,612,677. 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, two secretaries 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 Ave., 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 one year of the incident for crimes that occurred prior to July 1, 1998, and within two years of the incident for crimes that occur after June 30, 1998. (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 or to a Kansas resident who was a victim of a violent crime which occurred in another state.
- 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 — \$2,000 for incidents that occurred prior to July 1, 1998, and \$5,000 for incidents that occur after June 30, 1998.
- 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.)

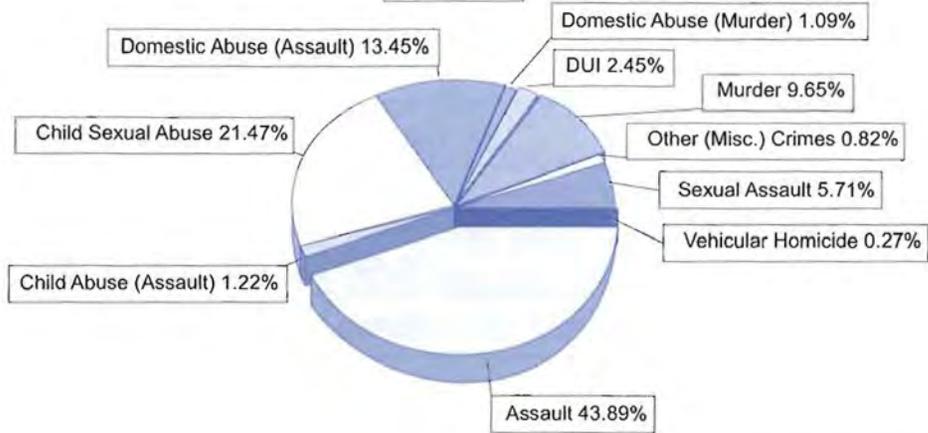
CRIME VICTIMS COMPENSATION BOARD
Revenue and Expenditures

REVENUE			
	FY 1999	FY 1998	FY 1997
Fines/Penalties	\$2,184,006	\$2,083,238	\$1,993,571
Restitution	84,055	60,641	53,991
Subrogation	24,493	19,230	45,280
Refunds	3,649	39,183	8,559
Memorials	0	0	1,035
Department of Corrections			
Parole Supervision Fees	100,147	91,756	73,838
Inmate Contributions	127,472	119,671	106,335
Administration Fees	86,095	93,952	114,163
Dept. of Justice VOCA Grant	694,000	659,000	617,000
TOTAL REVENUE AVAILABLE	\$3,303,917	\$3,166,671	\$3,013,772

EXPENDITURES			
	FY 1998	FY 1998	FY 1997
SALARIES & WAGES	\$202,705	\$192,752	\$188,040
CONTRACTUAL SERVICES	47,791	39,031	41,083
COMMODITIES	6,012	6,139	4,916
CAPITAL OUTLAY	868	527	659
CLAIMS	3,466,233	2,346,861	1,787,278
TOTAL EXPENDITURES	\$3,723,609	\$2,585,310	\$2,021,976

APPROVED CLAIMS

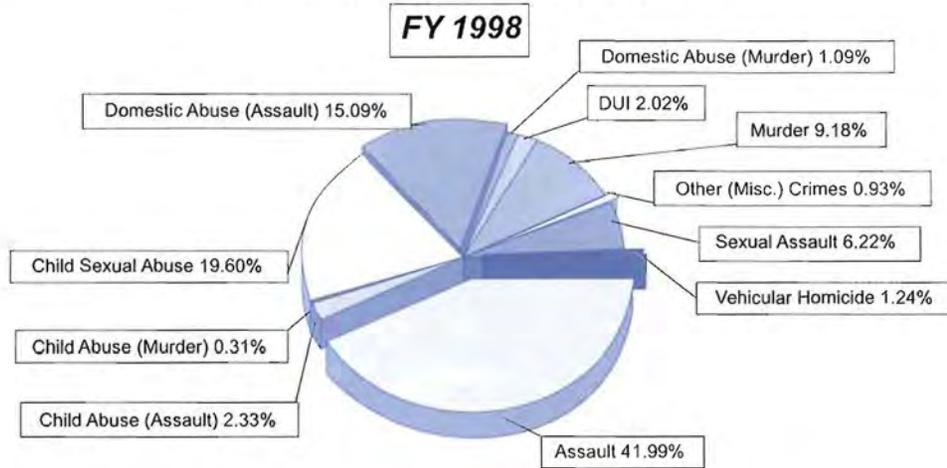
FY 1997



APPROVED CLAIMS FY 1997

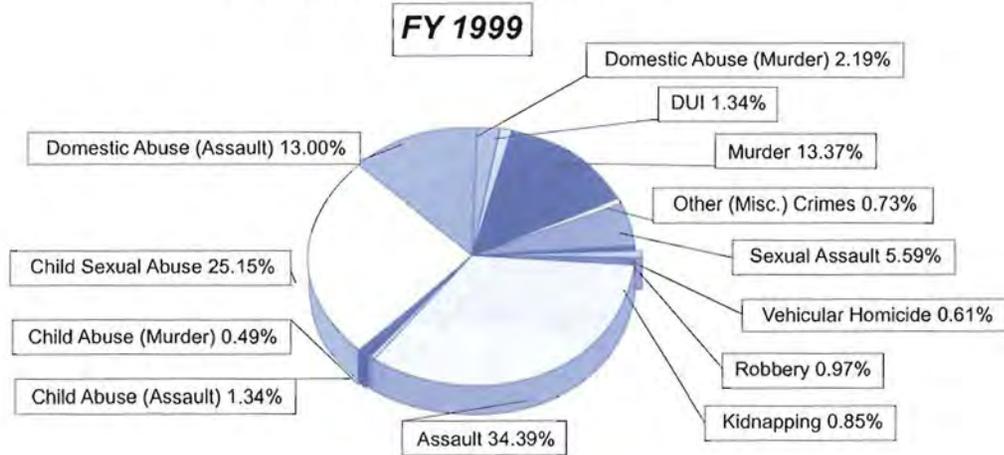
Type of Crime	Total Claims
Assault	323
Child Abuse (Assault)	9
Child Abuse (Murder)	0
Child Sexual Abuse	158
Domestic Abuse (Assault)	99
Domestic Abuse (Murder)	8
DUI	18
Murder	71
Other (Miscellaneous) Crimes	6
Sexual Assault	42
Vehicular Homicide	2
TOTAL	736

APPROVED CLAIMS



APPROVED CLAIMS FY 1998	
Type of Crime	Total Claims
Assault	270
Child Abuse (Assault)	15
Child Abuse (Murder)	2
Child Sexual Abuse	126
Domestic Abuse (Assault)	97
Domestic Abuse (Murder)	7
DUI	13
Murder	59
Other (Miscellaneous) Crimes	6
Sexual Assault	40
Vehicular Homicide	8
TOTAL	643

APPROVED CLAIMS

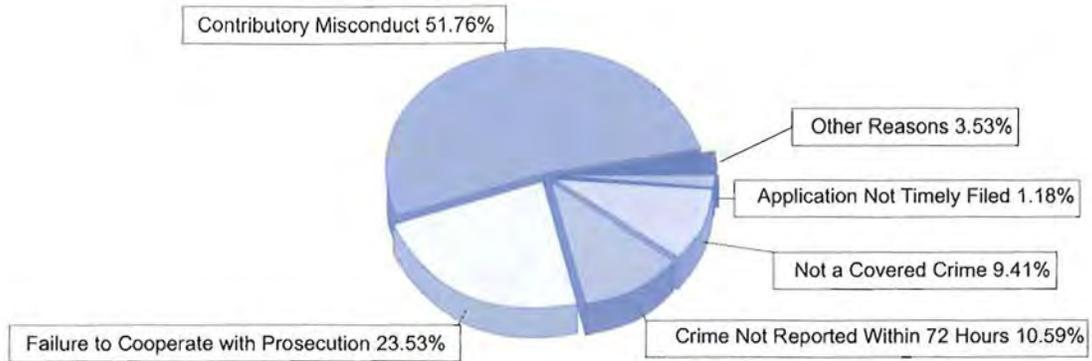


APPROVED CLAIMS FY 1999	
Type of Crime	Total Claims
Assault	283
Child Abuse (Assault)	11
Child Abuse (Murder)	4
Child Sexual Abuse	207
Domestic Abuse (Assault)	107
Domestic Abuse (Murder)	18
DUI	11
Kidnapping*	7
Murder	110
Other (Miscellaneous) Crimes	6
Robbery*	6
Sexual Assault	46
Vehicular Homicide	5
TOTAL	823

* This is the first year these crimes were reported in separate categories.

DENIALS

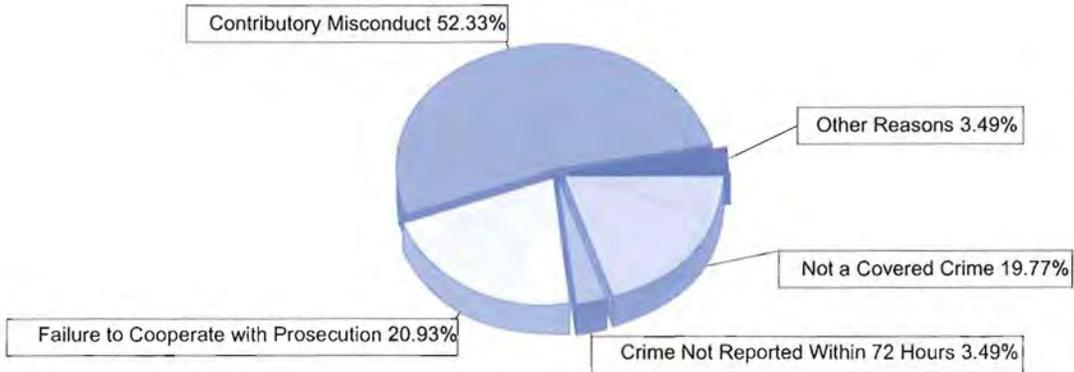
FY 1997



DENIALS FY 1997	
Reason For Denial	Total Claims
Application Not Timely Filed	1
Not a Covered Crime	8
Crime Not Reported Within 72 Hours	9
Failure to Cooperate With Prosecution	20
Contributory Misconduct	20
Other Reasons	3
TOTAL	85

DENIALS

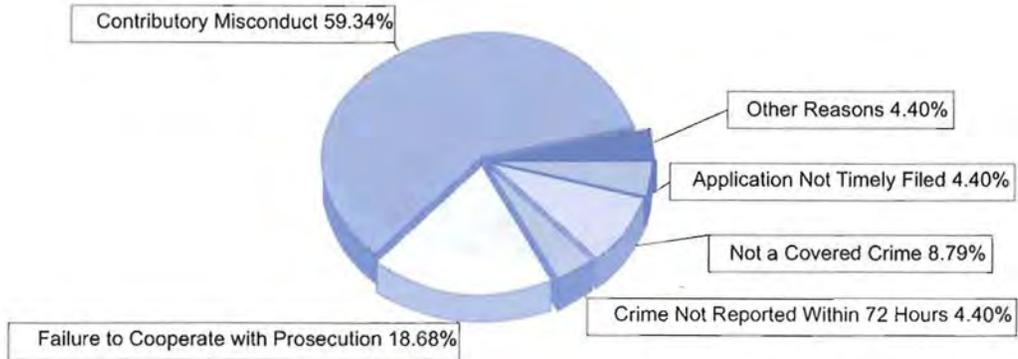
FY 1998



DENIALS FY 1998	
Type of Crime	Total Claims
Application Not Timely Filed	0
Not a Covered Crime	17
Crime Not Reported Within 72 Hours	3
Failure to Cooperate With Prosecution	18
Contributory Misconduct	45
Other Reasons	3
TOTAL	86

DENIALS

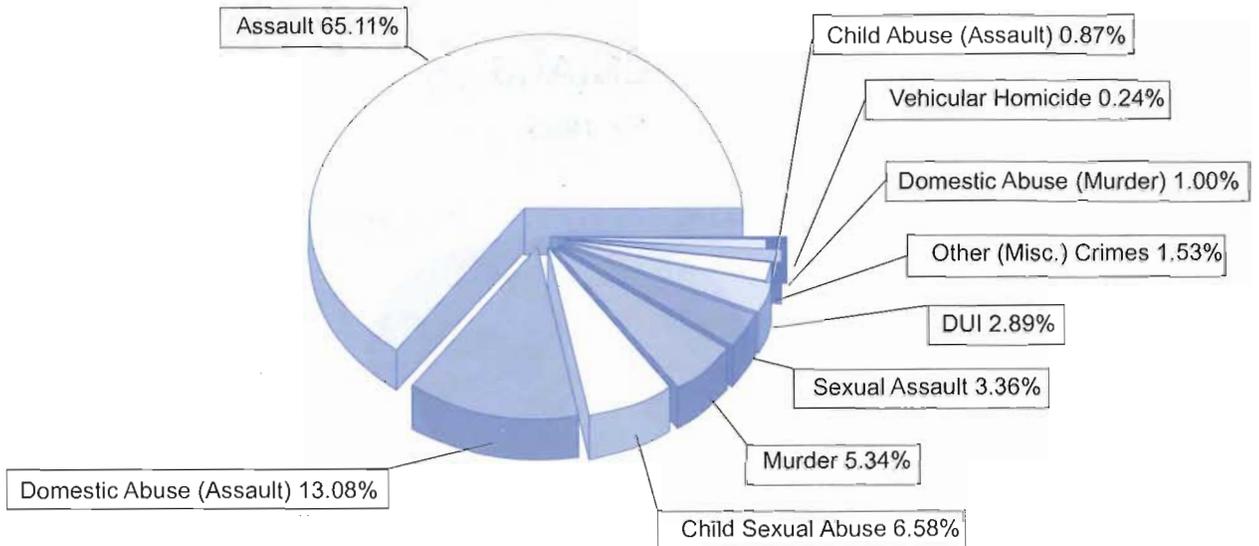
FY 1999



DENIALS FY 1999	
Type of Crime	Total Claims
Application Not Timely Filed	4
Not a Covered Crime	8
Crime Not Reported Within 72 Hours	4
Failure to Cooperate With Prosecution	17
Contributory Misconduct	54
Other Reasons	4
TOTAL	91

EXPENDITURES BY CRIME CATEGORY

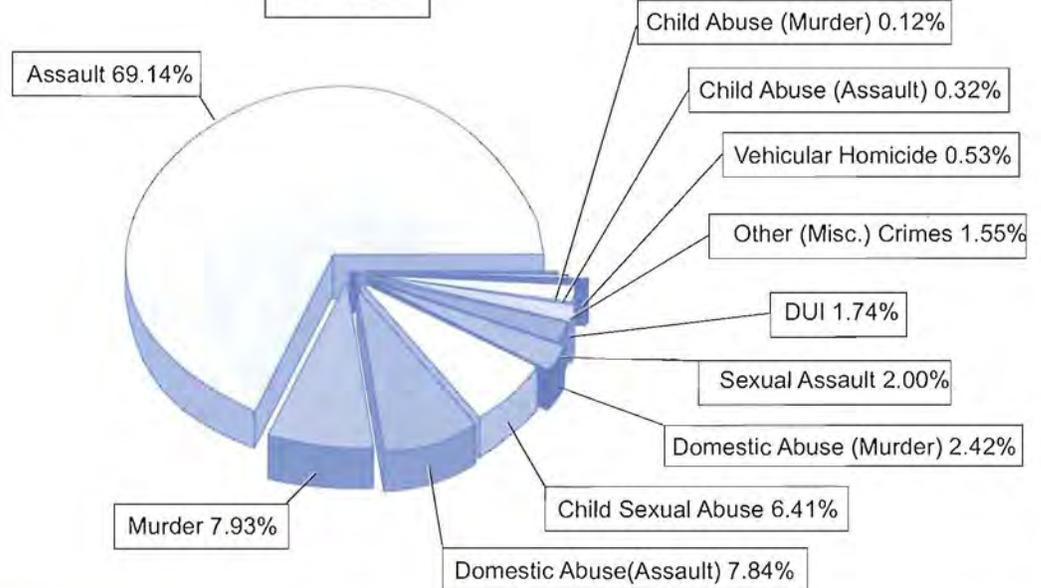
FY 1997



EXPENDITURES BY CRIME CATEGORY FY 1997	
Type of Crime	Total Award
Assault	\$1,094,262
Child Abuse (Assault)	14,566
Child Abuse (Murder)	0
Child Sexual Abuse	110,637
Domestic Abuse (Assault)	219,882
Domestic Abuse (Murder)	16,723
DUI	48,638
Murder	89,694
Other (Miscellaneous) Crimes	25,796
Sexual Assault	56,496
Vehicular Homicide	\$4,000
TOTAL	\$1,680,694

EXPENDITURES BY CRIME CATEGORY

FY 1998

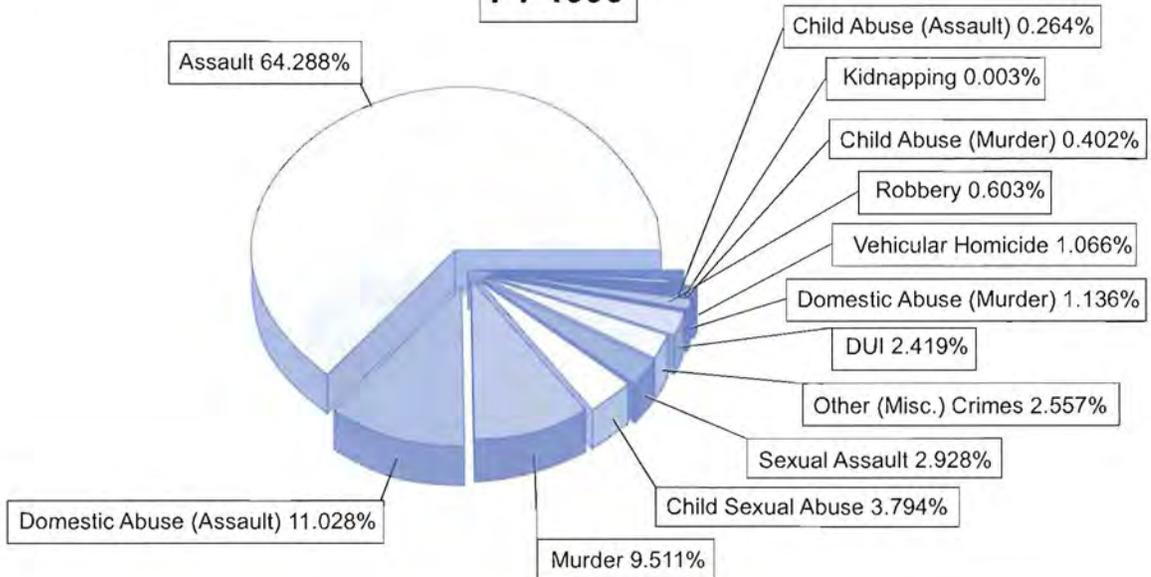


EXPENDITURES BY CRIME CATEGORY FY 1998

Type of Crime	Total Award
Assault	\$1,622,949
Child Abuse (Assault)	7,537
Child Abuse (Murder)	2,723
Child Sexual Abuse	150,337
Domestic Abuse (Assault)	183,805
Domestic Abuse (Murder)	56,816
DUI	40,843
Murder	186,121
Other (Miscellaneous) Crimes	36,450
Sexual Assault	46,824
Vehicular Homicide	12,456
TOTAL	\$2,346,861

EXPENDITURES BY CRIME CATEGORY

FY 1999

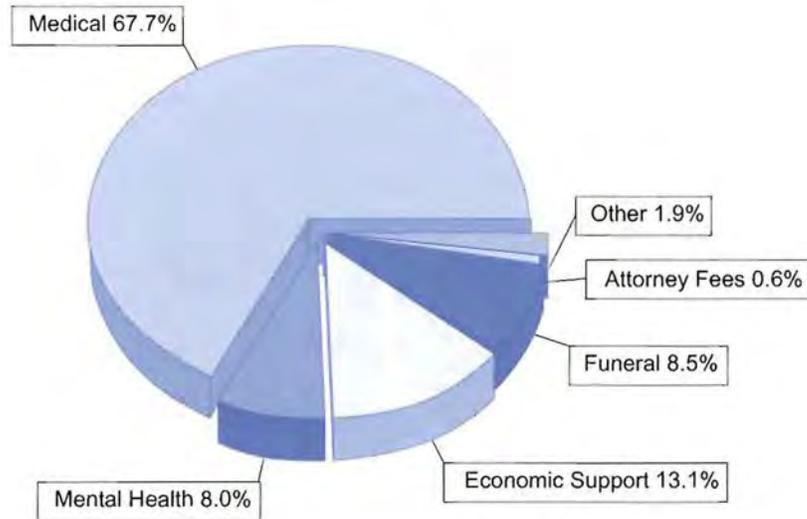


EXPENDITURES BY CRIME CATEGORY FY 1999

Type of Crime	Total Award
Assault	\$2,225,104
Child Abuse (Assault)	9,194
Child Abuse (Murder)	13,966
Child Sexual Abuse	131,917
Domestic Abuse (Assault)	383,404
Domestic Abuse (Murder)	39,504
DUI	84,100
Kidnapping	102
Murder	330,684
Robbery	20,967
Sexual Assault	101,784
Vehicular Homicide	37,062
Other (Miscellaneous) Crimes	88,445
TOTAL	\$3,466,233

EXPENDITURES BY AWARD CATEGORY

FY 1997

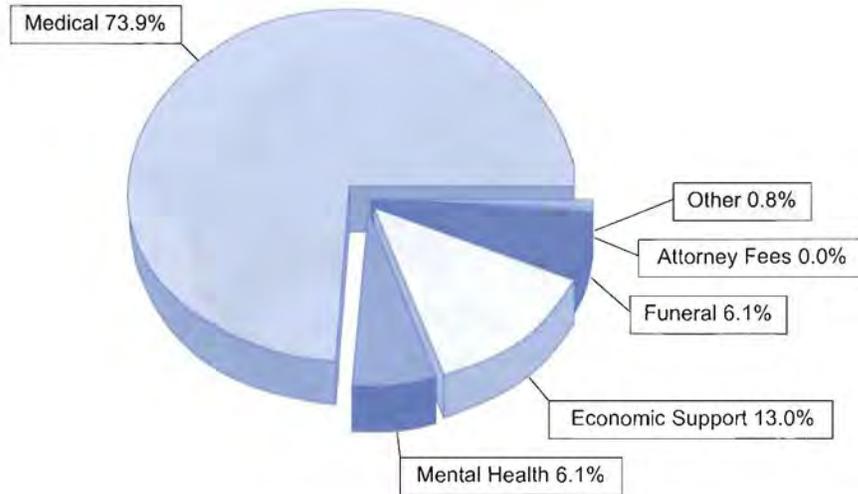


EXPENDITURES BY AWARD CATEGORY FY 1997

Medical	\$1,210,630
Mental Health	143,583
Economic Support	234,909
Funeral	152,679
Attorney Fees	10,729
Other (Miscellaneous)	34,748
TOTAL	\$1,787,278

Expenditures by Award Category

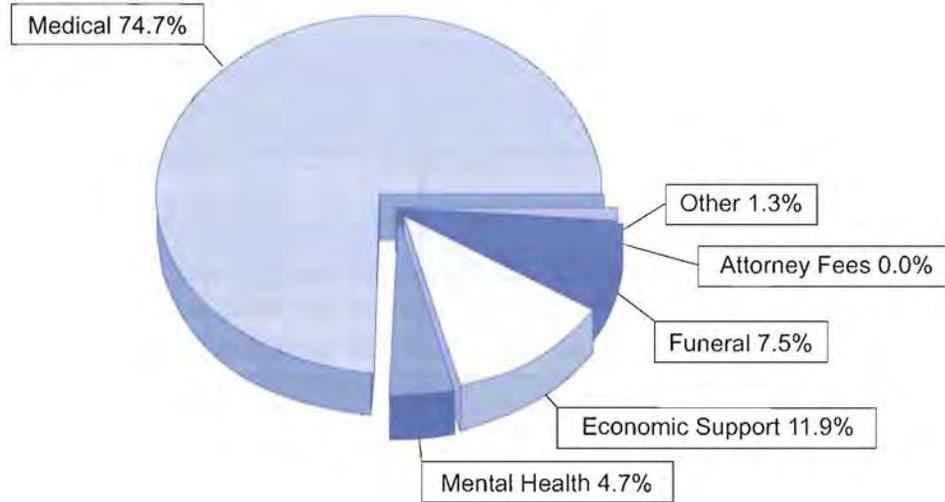
FY 1998



EXPENDITURES BY AWARD CATEGORY FY 1998	
Medical	\$1,735,146
Mental Health	144,014
Economic Support	305,181
Funeral	142,643
Attorney Fees	439
Other (Miscellaneous)	19,438
TOTAL	\$2,346,861

EXPENDITURES BY AWARD CATEGORY

FY 1999



EXPENDITURES BY AWARD CATEGORY FY 1998

Medical	\$2,588,460
Mental Health	163,620
Economic Support	411,858
Funeral	258,596
Attorney Fees	236
Other (Miscellaneous)	43,463
TOTAL	\$3,476,820

CRIME VICTIMS COMPENSATION CLAIMS

	FY 1999	FY1998	FY 1997
NEW CLAIMS RECEIVED	1019	1026	938
CLAIMS RESOLVED	1011	970	1008
CLAIMS PENDING AT YEAR END	317	309	253
TOTAL NUMBER OF ORIGINAL CLAIMS	688	613	534
TOTAL AMOUNT AWARDED ON ORIGINAL CLAIMS	\$2,540,051	\$1,586,980	\$1,250,690
AVERAGE AMOUNT AWARDED ON ORIGINAL CLAIMS	\$3,691	\$2,589	\$2,342
TOTAL NUMBER OF SUPPLEMENTAL CLAIMS	471	456	585
TOTAL AMOUNT AWARDED ON SUPPLEMENTAL CLAIMS	\$926,182	\$759,881	\$536,588
AVERAGE AMOUNT AWARDED ON SUPPLEMENTAL CLAIMS	\$1,966	\$1,667	\$917
TOTAL AMOUNT AWARDED ON CLAIMS	\$3,466,233	\$2,346,861	\$1,787,278

ILLUSTRATED CASES

APPROVALS

- ▶ An applicant's 22 year-old son was found dead on a city street in Kansas City. No suspects were identified. Law enforcement reports indicated that this was an apparent robbery attempt which turned into a homicide, with no evidence indicating the victim was anything but a random innocent victim. The Board approved its maximum allowable funeral award of \$2,000.

- ▶ A 29 year-old woman was beaten by her husband after he questioned where she had been and then did not believe what she told him. The victim promptly reported this to law enforcement. The suspect was charged with assault and battery. The victim cooperated with the prosecution of the case. She subsequently divorced the offender. The Board approved \$3,063.50 in medical expenses.

- ▶ A 54 year-old woman was the victim of an assault. The offender kicked in the door of the victim's home while she, her daughter, who was the offender's estranged wife, and the couple's daughter were sleeping and threatened to shoot his estranged wife. While attempting to protect her daughter, the victim struggled with the offender for possession of the gun. He shot the victim then kidnapped the daughter. The offender was tried and convicted of assault. The Board awarded \$8,601.85 to the victim for medical expenses.

- ▶ A claimant applied on behalf of his three year-old daughter who died as the result of abuse allegedly inflicted by the mother's boyfriend. The suspect committed suicide by hanging himself before charges could be filed. The victim died one week after being hospitalized. The Board approved \$1,000 in unpaid funeral expenses and \$200 in wage loss for the claimant to be with his daughter in the hospital and to make funeral arrangements.

ILLUSTRATED CASES

DENIALS

- ▶ A 34 year-old man answered a knock on his door. He reported that he was then shot by unknown individuals. Law enforcement personnel advised that the man was a known drug dealer and that this shooting was, undoubtedly, a result of his drug dealings. No suspects were identified. The claim was denied for contributory misconduct, i.e. illegal drug dealing.
- ▶ A 20 year-old female saw her ex-boyfriend and his new girlfriend walking down the street and approached them. She asked her ex-boyfriend to walk her home. Her request resulted in a verbal altercation between her and the new girlfriend. The applicant then struck the new girlfriend with her hand. The two engaged in a physical altercation in which the applicant was stabbed. The Board denied the claim for contributory misconduct.



CORRECTION

EXPENDITURES			
	FY 1999	FY 1998	FY 1997
SALARIES & WAGES	\$202,705	\$192,752	\$188,040
CONTRACTUAL SERVICES	47,791	39,031	41,083
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