

# 2023

FY 2023 Crime Victims Compensation Board  
Annual Report



**KRIS KOBACH**

ATTORNEY GENERAL OF KANSAS

# OFFICE OF THE ATTORNEY GENERAL



**KRIS KOBACH**  
ATTORNEY GENERAL OF KANSAS

## CRIME VICTIMS COMPENSATION BOARD

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### Board Members

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

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### Staff

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Kristen Czugala	Division Chief
Diana Espinoza	Claims Analyst
Jordan Cottingham	Claims Analyst
Sharol Couch	Accounting Specialist
Tammy Cessna	Secretary
Kelly Vanderpool	Secretary



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OFFICE OF THE ATTORNEY GENERAL

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February 2024

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 2023, the Crime Victims Compensation Board paid for 77 funerals of victims who were killed as the result of a crime in Kansas. Additionally, the Board assisted 69 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 2023 totaled **\$2,692,958**. In the 45 years of its existence, from 1978 through 2023, the Board has granted payments to crime victims totaling **\$103,383,166**. 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.

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*I didn't know there was such a thing like this program. I cannot thank you all enough for providing such a relief financially during an emotionally stressful time. I am forever grateful of this and hope [the staff] can see what they do changes lives and lifts burdens from people's shoulders who are already carrying a ton of grief around.*

*–Survivor 2023*

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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).
- For juveniles who witness a violent crime, applications may be submitted until their 19<sup>th</sup> 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.
- 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 –\$7,500.
- 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 – \$2,500 – including replacement of items removed due to being biohazardous or were damaged as part of evidence collection.
- 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 2023				
REVENUE SOURCES	FY 2023	FY 2022	FY 2021	FY 2020
Fines / Penalties	\$1,763,313	\$1,824,389	\$1,682,306	\$1,661,193
Restitution	\$183,308	\$217,589	\$251,648	\$272,034
Subrogation	\$22,859	\$30,197	\$1,363	\$13,081
Parole Supervision and Administrative Fees	\$332,095	\$447,286	\$334,160	\$294,540
Inmate Contributions Prison Industries Employment (PIE)	\$1,277,986	\$1,210,956	\$584,587	\$578,877
<b>TOTAL REVENUE RECEIVED</b>	<b>\$3,579,561</b>	<b>\$3,730,417</b>	<b>\$2,854,064</b>	<b>\$2,819,725</b>

# Application Summary

Fiscal Years 2020 - 2023				
	FY 2023	FY 2022	FY 2021	FY 2020
<b>*New Applications Received</b>	1,725	1,425	1,598	1,310
<b>Total Number of Applications Approved</b>	749	703	813	705
<b>Total Number of Applications Denied as Ineligible</b>	169	79	91	112
<b>Total Number of Applications Closed</b>	483	443	643	514
<b>Total Amount Awarded</b>	<b>\$2,692,958</b>	<b>\$2,380,821</b>	<b>\$2,571,371.17</b>	<b>\$2,575,262</b>

\*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 2023

ADULT CATEGORY	TOTAL CLAIMS
Minor (0-17)	515
Adult (18-59)	1042
60 and Older	82
Not Reported	14

## \*Primary Victims By Gender – FY 2023

GENDER	TOTAL CLAIMS
Female	1066
Male	480
Not Reported	107

## \*Primary Victims By Race/Ethnicity – FY 2023

RACE/ETHNICITY	TOTAL CLAIMS
American Indian/Alaskan Native	25
Asian	11
Black/African American	235
Hispanic or Latino	356
Native Hawaiian or Other Pacific Islander	8
White Non-Latino/Caucasian	791
Some Other Race	7
Multiple Races	96
Not Reported	124

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

## Awarded Claims

Total Claims Awarded by Crime and Expense FY 2023		
Crime	Payments Made	Amount Paid
ARSON	4	\$3,334
ASSAULT	500	\$1,101,867
CHILD ABUSE MURDER	16	\$14,851
CHILD PHYSICAL ABUSE	13	\$6,841
CHILD PORNOGRAPHY	4	\$4,412
CHILD SEXUAL ASSAULT	263	\$93,912
DOMESTIC ABUSE	478	\$535,575
DOMESTIC ABUSE (HOMICIDE)	33	64,396
DUI	58	\$117,879
DUI/HOMICIDE	3	\$5,760
HOMICIDE/MURDER	98	\$330,636
HUMAN TRAFFICKING	9	\$6,075
KIDNAPPING	26	\$35,168
OTHER	7	\$9,897
OTHER VEHICULAR	45	\$117,667
ROBBERY	32	\$31,871
SEXUAL ASSAULT	185	\$127,395
STALKING	19	\$18,666
VEHICULAR HOMICIDE	18	\$66,756
<b>TOTAL PAYMENTS MADE</b>	<b>1,812</b>	
<b>TOTAL AMOUNT AWARDED ON CLAIMS</b>		<b>\$2,692,958</b>

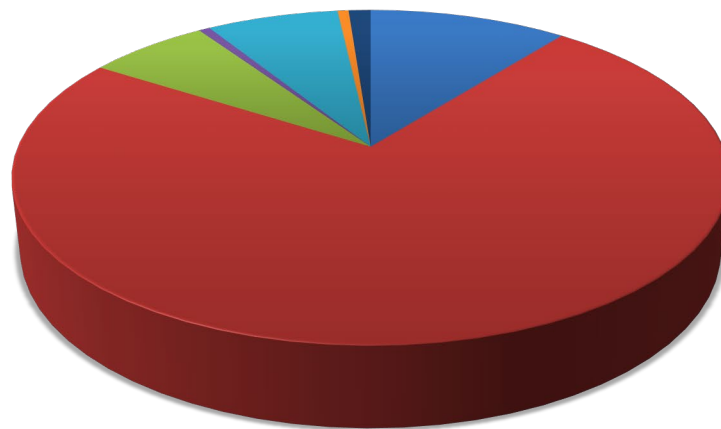
## Expenses Paid

<b>Total Amounts of Expenses Paid by Type FY 2023</b>		
<b>Crime</b>	<b>Payments Made</b>	<b>Amount Paid</b>
<b>MEDICAL</b>	911	1,785,439
<b>FUNERAL</b>	95	354,713
<b>WAGE LOSS/DEPENDENT SUPPORT</b>	60	197,373
<b>MENTAL HEALTH</b>	494	142,021
<b>RELOCATION</b>	99	126,496
<b>OTHER EXPENSES</b>	24	\$47,092
<b>MILEAGE</b>	64	20,833
<b>REPLACEMENT SERVICES</b>	58	10,823
<b>CRIME SCENE CLEAN-UP</b>	6	8,168
<b>TOTAL PAYMENTS MADE</b>	<b>1,812</b>	
<b>TOTAL AMOUNT AWARDED ON CLAIMS</b>		<b>\$2,692,958</b>

## Denied/Closed Claims

REASON FOR DENIAL - FY 2023	TOTAL
Contributory Misconduct	18
Failure to Cooperate	11
Failure to Report	1
Filed Late (beyond 2 years)	12
Ineligible Application	2
No Evidence of a Person Crime	124
Other	1
<b>TOTAL CLAIMS DENIED 2022</b>	<b>169</b>

**Denial Reasons FY 2023**



- |                               |                                 |
|-------------------------------|---------------------------------|
| ■ 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 2023	TOTAL
Unable to Process or Duplicate Claim	401
Withdrawn by Claimant/Victim	82
<b>TOTAL CLAIMS CLOSED 2023</b>	<b>483</b>

## Comments from Victims and Their Families

- *I can't begin to express my gratitude for the Crime Victims Compensation Fund's assistance in making this therapy possible! The EMDR therapy I received has made a monumental difference in my life after the horrific crime I survived. Thank you for your assistance and support!*
- *I don't know how to thank you for approving my need for help in my situation, it has lightened so much weight off my shoulders. Thank you very much!!*
- *I personally want to say thank you for your service to myself as a crime victim. Everyone I dealt with was great.*
- *Thank you all. Our family is so appreciative for this fund and all you have done to help us.*
- *I am very thankful this program exists.*
- *I have been through some severe trauma and I have a long road ahead of me. Thank you for helping me and being understanding and listening. I am very appreciative of your help and thank you so very much for your support. Thank you and God bless.*
- *I am so grateful you were able to pay my bill. I would never have been able to pay on my own.*



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