

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



**PHILL KLINE  
Attorney General**

**CRIME VICTIMS COMPENSATION BOARD**

**ANNUAL REPORT**

*2005 - 2006*



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

**PHILL KLINE  
ATTORNEY GENERAL**

***CRIME VICTIMS COMPENSATION BOARD***

**Board Members**

Rita Noll, Topeka	Chair
Paula Salazar, Wichita	Member
Roger Villanueva, Kansas City	Member

**Staff**

Frank S. Henderson, Jr.	Executive Director
Dee Boeck	Investigator
Tanya Hoyer-Rogers	Investigator
Yolonda Newman	Accounting Specialist
Phyllis Pankratz	Secretary
Martha Venzor	Office Assistant
Judy Nightingale	Restitution Coordinator



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

It is my honor to present the *Crime Victims Compensation Board's* 2005-2006 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 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.

I am grateful to the Board members and my staff, who have served unselfishly to administer this program with compassion, fairness and integrity to ensure crime victims are not forgotten in the criminal justice system. 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,

Frank S. Henderson, Jr.  
Executive Director  
Crime Victims Compensation Board

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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 2006 totaled \$3,313,595. In the first 28 years of its existence, from 1978 through 2006, the Board granted payments to crime victims totaling \$49,512,866. 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. 10<sup>th</sup> Avenue, Topeka.

*My son and I want to thank you for your aid. He could not have been able to survive the large bills that resulted from that assault. Working full time at \$6.25 an hour doesn't leave much to pay for unexpected medical bills.*

### ***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 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.

***Mr. Henderson,***

***I am writing to extend by deepest gratitude for phoning and inquiring about my daughter's welfare and how she was coping. You are the only such person to do so. Your ability to communicate concern, compassion and understanding was appreciated more than words can express.***

## ***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:

- ▶ **11.99 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.

*You'll never know how good it felt to finally have someone listen, not only with their ears, but with their hearts.*



# Crime Victims Compensation Board

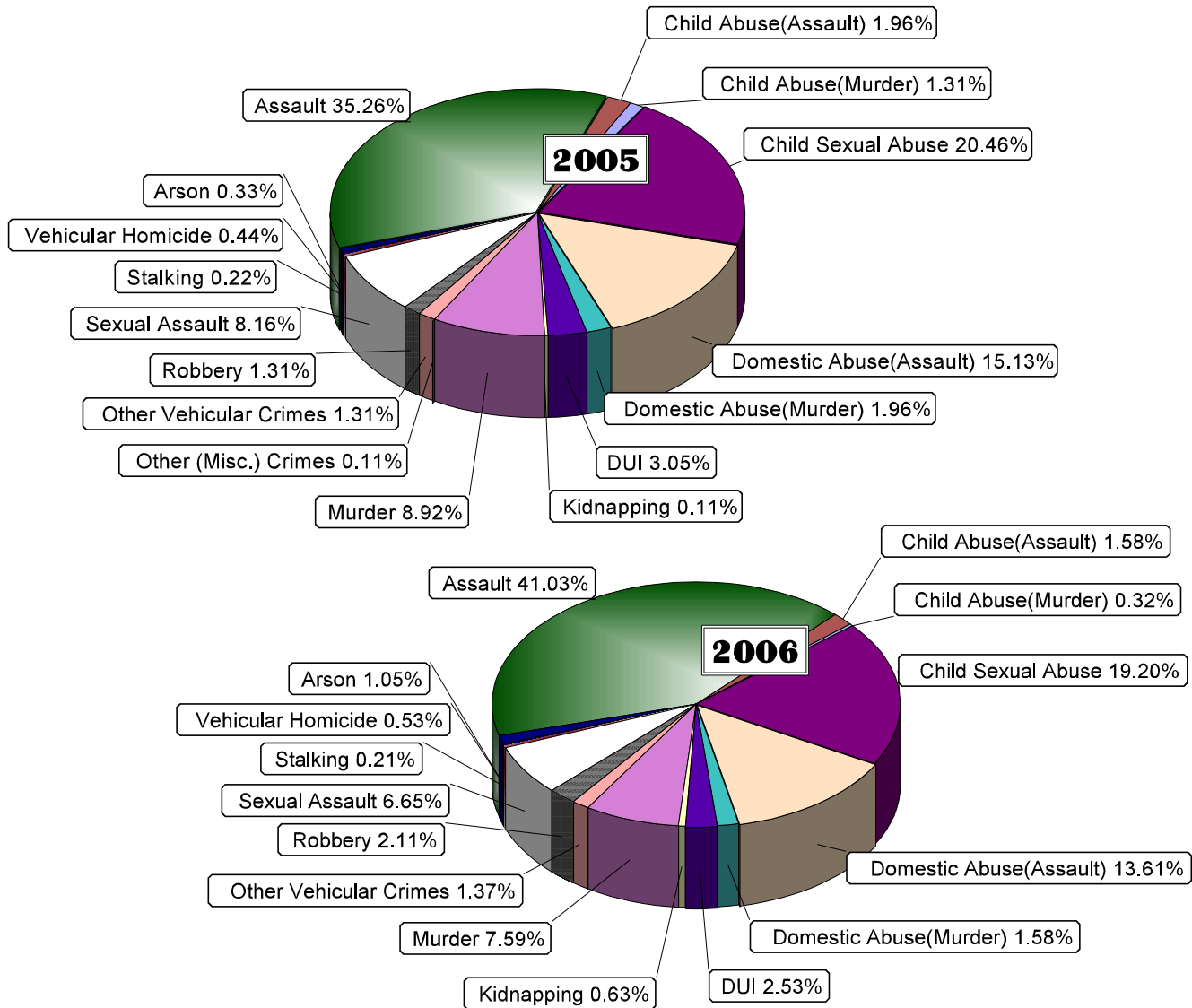
## *REVENUE*

	FY 2006	FY 2005	FY 2004	FY 2003	FY 2002
<b>Fines/Penalties</b>	\$2,506,712	\$2,629,789	\$1,733,422	\$1,509,035	\$1,269,802
<b>Restitution</b>	154,869	128,631	151,327	144,240	98,101
<b>Subrogation</b>	27,191	90,147	54,662	13,443	20,480
<b>Department of Corrections</b>					
▸ Parole Supervision Fees	192,927	190,427	175,532	166,211	139,771
▸ Inmate Contributions	235,998	248,244	196,983	189,666	174,017
▸ Administration Fees	104,313	103,685	103,951	102,511	96,384
<b>Department of Justice VOCA Grant</b>	860,000	1,264,000	1,222,000	1,058,000	1,074,000
<b>TOTAL</b>	<b>\$4,082,010</b>	<b>\$4,654,923</b>	<b>\$3,637,877</b>	<b>\$3,183,106</b>	<b>\$2,872,555</b>

## ***CRIME VICTIMS COMPENSATION CLAIMS***

<b><i>DESCRIPTION</i></b>	<b><i>FY 2006</i></b>	<b><i>FY 2005</i></b>	<b><i>FY 2004</i></b>	<b><i>FY 2003</i></b>	<b><i>FY 2002</i></b>
<b><i>NEW CLAIMS RECEIVED</i></b>	<b>1346</b>	<b>1313</b>	<b>1246</b>	<b>1319</b>	<b>1277</b>
<b><i>TOTAL NUMBER OF CLAIMS GRANTED AWARDS</i></b>	<b>1242</b>	<b>1165</b>	<b>1211</b>	<b>1230</b>	<b>1102</b>
<b><i>TOTAL AMOUNT AWARDED ON CLAIMS</i></b>	<b>\$3,313,595</b>	<b>\$2,945,463</b>	<b>\$3,205,387</b>	<b>\$3,174,159</b>	<b>2,961,744</b>
<b><i>AVERAGE AMOUNT AWARDED ON CLAIMS</i></b>	<b>\$2,668</b>	<b>\$2,528</b>	<b>\$2,647</b>	<b>\$2,581</b>	<b>\$268</b>

## **APPROVED CLAIMS (By Crime Type)**



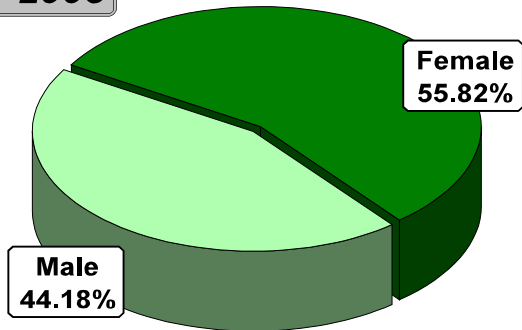
## APPROVED CLAIMS (By Crime Type)

TYPE OF CRIME	2005	2006
ASSAULT	324	388
ARSON	3	10
CHILD ABUSE (ASSAULT)	18	15
CHILD ABUSE (MURDER)	12	3
CHILD SEXUAL ABUSE	188	182
DOMESTIC ABUSE (ASSAULT)	139	129
DOMESTIC ABUSE (MURDER)	18	15
DUI/DUI HOMICIDE	28	24
KIDNAPPING	1	6
MURDER	82	72
ROBBERY	12	20
SEXUAL ASSAULT (ADULT)	75	63
STALKING	2	2
VEHICULAR HOMICIDE	4	5
OTHER VEHICULAR CRIMES	12	13
OTHER (MISCELLANEOUS CRIMES)	1	0
<b>TOTAL</b>	<b>919</b>	<b>947</b>

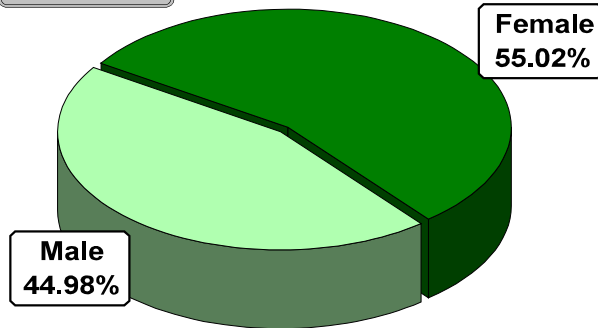
*Thank you! I want you to know I am extremely appreciative of the wage loss compensation. The funds are much needed and appreciated.*

## CLAIMS APPROVED (By Gender)

**FY 2005**

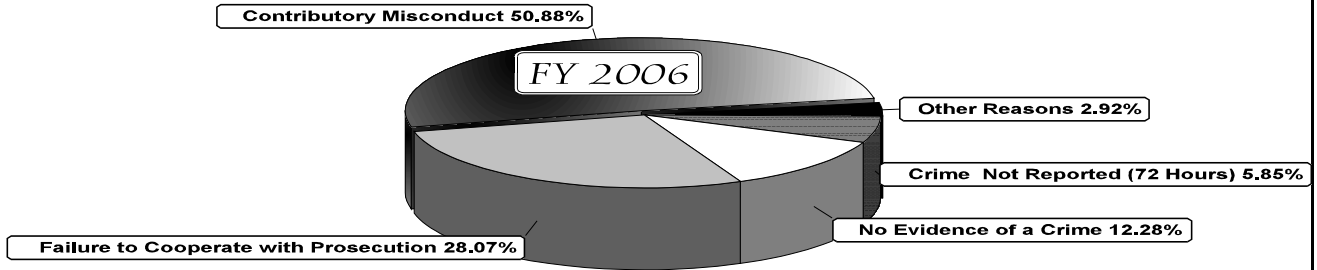
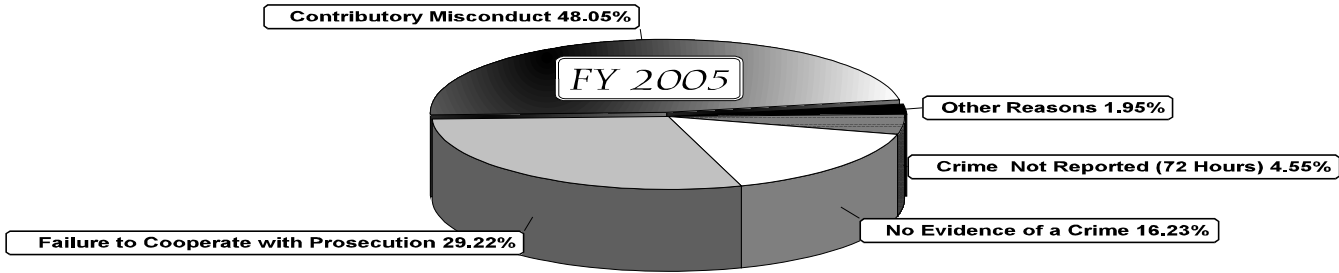


**FY 2006**



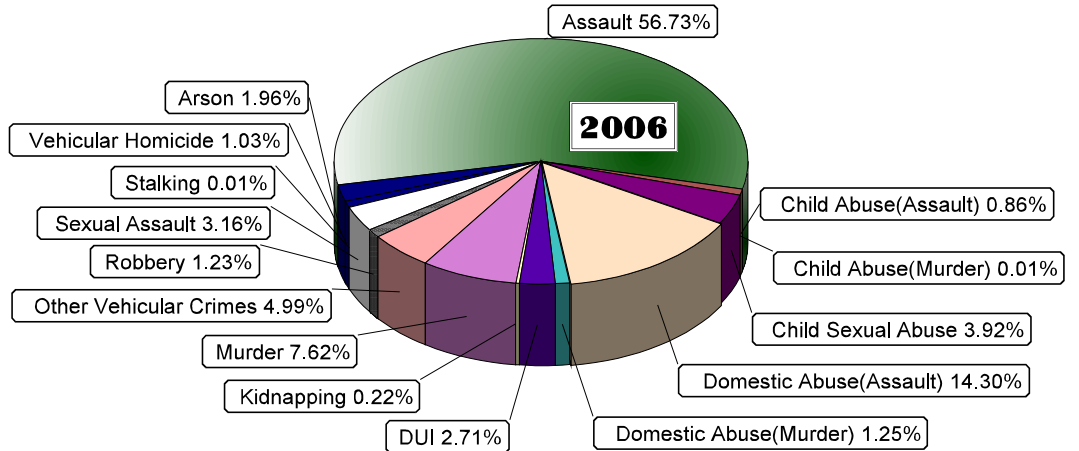
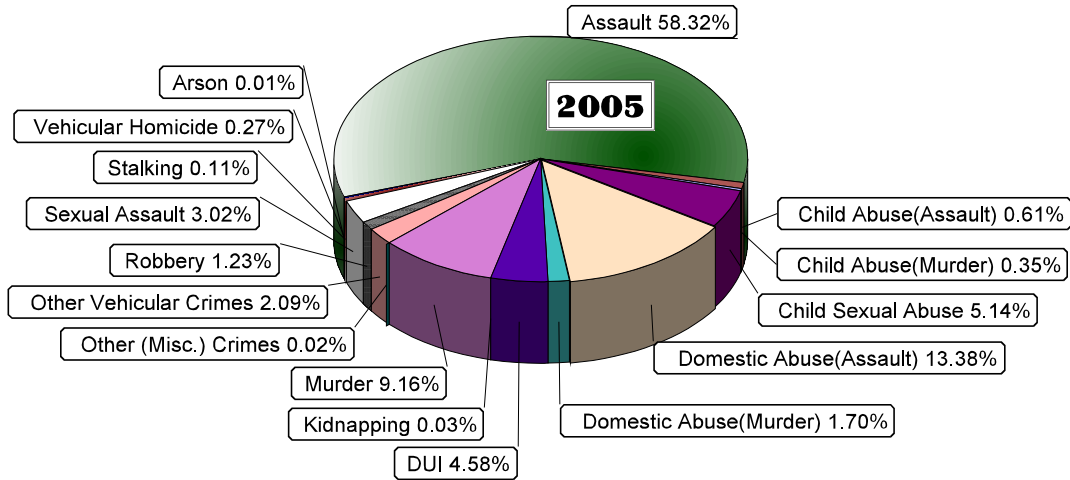
<b>APPROVED CLAIMS (By Gender)</b>		
<b>Gender</b>	<b>2005</b>	<b>2006</b>
<b>Male</b>	<b>406</b>	<b>426</b>
<b>Female</b>	<b>513</b>	<b>521</b>
<b>Total</b>	<b>919</b>	<b>947</b>

# ***DENIALS***



<b>REASON FOR DENIAL</b>	<b>2005</b>	<b>2006</b>
Contributory Misconduct	74	87
Failure to Cooperate with Prosecution	45	48
No Evidence of a Crime	25	21
Crime Not Reported to Law Enforcement (72 hours)	7	10
Other Reasons	3	5
<b>Total</b>	<b>154</b>	<b>171</b>

## EXPENDITURES BY CRIME TYPE

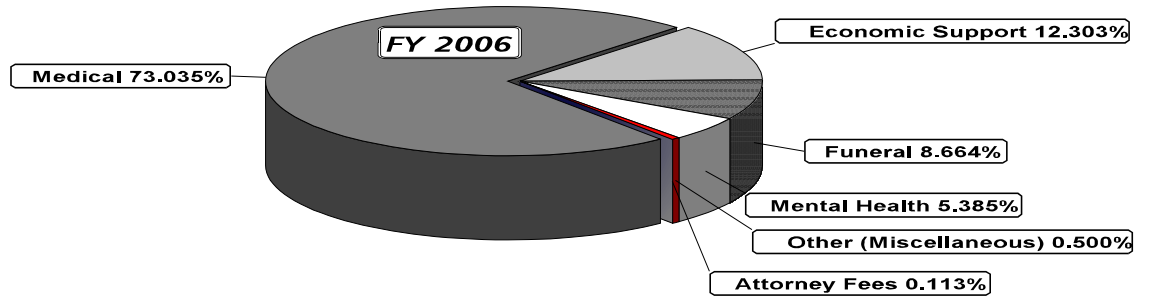
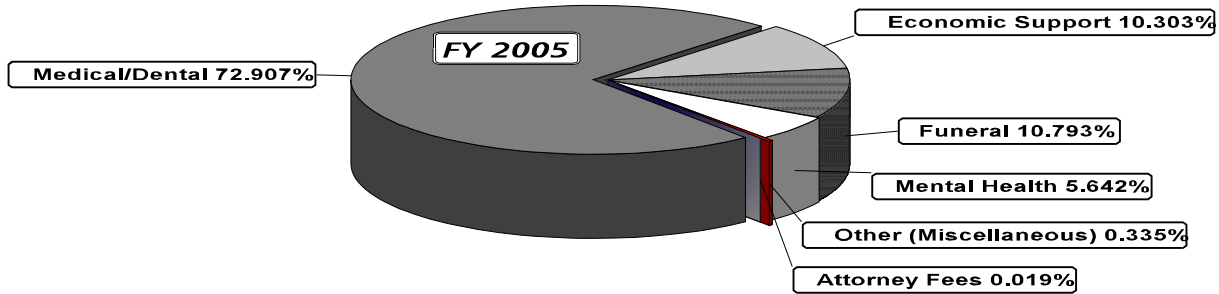


## **EXPENDITURES BY CRIME TYPE**

<b>TYPE OF CRIME</b>	<b>2005</b>	<b>2006</b>
ASSAULT	\$1,717,741	\$1,879,818
ARSON	203	64,804
CHILD ABUSE (ASSAULT)	17,898	28,422
CHILD ABUSE (MURDER)	10,439	389
CHILD SEXUAL ABUSE	151,446	130,056
DOMESTIC ABUSE (ASSAULT)	393,978	473,772
DOMESTIC ABUSE (MURDER)	49,982	41,557
DUI	134,852	89,693
KIDNAPPING	893	7,208
MURDER	269,712	252,512
ROBBERY	36,114	40,825
SEXUAL ASSAULT (ADULT)	88,932	104,725
STALKING	3,279	267
VEHICULAR HOMICIDE	7,923	34,237
OTHER VEHICULAR CRIMES	61,591	165,310
OTHER (MISCELLANEOUS CRIMES)	480	0
<b>TOTAL</b>	<b>\$2,945,463</b>	<b>\$3,313,595</b>



## EXPENDITURES BY AWARD CATEGORY



<b>Expenditures by Award Category</b>		
<b>Expense</b>	<b>2005</b>	<b>2006</b>
Medical	\$2,147,446	\$2,420,086
Economic Support	303,480	407,661
Funeral	317,914	287,082
Mental Health	166,196	178,442
Other (Miscellaneous)	9,862	16,582
Attorney Fees	565	3,743
<b>TOTAL</b>	<b>2,945,463</b>	<b>3,313,596</b>

## **ILLUSTRATED CASES**

*July 1, 2005 - June 30, 2006*

- A 34 year old man was at working at the small business his family owned when two masked males entered the business. Applicant tried to flee out the back door, but the suspects pursued him and struck him over the head causing severe injuries. The incident was promptly reported to law enforcement, but no suspects were ever identified.

*The board approved \$15,701.58 in medical expenses.*

- A 47 year old man was at a part-time job selling fireworks when two males approached at closing time. One had a bandanna over his face and pointed a gun at the applicant. One offender stole fireworks while the other told applicant to get down on the ground. When he refused, one offender shot him in the leg. The offenders then drove off in a car. This was promptly reported to law enforcement and several suspects were arrested, charged and convicted.

*The board approved \$5,507.21 in medical expenses.*

- Eleven arson victims applied for compensation as a result of a deadly fire that claimed the lives of three victims and severely injured many more. The raging blaze turned a block long apartment complex into an inferno. Terrified victims were injured or burned trying to jump to safety. The offender, a 20 year old man, was arrested and charged with 3 counts of murder and eight counts of aggravated battery.

*The board approved a total of \$71,152.80 in medical expenses, counseling and wage loss for the eleven arson victims.*