

OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2010 ANNUAL REPORT



DISTRICT ATTORNEYS COUNCIL
VICTIM SERVICES DIVISION

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OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2010 Annual Report

July 1, 2009 – June 30, 2010

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OUR MISSION

**To compassionately deliver
services by
offering information,
resources and financial
assistance to crime victims
and the organizations who
serve them.**

The Honorable Mary Fallin, Governor
The Honorable Todd Lamb, Lieutenant Governor
The Honorable Brian Bingman, Senate Pro Tempore
The Honorable Kris Steele, Speaker of the House

Greetings!

What a year! Oklahoma is taking care of their crime victims' financial needs and helping them restore stability. We take great pride in serving Oklahomans; that is why we are so proud to present you with the 2010 Annual Report.

The District Attorneys Council Victim Services Division and the Oklahoma Crime Victims Compensation Program strives to help crime victims by providing information, resources and financial assistance to them and the organizations that serve them in the form of Crime Victims Compensation and federal grants. Many lives are being positively impacted because of these programs.

The Board wishes to express their sincere gratitude to all that make this program a success. Together we will continue to make a difference.

We look forward to a great 2011.

Respectfully,

Oklahoma Crime Victims' Compensation Board

WHO WE ARE AND HOW WE HELP

The Crime Victims' Compensation Program is administered by the District Attorneys Council and is dedicated to ensuring that financial assistance is available to eligible violent crime victims for crime-related expenses that cannot be reimbursed by insurance or other sources.

The Crime Victims' Compensation Program is the "payor of last resort" after primary sources of payment such as health insurance, Medicaid, Medicare, Indian Health Services, auto insurance etc.

To be eligible a person must:

- Report the crime to law enforcement within 72 hours of crime or disclosure to a responsible party if a minor.
- File a claim within one year of date of incident, death or disclosure to a responsible party. The one year deadline may be waived up to two years. If the crime was child sexual assault, the Board can waive all filing deadlines.
- Fully cooperate with law enforcement.
- Not be with the offender or accomplice.
- Have out-of-pocket expenses relating back to the crime.

To qualify a person must:

- Be an innocent victim of a violent crime who suffers physical or psychological harm or death.
- Be a dependent of a deceased victim.
- Have authority to act on behalf of a victim or dependent.

Benefits:

Maximum award is \$20,000.00. Crimes *with* work loss or loss of support can be awarded up to \$40,000.00.

Benefits may be awarded for:

- Medical care
- Dental care
- Prescription medicine
- Counseling, physical therapy, rehabilitation
- Work loss
- Loss of income in homicide cases
- Caregiver work loss
- Crime scene clean-up
- Funeral and burial expense
- Impound fees

WHERE WE GET THE MONEY

\$ 7,734,799.19 deposited into Fund in FY 10.

The premise of the Fund has always been that crime victims in this state should be awarded financial assistance with certain expenses related to crime. Based on the concepts of fairness and justice, and bolstered by the strong belief that criminals should be held responsible for their actions the Oklahoma Crime Victims' Compensation Fund is primarily supported through fines paid by persons pleading guilty or convicted of crimes at the District and Federal Court level. There are no tax dollars used to fund payments to victims.

STATE COURTS

\$3,235,355.50 was deposited in the Fund from judges assessing the following court costs:

\$30 - \$300	Misdemeanor
\$50 - \$10,000	Felony (Criminal Injurious Conduct)
\$45 - \$1000	Felony (Non-Injurious Conduct)
\$35	Crimes involving violence/threat of violence/sexual assault (Municipal)
\$25	Driving Under the Influence (Municipal)
Deferred Judgment	Felony/Misdemeanor ranges
Deferred Prosecution	Felony/Misdemeanor ranges
Juvenile Adjudication	May award up to \$2000

FEDERAL COURTS

\$1,574,136.18 was deposited in the Fund through the national Victims of Crime Act (VOCA), which allows the collection of fines, fees and assessments from federal offenses. Passed in 1984, VOCA has awarded grants to the Oklahoma Crime Victims Compensation Fund since 1986. These grants are based on a formula that gives each state 60 percent of the state funds paid to victims in the previous year.

RESTITUTION

Fees received through restitution accounted for *\$135,230.26* of our annual funding. A defendant may be ordered to reimburse the Fund for monies paid on behalf of his or her victim. The Division provides local prosecutors with information on the amount of money the Fund has already paid on behalf of a victim so that the amount owed to the Fund can be determined. Restitution paid by parolees to victims who cannot be located is another source of revenue. If the money remains unclaimed after three years, it is deposited in the Crime Victims' Compensation Fund. If any of the victims are later located, restitution is paid directly from the Fund.

INMATE FEES AND INTEREST

If an inmate earns wages while incarcerated, five percent of those earnings are deposited into the Fund. Inmates having savings accounts while incarcerated are required to pay 20 percent of interest earned to the Fund. *\$164,060.77* was deposited to the Fund in FY 2010 from Inmate wages and Interest. The fund also collects interest on the balance in the overall fund. This year alone, interest earned was *\$190,645.78*.

OTHER SOURCES OF REVENUE

Donations totaled *\$1,417.00* and subrogation totaled *\$420,395.11* in FY 10. Both are other sources of revenue for the Fund. When a crime victim is awarded money in a civil suit against the criminal, the Crime Victims' Compensation Fund has a lien of subrogation in an amount equal to the amount paid by the Fund. Similarly, if other collateral sources such as insurance or Medicaid pay service providers for expenses paid by the program, those service providers are obligated to return the overpayment to the Fund. Deferred Prosecution Agreements netted the program *\$6,145.21*.

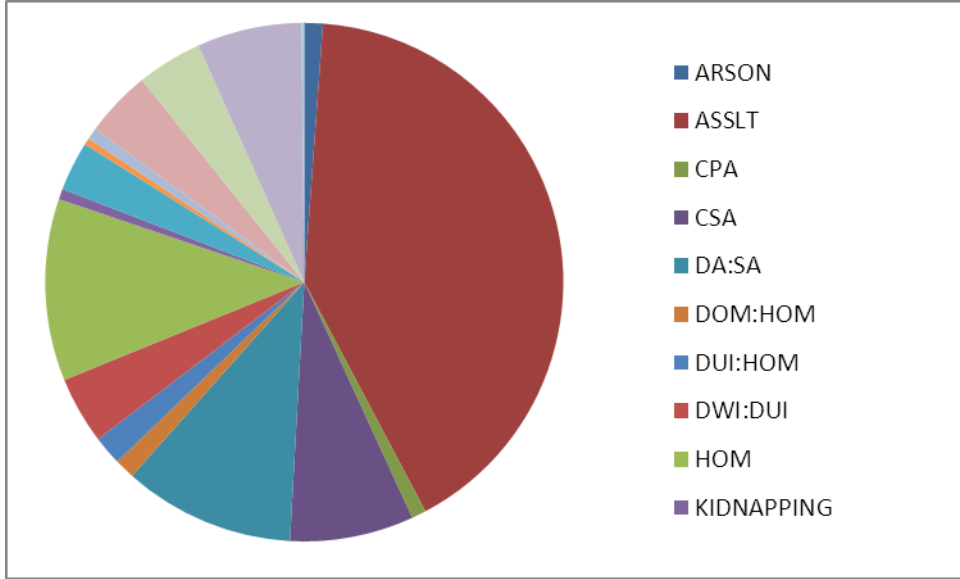
ACTIVITY SUMMARY BY COUNTY

COUNTY	Claims Received	Approved	Denied	Award Amount	SANE Applications Received	SANE Award Amounts	VCA Collections
ADAIR	26	11	15	26,331	9	4,188	42,585
ALFALFA	1	0	1	0	0	0	4,054
ATOKA	4	4	0	2,719	5	3,600	11,449
BECKHAM	13	6	7	2,490	8	4,366	26,208
BLAINE	10	5	5	22,113	4	1,900	23,146
BRYAN	60	44	16	127,335	15	8,450	106,558
CADDO	36	23	13	69,589	10	5,972	30,449
CANADIAN	33	16	17	70,078	17	8,450	82,473
CARTER	18	6	12	29,150	34	20,658	67,490
CHEROKEE	34	19	15	44,485	18	12,656	73,762
CHOCTAW	6	5	1	49,835	4	1,850	15,548
CLEVELAND	128	74	54	131,182	36	15,925	230,358
COAL	1	1	0	958	3	1,350	4,953
COMANCHE	64	39	25	215,989	60	35,170	55,894
COTTON	4	4	0	19,844	0	0	15,911
CRAIG	11	7	4	32,684	6	2,800	28,348
CREEK	4	3	1	1,617	21	11,499	177,876
CUSTER	10	9	1	21,819	3	1,800	41,109
DELAWARE	22	18	4	38,639	1	2,063	84,047
DEWEY	5	4	1	17,101	1	500	6,373
ELLIS	1	0	1	0	0	0	4,321
GARFIELD	83	61	22	202,160	33	16,850	64,896
GARVIN	14	9	5	29,976	5	2,250	24,534
GRADY	38	21	17	62,028	17	9,871	106,331
GRANT	1	0	1	0	1	500	3,507
GREER	14	9	5	19,206	2	692	8,231
HARMON	2	2	0	6,708	0	0	2,275
HARPER	2	2	0	546	3	1,500	2,186
HASKELL	3	1	2	4,450	0	0	26,396
HUGHES	16	15	1	52,258	15	7,106	2,824
JACKSON	15	14	1	64,451	9	4,198	33,207
JEFFERSON	4	4	0	32,344	1	900	7,019
JOHNSTON	3	1	2	1,515	13	5,917	18,779
KAY	20	6	14	5,094	24	18,341	63,985

COUNTY	Claims Received	Approved	Denied	Award Amount	SANE Applications Received	SANE Award Amounts	VCA Collections
KINGFISHER	10	6	4	7,841	6	2,805	38,066
KIOWA	3	1	2	2,966	3	1,003	14,062
LATIMER	3	3	0	7,579	0	0	32,273
LEFLORE	31	22	9	45,833	14	8,183	109,622
LINCOLN	13	10	3	58,670	11	5,060	30,738
LOGAN	22	15	7	33,312	13	5,938	49,121
LOVE	2	2	0	7,555	4	2,710	14,629
MAJOR	1	0	1	0	1	500	13,345
MARSHALL	9	6	3	13,107	4	3,150	17,758
MAYES	24	14	10	28,934	13	8,750	43,053
MCCLAIN	5	2	3	262	7	3,030	47,412
MCCURTAIN	25	19	6	67,558	26	12,650	42,906
MCINTOSH	3	2	1	13,992	12	5,050	25,682
MURRAY	6	3	3	27,500	4	3,164	16,056
MUSKOGEE	35	21	14	72,874	38	18,050	45,395
NOBLE	5	4	1	33,456	1	450	8,809
OKFUSKEE	3	2	1	807	10	5,114	14,283
OKLAHOMA	465	253	212	908,550	353	160,950	700,407
OKMULGEE	19	10	9	47,259	14	7,650	11,028
OSAGE	15	10	5	26,616	20	12,150	43,899
OTTAWA	30	22	8	31,068	22	10,822	153,372
PAWNEE	6	2	4	5,390	4	2,820	20,200
PAYNE	58	21	37	121,298	30	17,070	111,670
PITTSBURG	25	14	11	54,621	37	21,304	90,200
PONTOTOC	20	15	5	70,376	22	12,156	50,827
POTTAWATOMIE	38	22	16	64,340	49	27,014	61,895
PUSHMATAHA	6	2	4	3,000	3	1,800	6,548
ROGER MILLS	2	1	1	20,000	0	0	2,790
ROGERS	23	16	7	34,575	25	14,500	55,820
SEMINOLE	15	8	7	38,039	19	9,792	28,098
SEQUOYAH	28	16	12	58,454	16	7,447	16,989
STEPHENS	29	19	10	20,769	9	6,800	25,488
TEXAS	22	21	1	46,842	6	3,400	25,010
TILLMAN	3	2	1	18,711	1	1,800	8,160
TULSA	657	348	309	1,547,890	330	192,696	718,537
WAGONER	16	8	8	31,334	15	9,394	83,355
WASHINGTON	9	4	5	11,755	7	5,650	47,065
WASHITA	1	1	0	1,489	2	1,050	10,769
WOODS	6	6	0	24,115	1	500	15,086
WOODWARD	20	14	6	100,621	0	0	26,374
TOTALS	2419	1410	1009	5,114,052	1530	823,692	4,373,878

CHARTS

APPLICATIONS BY CRIME TYPE



Crime Type	Number of Claims	% of Claims
ARSON	28	1.16%
ASSLT	986	40.76%
CPA	22	0.91%
CSA	188	7.77%
DA:SA	260	10.75%
DOM:HOM	31	1.28%
DUI:HOM	44	1.82%
DWI:DUI	102	4.22%
HOM	276	11.41%
KIDNAPPING	16	0.66%
LEAVING SCENE	75	3.10%
NEG.HOMICIDE	10	0.41%
OTHER	18	0.74%
ROBBERY	101	4.18%
SA	99	4.09%
SWIK	159	6.57%
UNKNOWN	4	0.17%
Grand Total	2419	100.00%

APPLICATIONS RECEIVED BY AGE AND GENDER

Age	Number of Claims	Percentage of Claims
Unknown	44	1.82%
0-9	124	5.13%
10-19	366	15.13%
20-29	714	29.52%
30-39	473	19.55%
40-49	416	17.20%
50-59	196	8.10%
60-69	61	2.52%
70-79	15	0.62%
80-89	10	0.41%
Grand Total	2419	100.00%

Gender	Number of Claims	Percentage of Claims
F	1120	46.30%
M	1292	53.41%
Unknown	7	0.29%
Grand Total	2419	100.00%

BENEFITS OF THE PROGRAM

Eligibility Requirements

- The crime was reported to law enforcement officials within 72 hours of the incident.
- Claim for compensation is filed within two years of the incident date or death of victim. For child sexual abuse victims, the claim may be accepted past the two year deadline.
- The victim was not the offender or the accomplice.
- Compensation would not benefit the offender or accomplice.
- The victim and/or claimant cooperated fully with the investigation of the incident.
- The victim did not contribute in any way to the injury or death.
- There is out-of-pocket loss as a result of the crime.

Types of Expenses Covered by Crime Victims Compensation Act

Funeral –\$7,500.00 may be reimbursed for expenses related to the funeral, cremation, or burial of a deceased victim.

Future Economic Loss - Needed services which cannot be obtained without prior approval of the victim's compensation claim or payment in advance from the victim.

Income Loss - Loss of income from work the victim would have performed if he/she had not been injured. Work loss must be verified by the employer and the attending physician. Caregiver work loss can be awarded up to \$2,000.00, if the work loss is verified by the victim's physician and caregiver's employer. Caregiver work loss may only be awarded to persons who have un-reimbursed wage loss due to caring for an injured victim of crime.

Loss of Support - In the event of the death of a victim, the Board may consider providing reimbursement for loss of support to a dependent based on the victim's net income at the time of death, less any collateral sources such as: Life insurance (over \$50,000.00), social security, workers compensation, uninsured motorist coverage, or 3rd party reimbursements. Monthly installments or a lump sum award is at the discretion of the Board.

Medical/Dental - Includes products, services, and accommodations for medical care (Examples: doctor exams, dental work, hospital treatment, hospital stay, artificial limbs, prescriptions, and eye glasses.) Medical related fees will be paid up to 80%, with a 20% required write-off by the medical service provider.

Rehabilitation - Includes such things as physical therapy, rehabilitative occupational training, and other remedial treatment and care.

Counseling for Victims - Counseling expenses may be paid up to 80%, with a 20% required write-off by the mental health service provider. The maximum compensable amount for the victim's counseling is \$3,000.00. This limit may be waived by the Board in extenuating circumstances. Victims are encouraged to seek counseling from qualified mental health professionals.

Grief Counseling - Crisis counseling that is initiated within three years of the crime date is compensable, up to \$3,000.00 for each family member of a homicide victim, provided the counselor is a qualified mental health care provider. *Medical and pharmaceutical treatment for a family member of a homicide victim is not compensable.*

Crime Scene Cleanup- Crime scene cleanup may be covered up to \$2000.00.

Replacement Services - Expenses reasonably incurred in obtaining ordinary and necessary services in place of those the victim would have performed for the benefit of self or family, if the victim had not been injured. Property losses are not covered under the Act.

Other Fees - If the victim is responsible for paying impound fees associated with a violent crime occurring in the vehicle and the vehicle is held as evidence, impound costs may be reimbursed up to \$750.00.

Limits of Compensation- The maximum allowable award is \$20,000 except when work loss/loss of support is being claimed the maximum award can be \$40,000. The sum of all payments made to individual claimants and service providers on behalf of one victim may not exceed this amount.

SEXUAL ASSAULT EXAMINATION FUND

There were 1530 claims submitted in FY '10 with award amounts totaling \$823,692.00. These funds go directly to the professionals (Medical Doctors or Sexual Assault Nurse Examiners) who conduct the forensic examinations on victims of sexual abuse. Funds for the payment of the sexual assault examinations came from deposits into the Crime Victims Compensation Fund via a journal entry transfer through the Office of State Finance. The compensable amount for the sexual assault examination is \$450.00. There is an additional \$50.00 available for medications prescribed by the sexual assault examiner for the one-time initial treatment of the victim. The District Attorneys Council is empowered by the Crime Victims Compensation Board to pay for forensic sexual assault examinations.

*Claims paid could include claims received in FY 10 and paid in FY 11.

VICTIMS OF CRIME ACT GRANT FUNDING

In FY 10, the Victims of Crime Act (VOCA) nine member Board approved 97 grants totaling \$4,308,044.00 to organizations serving victims of violent crime in Oklahoma. The VOCA grant is available from the Office for Victims of Crime, US Department of Justice, through the successful collection of assessments paid by offenders at the federal level. Included in the list of subgrantees are: Rape Crisis Shelters, Domestic Violence Shelters, Victim-Witness Assistance Programs, and Child Advocacy Programs. The District Attorneys Council is the pass-through agency for this federal grant. The following programs were funded with VOCA grant dollars in FY 10.

FY 2010 VOCA Subgrantees

Domestic Violence/Sexual Assault Programs – 31

ACTION Associates (Clinton)
Community Crisis Center (Miami)
Crisis Control Center (Durant)
Domestic Violence Intervention Services/Call Rape (Tulsa) – 3 grants
Domestic Violence Program of North Central Oklahoma (Ponca City)
Family Crisis and Counseling Center (Bartlesville)
Family Crisis Center (Ada)
Family Shelter of Southern Oklahoma (Ardmore)
Help-In-Crisis (Tahlequah)
Ki Bois Community Action Foundation (Stigler and McAlester) – 2 grants
Marie Detty Youth & Family Services (Lawton)
Marshall County Family Support Services (Madill)
Northwest Domestic Crisis Services (Woodward)
Okmulgee Family Resource Center (Okmulgee)
Project Safe (Shawnee)
Safenet Services (Claremore)
Seminole County Domestic Violence Association (Seminole)
SOS for Families (Idabel)
Southwest Oklahoma Community Action Group, Inc. (Altus)
Stillwater Domestic Violence Services (Stillwater)
Women in Safe Home (Muskogee)
Women's Crisis Services of LeFlore County (Poteau)
Women's Haven (Duncan)
Women's Resource Center (Norman)
Women's Service & Family Resource Center (Chickasha)
YWCA Enid (Enid)
YWCA Oklahoma City (OKC) – 2 grants

District Attorneys' Offices – 23

District 2 (Arapaho)
District 3 (Altus) – 2 grants
District 4 (Enid)
District 6 (Chickasha)
District 7 (OKC)
District 8 (Newkirk) – 2 grants
District 9 (Stillwater)

CONTINUED

District 10 (Pawhuska)
District 11 (Bartlesville)
District 14 (Tulsa) – 3 grants
District 16 (Poteau)
District 17 (Idabel)
District 18 (McAlester)
District 19 (Durant)
District 20 (Ardmore)
District 21 (Norman)
District 22 (Ada)
District 23 (Shawnee)
District 27 (Tahlequah)

CASA Programs - 20

3rd District CASA (Altus)
13th Judicial District CASA (Grove)
22nd Judicial District CASA (Ada)
Canadian County CASA (El Reno)
CASA for Children (Muskogee)
CASA of Cherokee Country (Tahlequah)
CASA of Oklahoma County (OKC)
CASA of Southeast Oklahoma (McAlester)
CASA Voices for Children (Chickasha)
Cleveland County CASA (Norman)
Counseling, Inc. (Tishomingo)
Garfield County Child Advocacy Council (Enid)
Little Dixie Community Action Agency (Hugo)
Multi-County Youth Services (Clinton)
Northern Oklahoma Youth Services (Ponca City)
Okmulgee County Family Resource Center (Okmulgee)
Payne County CASA (Stillwater)
San Bois CASA (Wilburton)
Tri-County CASA (Claremore)
Tulsa CASA (Tulsa)

Child Programs (other than CASA) - 17

Bethesda, Inc. (Norman) – 3 grants
Center for Children and Families (Norman)
C/SARA Foundation (Ardmore)
Family & Children's Services (Tulsa)
Logan Community Services (Guthrie)
Mary Abbott Children's House (Norman)
Moore Youth and Family Services (Moore)
North Care (OKC)
Oklahoma Interviewing Services (OKC)
Parent Child Center of Tulsa (Tulsa)
Payne County Youth Services (Stillwater)
PC-CARE (McAlester)
William W. Barnes Children's Advocacy Center (Claremore)
Youth Services of Bryan County (Durant)
Youth Services of Tulsa (Tulsa)

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Law Enforcement Programs - 3

Broken Arrow Police Department (Broken Arrow)
Creek County Sheriff's Office (Sapulpa)
Stephens County Sheriff's Office (Duncan)

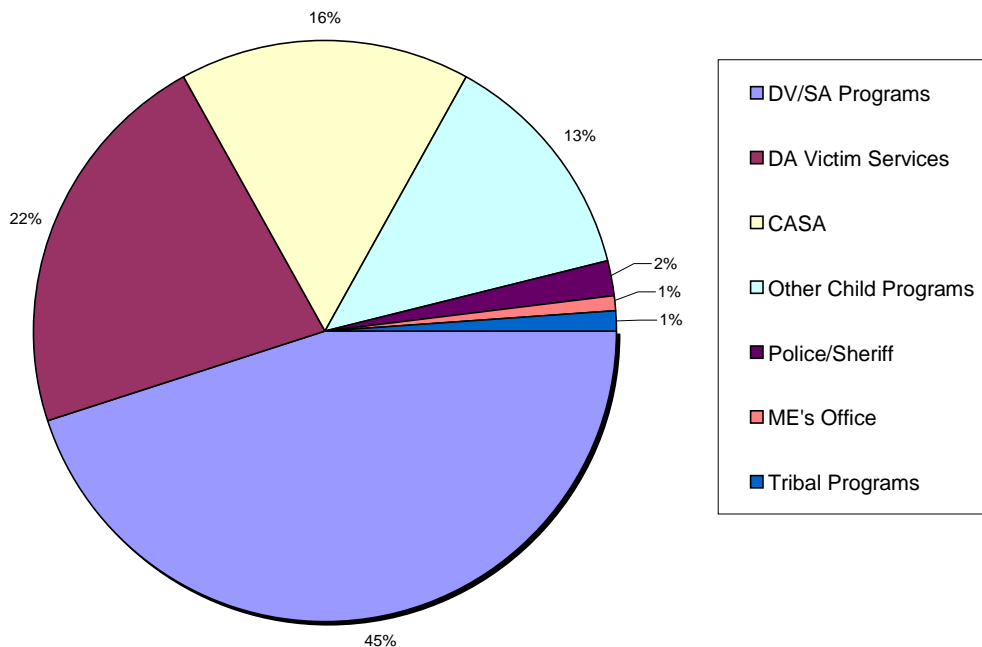
Tribal Programs - 2

Choctaw Nation of Oklahoma (Hugo)
Comanche Nation Hope House (Lawton)

Other - 1

Office of the Chief Medical Examiner (OKC)

FY 2010 VOCA AWARD PERCENTAGES BY SERVICE AREA



NOTES