

OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2013 ANNUAL REPORT



DISTRICT ATTORNEYS COUNCIL
VICTIM SERVICES DIVISION

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OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2013 Annual Report

July 1, 2012 – June 30, 2013

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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 Jeff W. Hickman, Speaker of the House

Greetings!

Oklahoma is balancing the scales of justice by assisting crime victims with financial assistance and direct services. In this report you will see how much need there truly is within our communities.

The Victim Services Division of the District Attorneys Council oversees Crime Victims' Compensation Program. In addition to compensating victims for crime-related expenses, the victims division also reimburses SANE nurses for sexual assault medical forensic exams, and awards grants to agencies that perform direct services to victims of violent crime. The work done by the victim services division staff is meant to provide meaningful, transformative results for victims of crime and those who serve them. These services assist crime victims and their families in their darkest hour and help them rebuild their lives and start the long road to recovery.

With this said, the Board wishes to express their sincere gratitude to all who make this program a success. Together we will continue to make a difference in the lives of crime victims.

It is an honor to present this 2013 Annual Report to you.

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

\$7,234,465.36 deposited into Fund in FY 13.

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

\$4,574,314.01 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 \$2,000

FEDERAL COURTS

\$1,668,444.34 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 *\$251,423.10* 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. *\$186,836.79* was deposited to the Fund in FY 2013 from Inmate wages and Interest. The fund also collects interest on the balance in the overall fund. This year alone, interest earned was *\$116,883.16*.

OTHER SOURCES OF REVENUE

Donations totaled *\$100.00* and subrogation totaled *\$428,611.24* in FY 13. 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 *\$99.00*.

FY2013 ACTIVITY SUMMARY BY COUNTY

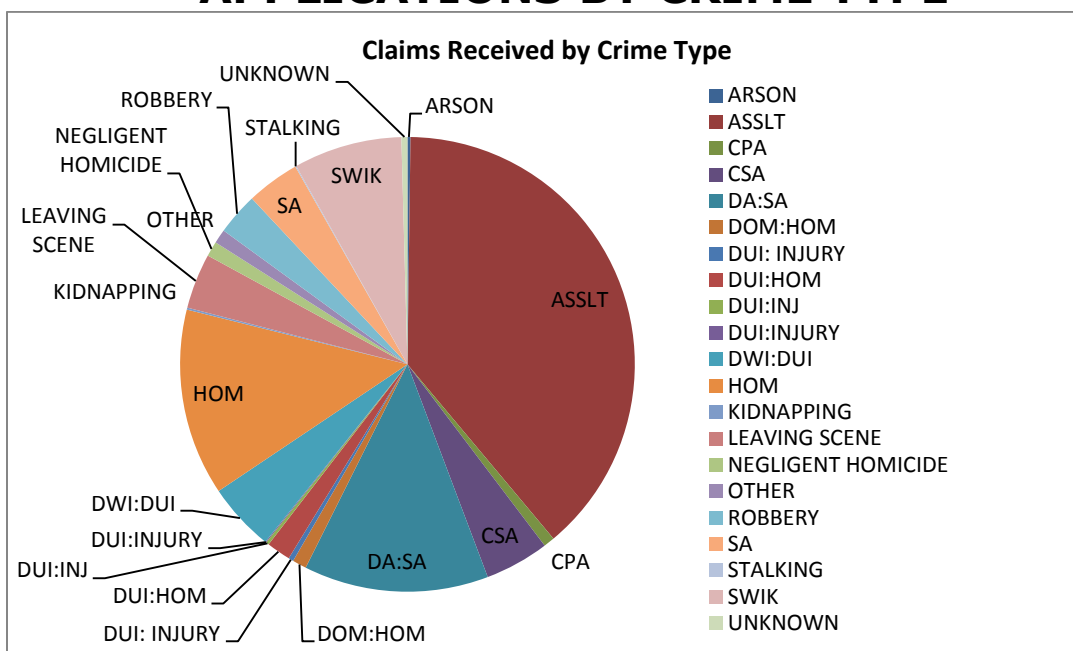
County	Claims Received in FY13	Claims Approved in FY13	Claims Denied in FY13	Award Amount	SANE Applications Received	SANE Award Amounts	VCA Collections
ADAIR	5	3	3	27900	7	3209	39208
ALFALFA	1	0	0	0	4	1350	5779
ATOKA	3	1	0	2483	7	3150	11624
BEAVER	0	0	2	0	0	0	5408
BECKHAM	9	6	5	29682	5	2450	23400
BLAINE	4	1	4	15000	7	2714	17393
BRYAN	30	13	9	76616	25	10800	91325
CADDO	16	5	3	42188	2	1800	28180
CANADIAN	15	6	5	84901	20	9050	133859
CARTER	20	4	12	12575	44	20791	64271
CHEROKEE	13	7	1	31947	17	8025	72136
CHOCTAW	4	5	1	38410	10	4950	10601
CIMARRON	0	0	1	0	1	0	3114
CLEVELAND	74	41	29	227793	80	36984	252271
COAL	0	0	0	0	9	4050	5369
COMANCHE	46	28	23	185365	55	23600	54655
COTTON	0	1	0	8285	1	472	14444
CRAIG	3	1	1	7500	4	1900	16816
CREEK	25	15	6	101363	27	11276	149102
CUSTER	11	5	16	4827	5	2380	38809
DELAWARE	7	5	3	20320	5	2400	107105
DEWEY	2	3	1	8010	2	900	4220
ELLIS	1	0	1	20000	0	0	4821
GARFIELD	27	18	11	173455	24	11091	70255
GARVIN	8	13	7	105532	13	5900	32599
GRADY	25	8	10	29643	20	7908	100549
GRANT	3	1	0	793	1	450	5613
GREER	3	4	0	17002	0	0	6916
HARMON	0	0	0	0	1	471	2938
HARPER	0	0	0	0	0	0	1314
HASKELL	4	2	1	29970	2	900	24604
HUGHES	1	0	0	7382	6	2300	1956
JACKSON	6	6	3	36966	6	1553	41389
JEFFERSON	0	0	0	0	0	0	5053
JOHNSTON	3	1	1	3569	3	910	14144
KAY	20	7	6	46058	13	4850	73639
KINGFISHER	7	3	2	8716	0	0	28716

County	Claims Received in FY13	Claims Approved in FY13	Claims Denied in FY13	Award Amount	SANE Applications Received	SANE Award Amounts	VCA Collections
KIOWA	0	3	1	33440	0	0	19343
LATIMER	2	1	3	58	8	3500	36216
LE FLORE	19	10	16	75289	13	4450	89692
LINCOLN	6	8	3	39029	15	7223	28864
LOGAN	14	9	3	68301	9	4531	53672
LOVE	2	0	1	22813	5	2293	18125
MAJOR	5	0	1	0	2	950	12145
MARSHALL	7	1	2	7500	7	2712	24367
MAYES	10	7	9	42262	17	9650	50215
MCCLAIN	5	4	3	13447	13	5490	50699
MCCURTAIN	20	10	7	51336	13	4500	23069
MCINTOSH	5	3	5	16087	10	4544	32268
MURRAY	0	1	0	7500	11	4575	9724
MUSKOGEE	33	23	13	82676	76	34943	60833
NOBLE	2	0	0	0	9	3679	8649
NOWATA	1	0	0	0	0	0	4207
OKFUSKEE	4	2	0	2926	2	967	9482
OKLAHOMA	347	188	206	1473527	319	133518	713148
OKMULGEE	4	5	8	15253	15	6096	41405
OSAGE	15	4	6	8928	21	9600	75409
OTTAWA	3	2	4	9791	13	5850	142814
PAWNEE	6	0	1	0	6	2764	21638
PAYNE	33	21	21	103863	57	25353	115402
PITTSBURG	8	4	5	21268	26	12600	61799
PONTOTOC	7	6	1	49857	39	19411	43974
POTTAWATOMIE	17	21	7	142085	37	16858	76065
PUSHMATAHA	1	0	1	0	11	4500	9359
ROGER MILLS	0	0	1	0	0	0	3440
ROGERS	14	7	39	87752	34	17016	58918
SEMINOLE	9	5	1	33976	18	9159	34262
SEQUOYAH	10	7	7	25817	16	7624	17109
STEPHENS	17	8	3	37277	15	5300	25654
TEXAS	3	1	5	17714	0	0	19330
TILLMAN	0	0	0	0	1	450	10173
TULSA	335	148	163	1082852	428	206225	763542
WAGONER	22	14	8	82219	19	10684	84419
WASHINGTON	6	3	1	13478	24	10064	59706
WASHITA	1	2	3	26684	1	700	10274

County	Claims Received in FY13	Claims Approved in FY13	Claims Denied in FY13	Award Amount	SANE Applications Received	SANE Award Amounts	VCA Collections
WOODS	2	2	1	5781	3	915	17202
WOODWARD	10	11	4	88506	5	1850	37749
Totals	1401	754	730	5,193,543	1,744	789,128	4,537,956

*Claims may have been submitted prior to FY 2013.

APPLICATIONS BY CRIME TYPE



Crime Type	Number of Claims	Percentage
ARSON	3	0.21%
ASHLT	542	38.69%
CPA	11	0.79%
CSA	64	4.57%
DA:SA	184	13.13%
DOM:HOM	14	1.00%
DUI: INJURY	5	0.36%
DUI:HOM	24	1.71%
DUI:INJ	3	0.21%
DUI:INJURY	1	0.07%
DWI:DUI	68	4.85%
HOM	186	13.28%
KIDNAPPING	2	0.14%
LEAVING SCENE	55	3.93%
NEGLIGENT HOMICIDE	15	1.07%
OTHER	14	1.00%
ROBBERY	42	3.00%
SA	53	3.78%
STALKING	1	0.07%
SWIK	108	7.71%
UNKNOWN	6	0.43%
Grand Total	1401	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 \$3,000.00, 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 and uninsured motorist coverage 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. 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 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 \$2,000.00.

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.

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 up to \$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 1752 claims submitted in FY '13 with award amounts totaling \$794,264.66. 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 12 and paid in FY 13.

VICTIMS OF CRIME ACT GRANT FUNDING

In FY 13, the Victims of Crime Act (VOCA) nine member Board approved 109 grants totaling \$4,557,773.00 to organizations serving victims of 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 sub-grantees 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 13.

FY 2013 VOCA Sub-grantees

Domestic Violence/Sexual Assault Programs – 30

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)
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 – 24

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)
District 10 (Pawhuska)

District 11 (Bartlesville)
District 13 (Miami)
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 - 23

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 of Southwest Oklahoma (Lawton)
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)
Northwest Oklahoma CASA (Woodward)
Okmulgee County Family Resource Center (Okmulgee)
Pawnee/Osage CASA (Pawnee)
Payne County CASA (Stillwater)
San Bois CASA (Poteau)
Tri-County CASA (Claremore)
Tulsa CASA (Tulsa)

Child Programs (other than CASA) – 23

22nd Judicial District Care Cottage (Ada)
Bethesda, Inc. (Norman) – 3 grants
Center for Children and Families (Norman)
Child Abuse Network (Tulsa)
C/SARA Foundation (Ardmore)
Family & Children's Services (Tulsa)
Garfield County Child Advocacy Council (Enid)
Logan Community Services (Guthrie)
Mary Abbott Children's House (Norman)
Moore Youth and Family Services (Moore)
North Care (OKC)
Oklahoma Interviewing Services (OKC)
Oklahoma Lawyers for Children (OKC)
Parent Child Center of Tulsa (Tulsa)
Payne County Youth Services (Stillwater)
The Care Center (OKC) – 2 grants
The Saville Center (Stillwater)
William W. Barnes Children's Advocacy Center (Claremore)

Youth Services of Bryan County (Durant)
Youth Services of Tulsa (Tulsa)

Law Enforcement Programs - 3

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

Tribal Programs - 4

Cherokee Nation (Tahlequah)
Choctaw Nation of Oklahoma (Hugo)
Comanche Nation Hope House (Lawton)
Ponca Tribe of Indians (Ponca City)

Other Programs - 2

Good Samaritans of Oklahoma County (OKC)
Office of the Chief Medical Examiner (OKC)

NOTES