

2021

Crime Victims Compensation Board Annual Report

Kansas Fiscal Year 2021
July 1, 2020 – June 30, 2021

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**KANSAS
ATTORNEY GENERAL**

DEREK SCHMIDT

OFFICE OF THE ATTORNEY GENERAL



DEREK SCHMIDT
ATTORNEY GENERAL

CRIME VICTIMS COMPENSATION BOARD

BOARD MEMBERS

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

STAFF

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



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May 2022

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

The Crime Victims Compensation Board continues to provide assistance to victims of crime in Kansas who experience financial hardship as the result of their victimization. The mission of the Board is, **“To award just compensation to victims for economic loss arising from violent crime.”** As a payer of last resort, the Crime Victims Compensation Board assists victims of crime with medical bills, funeral expenses, lost wages, counseling, and other crime-related expenses. Victims and their families express immense gratitude to the Board and staff for helping with expenses they did not anticipate and could not afford. Assisting victims and their families with these unexpected costs does not erase the trauma they experienced, but it helps to alleviate the financial burden they may face after experiencing violence.

The Board and staff are dedicated to upholding their mission through ongoing partnerships with Kansas law enforcement agencies, prosecutor’s offices, victim advocates and service providers throughout the State. Staff and Board members continued conducting outreach to promote the program throughout 2021 in order to serve more victims.

Service to victims is one of my top priorities as attorney general, and the Crime Victims Compensation Board provides an invaluable support to those who experience violence in Kansas. I am grateful to the Board members and my staff who administer this program and continue to provide financial assistance to crime victims. On behalf of my staff and the innocent victims of crime in 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 2021 totaled **\$2,571,371**. In the 43 years of its existence, from 1978 through 2021, the Board has granted payments to crime victims totaling **\$98,309,387**. 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 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: 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.

“If I haven’t said thank you enough, here’s another thank you from myself, [the victim], and our entire family...The kindness you guys have shown us swells within our hearts. As unfortunate as this [has] been for [the victim] and our family, it is good to know that there is help and hope. Thank you again and always stay blessed our prayer for you and all within the Attorney General’s office.”

–Victim’s Mother 2021

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 2021				
REVENUE SOURCES	FY 2021	FY 2020	FY 2019	FY 2018
Fines / Penalties	\$1,682,306	\$1,661,193	\$1,883,854	\$1,895,699
Restitution	\$251,648	\$272,034	\$254,460	\$242,394
Subrogation	\$1,363	\$13,081	\$8,979	\$89,781
Department of Corrections:				
Parole Supervision and Administrative Fees	\$334,160	\$294,540	\$322,890	\$306,725
Inmate Contributions Prison Industries Employment (PIE)	\$584,587	\$578,877	\$415,868	\$365,622
TOTAL REVENUE RECEIVED	\$2,854,064	\$2,819,725	\$2,900,221	\$2,900,221

Application Summary

Fiscal Years 2018 - 2021				
	FY 2021	FY 2020	FY 2019	FY 2018
*New Applications Received	1,598	1,310	1,436	1,444
Total Number of Applications Approved	813	705	784	864
Total Number of Applications Denied as Ineligible	91	112	160	174
Total Number of Applications Closed	643	514	412	415
Total Amount Awarded	\$2,571,371	\$2,575,262	\$3,341,390	\$3,554,244

*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 2021

ADULT CATEGORY	TOTAL CLAIMS
Minor (0-17)	374
Adult (18-59)	1,062
60 and Older	69
Not Reported	10

*Primary Victims By Gender – FY 2021

GENDER	TOTAL CLAIMS
Female	983
Male	532
Not Reported	0

*Primary Victims By Race/Ethnicity – FY 2021

RACE/ETHNICITY	TOTAL CLAIMS
American Indian/Alaskan Native	29
Asian	25
Black/African American	267
Hispanic or Latino	324
White Non-Latino/Caucasian	784
Some Other Race	31
Multiple Races	42
Not Reported	13

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

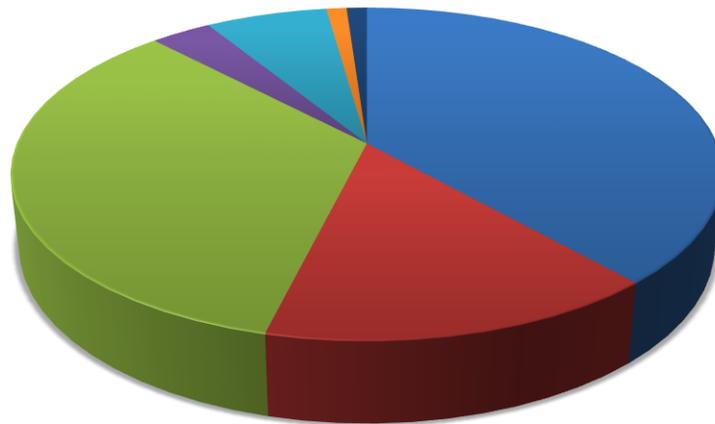
Awarded Claims

Total Claims Awarded by Crime and Expense		
Crime	Payments Made	Amount Paid
ARSON	3	\$1,211.76
ASSAULT	697	\$1,149,218.72
CHILD ABUSE MURDER	16	\$24,553.42
CHILD PHYSICAL ABUSE	8	\$9,297.85
CHILD PORNOGRAPHY	8	\$2,409.64
CHILD SEXUAL ASSAULT	323	\$99,783.79
DOMESTIC ABUSE	570	\$452,298.53
DOMESTIC ABUSE (HOMICIDE)	29	\$85,261.26
DUI	55	\$89,792.43
DUI/HOMICIDE	4	\$13,200.00
HOMICIDE/MURDER	111	\$294,096.25
HUMAN TRAFFICKING	6	\$3,520.78
KIDNAPPING	7	\$1,184.43
OTHER	9	\$6,481.46
OTHER VEHICULAR	73	\$73,560.92
ROBBERY	34	\$37,097.48
SEXUAL ASSAULT	336	\$196,743.32
STALKING	12	\$8,455.45
VEHICULAR HOMICIDE	7	\$23,203.68
TOTAL PAYMENTS MADE	2,308	
TOTAL AMOUNT AWARDED ON CLAIMS		\$2,571,371.17

Denied/Closed Claims

REASON FOR DENIAL - FY 2021	TOTAL
Contributory Misconduct	35
Failure to Cooperate	31
Failure to Report	3
Filed Late (beyond 2 years)	6
Ineligible Application	1
No Evidence of a Person Crime	14
Other	1
TOTAL CLAIMS DENIED 202	91

Denial Reasons FY 2021



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

REASON FOR CLOSURE - FY 2021	TOTAL
Unable to Process	627
Withdrawn by Claimant/Victim	16
TOTAL CLAIMS CLOSED 2021	643

Comments from Victims and Their Families

- *Thank you very much for all that you do for the benefit of those of us who have been victims of crime.*
- *My experience was and has been quite productive and stress free. I really appreciate all the aid and assistance that has been provided. The prompt relief has been such a relief. I just want to say thank you to everyone and God Bless!!! 😊*
- *Everyone was kind and personable. Thank you very much!*
- *I cannot thank you enough for this service. May God bless you all and may others in need receive this gift.*
- *I really appreciated the turnaround time and quick response. This has been a tremendous help for my family.*
- *This has been a huge help. Words really cannot express how thankful I am for such kindness. Especially in this moment in my life. Thank you and God Bless.*
- *The gift you give is life altering. When one is already broken, vulnerable, and trying to heal from a horrific event...You bring peace of mind and relief is HUGE in one's recovery. Thank you doesn't cut it, but Thank You!*



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