

2019

Crime Victims Compensation Board Annual Report

Kansas Fiscal Year 2019
July 1, 2018 – June 30, 2019

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**KANSAS
ATTORNEY GENERAL**

DEREK SCHMIDT

Office of the Attorney General



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ATTORNEY GENERAL

Crime Victims Compensation Board

BOARD MEMBERS

Richard Samaniego, Wichita	Chair
Nan Porter, Wichita	Member
Tom Williams, Iola	Member

Division of Crime Victims Compensation

STAFF

Kristen Czugala	Executive Director
Arin Turvey	Investigator
Paige Campbell	Investigator
Sharol Couch	Accounting Specialist
Diana Espinoza	Secretary
Victoria Schultz	Secretary



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

January 2020

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

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.

The goal of the Crime Victims Compensation Board is, **“To award just compensation to victims for economic loss arising from violent crime.”** While financial assistance cannot erase the trauma experienced by victims of crime, easing the unexpected financial burden removes one more barrier faced by the victim. This is a mission the Board and the staff of our Division of Crime Victims Compensation strive to meet through ongoing partnership with victim advocates, criminal justice professionals, and service providers. In 2019, staff and Board members continued to reach out to promote this program and serve more victims.

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,

A handwritten signature in black ink that reads "Derek".

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.

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 2019 totaled **\$3,341,390**. In the 41 years of its existence, from 1978 through 2019, the Board has granted payments to crime victims totaling **\$93,162,754**. 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.

Board and Division Structure

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 Division of Crime Victims Compensation in the Office of the Attorney General, which supports the work of the 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.

“This program is life changing and I am so appreciative to have had access to high quality therapy...without the program, I wouldn’t have committed to therapy in the same way...Thank you!”

-Victim, 2019

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
- Compensation for mental health counseling may be provided if a claim is filed within two years of notification of DNA testing has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, or notification that the suspected offender has been identified, whichever occurs later.
- Compensation may be awarded if 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 must have occurred in Kansas or was committed outside the United States against a person whose domicile is in Kansas.
- The incident must have been reported to law enforcement officials within 72 hours or would have been reported within that time except for good cause with an exception for child human trafficking victims.
- The victim and/or claimant is required to fully cooperate with law enforcement officials during the investigation and prosecution of his or her case with an exception for child human trafficking victims.
- Economic loss (medical expenses, wage loss, etc.) must total \$100 or more and not have been, nor will be, totally paid by other sources. The loss may be less than \$100 for crimes of sexual assault or human trafficking.
- Compensation may not be awarded if the claimant was 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 (does not apply to child human trafficking victims).
 - ...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, domestic violence, or human trafficking).

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 if an option to do so is readily available.
- *Failure to act as a prudent person.*

These acts and behaviors may be excused in cases involving domestic abuse 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.
- Rehabilitation Services.
- 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.
- 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 2019				
REVENUE SOURCES	FY 2019	FY 2018	FY 2017	FY 2016
Fines / Penalties	\$1,883,854	\$1,895,699	\$1,851,388	\$1,875,425
Restitution	\$254,460	\$242,394	\$190,802	\$194,263
Subrogation	\$8,979	\$89,781	\$55,387	\$60,634
Department of Corrections:				
Parole Supervision and Administrative Fees	\$322,890	\$306,725	\$319,944	\$318,101
Inmate Contributions Prison Industries Employment (PIE)	\$415,868	\$365,622	\$354,545	\$344,058
TOTAL REVENUE RECEIVED	\$2,886,051	\$2,900,221	\$2,772,066	\$2,792,481

Application Summary

Fiscal Years 2016 - 2019

	FY 2019	FY 2018	FY 2017	FY 2016
New Applications Received*	1,436	1,444	1,390	1,243
Total Number of Applications Approved	784	864	744	794
Total Number of Applications Denied as Ineligible	160	174	173	190
Total Number of Applications Closed**	412	415	373	278
Total Amount Awarded	\$3,341,390	\$3,554,244	\$3,197,062	\$3,881,203

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

**Applications are considered closed if a victim withdraws the application or if the Division of Crime Victims Compensation is unable to process the claim for administrative reasons.

Demographics

*Primary Victims By Age – FY 2019

ADULT CATEGORY	TOTAL CLAIMS
Minor (0-17)	316
Adult (18-59)	990
60 and Older	60
Not Reported	15

*Primary Victims By Gender – FY 2019

GENDER	TOTAL CLAIMS
Female	882
Male	499
Not Reported	0

*Primary Victims By Race/Ethnicity – FY 2019

RACE/ETHNICITY	TOTAL CLAIMS
American Indian/Alaskan Native	18
Asian	19
Black/African American	252
Hispanic or Latino	248
White Non-Latino/Caucasian	767
Some Other Race	77
Not Reported	0

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

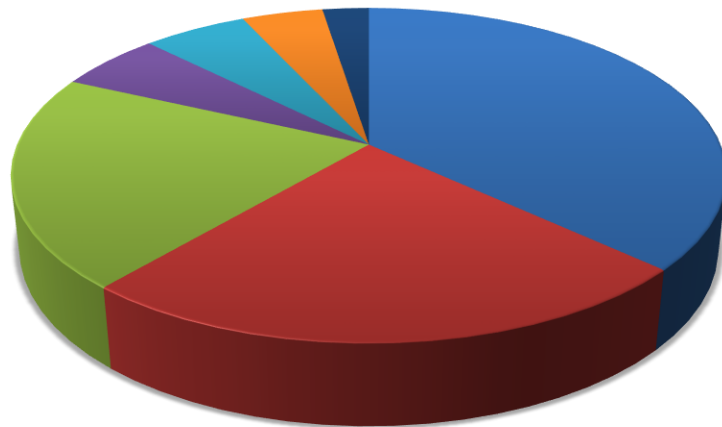
Awarded Claims

Total Claims Awarded by Crime and Expense		
Crime	Payments Made	Amount Paid
ARSON	6	\$2,827.85
ASSAULT	1,251	\$1,584,227.67
BURGLARY	5	\$6,888.30
CHILD ABUSE MURDER	20	\$18,377.61
CHILD PHYSICAL ABUSE	24	\$34,123.09
CHILD PORNOGRAPHY	1	\$105.93
CHILD SEXUAL ASSAULT	558	\$157,814.91
DOMESTIC ABUSE	872	\$637,427.37
DOMESTIC ABUSE (HOMICIDE)	27	\$36,339.05
DUI	64	\$51,314.58
DUI/HOMICIDE	4	\$7,115.94
ELECTRONIC SOLICITATION	9	\$1,319.96
HOMICIDE/MURDER	211	\$353,168.01
HUMAN TRAFFICKING	2	\$161.80
KIDNAPPING	92	\$32,524.83
OTHER	33	\$11,868.30
OTHER VEHICULAR	67	\$127,196.20
ROBBERY	63	\$13,456.34
SEXUAL ASSAULT	392	\$199,282.39
STALKING	44	\$7,447.18
VEHICULAR HOMICIDE	14	\$58,403.00
TOTAL PAYMENTS MADE	3,759	
TOTAL AMOUNT AWARDED ON CLAIMS		\$3,341,390.31

Denied/Closed Claims

REASON FOR DENIAL - FY 2019	TOTAL
Contributory Misconduct	59
Failure to Cooperate	33
Failure to Report	9
Filed Late (beyond 2 years)	9
No Financial Hardship	4
No Evidence of a Person Crime	39
Other	7
TOTAL CLAIMS DENIED 2019	160

Denial Reasons FY 2019



- | | |
|-------------------------------|---------------------------------|
| ■ Contributory Misconduct | ■ No Evidence of a Person Crime |
| ■ Failure to Cooperate | ■ Failure to Report |
| ■ Filed Late (beyond 2 years) | ■ Other |
| ■ No Financial Hardship | |

REASON FOR CLOSURE - FY 2019	TOTAL
Unable to Process	387
Withdrawn by Claimant/Victim	25
TOTAL CLAIMS CLOSED 2019	412

Comments from Victims and Others Who Work with the Program

- *“You guys are a blessing. Thank you so much.”*
- *“...let me start by saying thank you to the Crime Victims Compensation Board for your support in my healing process. One of the things helping me in this process is my weekly counseling.”*
- *“Very polite and helpful.”*
- *“I greatly appreciate all the help I received. I was shocked that my insurance only paid a small part of the ER bill. If I wouldn't have gotten help, I don't know how I would have paid it.”*
- *“Very good experience. Very compassionate...during this difficult time.*
- *“Thank you for everything you do!*
- *“Thank you all so very much in helping me through this time of need. The members of the Board have shown great concern for victims of crime. And for this I am very, very thankful.”*
- *“You are all a blessing and made my dark times a little less dark.”*



Division of Crime Victims Compensation

120 SW 10th Ave, 2nd Floor

Topeka, KS 66612-1597

(785) 296-2359

(785) 296-0652 (Fax)

www.ag.ks.gov/cvcb