

2022

FY 2022 Crime Victim Compensation Board
Annual Report



Office of Kansas Attorney General

Kris W. Kobach

OFFICE OF THE ATTORNEY GENERAL



KRIS W. KOBACH
ATTORNEY GENERAL

CRIME VICTIMS COMPENSATION BOARD

Board Members

Richard Samaniego, Wichita	Chair
Stuart Hite, Pittsburg	Member
Becky Dickinson, Wakarusa	Member

Staff

Kristen Czugala	Director
Ashley Webb	Investigator
Diana Espinoza	Investigator
Sharol Couch	Accounting Specialist
Tammy Cessna	Secretary
Kelly Vanderpool	Secretary



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July 2023

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

Since its establishment by the Legislature in 1978, the Kansas Crime Victims Compensation Board continues to provide financial assistance to victims of violent crime. Many victims suffer financial hardship as the result of their victimization, incurring medical bills, funeral expenses, mental health costs, lost wages and other crime-related expenses. Although these crimes occur to no fault of their own, victims are still responsible for these costs. The Crime Victims Compensation Board's mission is, **"To award just compensation to victims for economic loss arising from violent crime."** While no amount of money awarded to a victim can erase the trauma they experienced, the assistance can help to alleviate the financial burden they may face after experiencing violence.

The Board and staff maintain strong partnerships with law enforcement, prosecutors, victim advocates and service providers throughout the state to continue to support their mission. Continued outreach is a priority for the Board and Staff to ensure victims are made aware of their possible eligibility for the program and how they can be assisted.

During Fiscal Year 2022, the Crime Victims Compensation Board paid for 64 funerals of victims who were killed as the result of a crime in Kansas. Additionally, the Board assisted 57 victims with obtaining housing after they were no longer safe, having experienced a violent crime in their home, or at the hands of someone known to them. These are just two examples of the meaningful ways the Crime Victims Compensation Board assists victims in Kansas.

Supporting victims of crime is one of my top priorities as Attorney General, and the financial support provided by the Crime Victims Compensation Board is vital to Kansans who experience violence. I am grateful to the Board Members and my staff who administer this program and continue to support the mission to help victims of violent crime with unexpected costs. On behalf of my staff and innocent victims of crime in Kansas, I thank you for your continued support of the Kansas Crime Victims Compensation Board.

Sincerely,

Kris W. Kobach
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 2022 totaled **\$2,380,821**. In the 44 years of its existence, from 1978 through 2022, the Board has granted payments to crime victims totaling **\$100,690,208**. 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: a director, two investigators, one accounting specialist, and two secretaries. The Board meets monthly to review claim summaries, make claim determinations, and hear appeals.

*Your help has made the difference in my life and my son's life
as to whether I would succeed or not. I am forever grateful.
Thank you for your huge contribution to our transition*

–Survivor 2022

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).
- for juveniles who witness a violent crime. Applications may be submitted until their 19th birthday. Compensation for mental health counseling may be provided for sexually violent offenses if a claim is filed within ten years (or within 10 years of turning 18 for juveniles)..
- 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 good cause with an exception for child human trafficking victims.
- The victim and/or claimant fully cooperated 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.) 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 or human trafficking.
- 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 (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 2022				
REVENUE SOURCES	FY 2022	FY 2021	FY 2020	FY 2019
Fines / Penalties	\$1,824,389	\$1,682,306	\$1,661,193	\$1,883,854
Restitution	\$217,589	\$251,648	\$272,034	\$254,460
Subrogation	\$30,197	\$1,363	\$13,081	\$8,979
Department of Corrections:				
Parole Supervision and Administrative Fees	\$447,286	\$334,160	\$294,540	\$322,890
Inmate Contributions Prison Industries Employment (PIE)	\$1,210,956	\$584,587	\$578,877	\$415,868
TOTAL REVENUE RECEIVED	\$3,730,417	\$2,854,064	\$2,819,725	\$2,900,221

Application Summary

Fiscal Years 2019 - 2022				
	FY 2022	FY 2021	FY 2020	FY 2019
*New Applications Received	1,425	1,598	1,310	1,436
Total Number of Applications Approved	703	813	705	784
Total Number of Applications Denied as Ineligible	79	91	112	160
Total Number of Applications Closed	443	643	514	412
Total Amount Awarded	\$2,380,821	\$2,571,371.17	\$2,575,262	\$3,341,390

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

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

Demographics

*Primary Victims By Age – FY 2022

ADULT CATEGORY	TOTAL CLAIMS
Minor (0-17)	433
Adult (18-59)	855
60 and Older	70
Not Reported	6

*Primary Victims By Gender – FY 2022

GENDER	TOTAL CLAIMS
Female	893
Male	454
Not Reported	17

*Primary Victims By Race/Ethnicity – FY 2022

RACE/ETHNICITY	TOTAL CLAIMS
American Indian/Alaskan Native	22
Asian	8
Black/African American	192
Hispanic or Latino	311
White Non-Latino/Caucasian	649
Some Other Race	9
Multiple Races	80
Not Reported	93

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

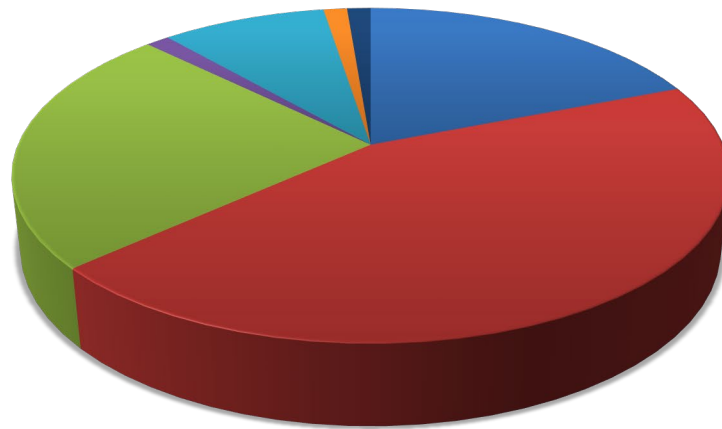
Awarded Claims

Total Claims Awarded by Crime and Expense		
Crime	Payments Made	Amount Paid
ARSON	2	\$2,450
ASSAULT	604	\$901,729
CHILD ABUSE MURDER	16	\$17,779
CHILD PHYSICAL ABUSE	11	\$15,924
CHILD PORNOGRAPHY	6	\$3,043
CHILD SEXUAL ASSAULT	268	\$95,926
DOMESTIC ABUSE	613	\$594,121
DOMESTIC ABUSE (HOMICIDE)	16	\$33,653
DUI	54	\$150,940
DUI/HOMICIDE	1	\$1,815
HOMICIDE/MURDER	114	\$218,994
HUMAN TRAFFICKING	8	\$26,838
KIDNAPPING	32	\$17,697
OTHER	3	\$6,843
OTHER VEHICULAR	47	\$101,685
ROBBERY	23	\$38,731-
SEXUAL ASSAULT	203	\$100,584
STALKING	25	\$22,347
VEHICULAR HOMICIDE	13	\$29,722
TOTAL PAYMENTS MADE	2,059	
TOTAL AMOUNT AWARDED ON CLAIMS		\$2,380,821

Denied/Closed Claims

REASON FOR DENIAL - FY 2022	TOTAL
Contributory Misconduct	15
Failure to Cooperate	19
Failure to Report	1
Filed Late (beyond 2 years)	7
Ineligible Application	1
No Evidence of a Person Crime	35
Other	1
TOTAL CLAIMS DENIED 2022	79

Denial Reasons FY 2022



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

REASON FOR CLOSURE - FY 2022	TOTAL
Unable to Process or Duplicate Claim	413
Withdrawn by Claimant/Victim	30
TOTAL CLAIMS CLOSED 2022	443

Comments from Victims and Their Families

- *The program was easy to apply for...Everyone has been very helpful in this difficult situation.*
- *[My Investigator] has been very helpful in answering our questions and helping us with clarification if we had questions. She is well informed in the process of the “crime victims compensation.” We thank her as we are still reaching out to her during this time.*
- *I appreciate your guys [patience] allowing us time to mourn and to collect paperwork in a timely manner, your help, care, love towards us.*
- *Thank you for the help of the burial of my teen son.*
- *Bless you all, Bless you all, Bless you all.*
- *Your expedited help literally saved us.*
- *Thank you for what you do. You are appreciated ♥*
- *The experience that I had was great. I felt the support that I don't have with family, so it was nice to know these kind of programs exist....thanks for everything.*
- *Thank you. I appreciate all of the efforts by [CVC] to help pay the medical expenses incurred after I was brutally attacked...The support received from [CVC] has provided some measure of relief knowing that there are others that care about me and my wellbeing...Thank you immensely for your help!!*



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