

*Oklahoma Crime Victims
Compensation Program*

2005 ANNUAL REPORT



*District Attorneys Council
Victim Services Division*

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Oklahoma Crime Victims Compensation Program

2005 Annual Report

July 1, 2004 – June 30, 2005

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Nick Garrett

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Tina Harman, Public Information Officer
Stephanie Lowery, VOCA Program Specialist
Joy Earles, Subrogation Specialist/Database Programmer
Nora Blackwell, Administrative Claims Examiner
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This is an annual publication printed and issued by the Oklahoma Crime Victims Compensation Board, as authorized by 21 O.S. 1981, Section 142.1 et seq. Two hundred (200) copies have been prepared and distributed at a cost of \$963.00. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries.

Letter from the Oklahoma Crime Victims' Compensation Board

The Honorable Brad Henry, Governor
The Honorable Todd Hiett, Speaker of the House of Representatives
The Honorable Mike Morgan, President Senate Pro Tempore

We are happy to present to you the Oklahoma Crime Victims Compensation Program Annual Report. This year's annual report outlines our work during the past fiscal year on behalf of crime victims in Oklahoma. We are pleased to report that this year more than \$4,577,809.00 was paid to victims of violent crime and their families. This compensation provided much-needed assistance in rebuilding lives that had been affected by violent crime.

The most significant change this fiscal year was the Board's decision in December 2004 to allow administrative staff to review claims with requests that under \$10,000 and all claims submitted for additional consideration. The limit previously was \$2,500.00. This change has streamlined the process for victims and staff. It has saved valuable administrative time and costs associated with copying, mailing and travel expenses.

Due to Legislative changes that were approved in FY '05, victims will see greater benefits in the area of funeral expenses and grief counseling. Effective July 1, 2005, the amount allowable for funerals increased from \$5,000.00 to \$6,000.00. Family members of homicide victims will receive a substantial increase in the amount available for grief counseling, from \$500.00 to \$3,000.00 per person.

We anticipate that all of these changes will make a positive difference in the lives of many crime victims and their families. We thank the Governor and the Legislature for their assistance in making these changes a reality.

Sincerely,

The Oklahoma Crime Victims Compensation Board and Staff

MISSION STATEMENT

District Attorneys Council

Victim Services Division

It is the mission of the Victim Services Division to provide statutory benefits to eligible victims of violent crime in a compassionate, efficient, and respectful manner. We are dedicated to supporting the Crime Victims Compensation Board and programs that directly benefit victims of crime; assisting state and local crime victim service agencies in obtaining federal funding; and aiding the criminal justice system in holding offenders responsible for the effects of their crimes.

We are committed to:

Consistent Service
Sensitivity of Staff
Confidentiality
Collaboration of Victim Services
Victim Rights

HISTORY OF PROGRAM

The Crime Victims' Compensation Fund was created in 1981 with the passage of the Crime Victims' Compensation Act. The Act established guidelines for eligibility and the provision of financial reimbursement to victims of crime. Program guidelines were established with the first payments being made for crimes that occurred after October 19, 1981. The District Attorneys Council has administered the fund since program inception.

The program's ability to provide financial assistance to crime victims was directly related to the health of the Crime Victims' Compensation Fund. Through a partnership that included the legislature, the District Attorneys Council, crime victims, and victim advocates, revenues to the fund increased. The program is now financially sound. Under careful stewardship, payments to victims have increased substantially.

When demands on the Fund limited awards, the state Legislature and Governor increased the revenue sources for the Fund. The key to this program's success has been the continuous effort to focus on the needs of the victim. While the citizens served have faced trauma, tragedy and financial loss due to the criminal acts of others, no two victims' experiences are the same. Staff training on victim issues is a priority and ensures that each claim is handled with attention to the individual's unique experience and needs.

Training is offered which highlights the program and the rights of victims to local service agencies, criminal justice professionals and health care providers. Professionals from these groups have shared valuable insights on how the program can better meet victims' needs.

Reflected in these pages is the expansion of services to more victims. By working with the Legislature to put victims first and by remaining true to the statute that created this Fund, success and stability have been achieved. While the Crime Victims' Compensation Program is proud of its past and the productivity it was able to achieve in this fiscal year, we are committed to making every effort to ensure that victims receive all possible assistance from this program as defined by statute. We encourage staff to find creative and simple ways to reduce their workload by using technology. We work closely with those receiving grants from the Victims of Crime Act fund to ensure that helping crime victims obtain compensation is given high priority. We are confident about our future, and committed to enhancing the level of service that people have come to expect from the Crime Victims Compensation Program and the Oklahoma District Attorneys Council.

VICTIMS SERVICES DIVISION STAFF

The Victims Services Division is composed of the Director of Victims Services, a Victims of Crime Act (VOCA) Specialist, a Public Information Officer, a Database Programmer/Restitution Specialist, a Board Claims Examiner, an Administrative Claims Examiner, Restitution Recovery/Administrative Assistant and a Victim Services Clerk/Receptionist. These staff are funded completely from program revenues and federal funds; no state appropriations. The Victims Services Division is primarily responsible for:

1. The Crime Victims Compensation Fund - This includes processing all claims and payments to crime victims, preparing administrative and Board decision documents, determining eligibility, advertising the availability of the program, and providing all support functions for the Victims Compensation Board.
2. Restitution/Subrogation - This includes collecting restitution on claims paid by the Crime Victims Compensation Board, tracking payments owed to the Board, and processing all victim compensation assessments.
3. The Sexual Assault Examination Fund - This includes processing all claims for forensic sexual assault examinations that are performed for the purpose of obtaining evidence to aid in the apprehension and prosecution of perpetrators.
4. Victims of Crime Act (VOCA) Grants - Victim services staff provides support for a nine-member VOCA grant Board, receives and processes grant applications, monitors grant activity, provides training to sub-grantees, and complies with all state and federal regulations pertaining to grants administration.
5. Support of Victims Services - The Victims Services Division helps plan training for Victim-Witness Coordinators within District Attorney offices and maintains close contact with victims' groups around the state to solicit ideas on how to better serve victims.

ACTIVITY SUMMARY 2005

APPLICATIONS RECEIVED	1675
APPLICATIONS AWARDED	1204
APPLICATIONS DENIED	943
APPLICATION APPROVAL RATE	72%
APPLICATIONS PENDING	1123
TOTAL AMOUNT AWARDED	\$4,574,380.32
AVERAGE AMOUNT AWARDED	\$3,799.32

ADMINISTRATIVE EXPENSES PAID BY THE VICTIMS
COMPENSATION FUND **\$292,160.37**

TRANSFERS FROM VICTIMS COMPENSATION FUND TO DISTRICTS FOR
SUPPLEMENTAL VICTIMS COMPENSATION CLAIM FILING ASSISTANCE
\$119,325.00

TRANSFERS FROM VICTIMS COMPENSATION FUND TO DISTRICT
ATTORNEYS COUNCIL FOR VICTIM/WITNESS SERVICES IN D.A'S
OFFICES **\$1,302,000.00**

FUNDING SOURCES

\$5,196,901.12 deposited into Fund in FY 05.

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 AND MUNICIPAL COURTS

\$4,277,118.31 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)

FUNDING SOURCES CONTINUED

FEDERAL COURTS

\$419,694.10 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 *\$245,846.91* 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

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. *\$126,489.74* was deposited to the Fund in FY 2005 from Inmate Fees.

OTHER SOURCES OF REVENUE

Donations totaled *\$5,000.00* and subrogation totaled *\$122,752.06* in FY 05. 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.

SEXUAL ASSAULT EXAMINATION FUND

There were 1531 claims paid in FY '05 totaling **\$400,583.38**. 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 \$250.00. 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 sexual assault examinations, provided said examinations are approved by each District Attorney or an authorized assistant.

ACTIVITY SUMMARY

Claims Submitted	1280
Claims Paid	1531
Claims Declined	0
Claims Pending	0
Average Award	\$262.00
Total Awards	\$400,583.38

VICTIMS COMPENSATION APPLICATION PROCESS

The process begins with the District Attorney's Victim-Witness Coordinator getting the information and application to a crime victim and ends by providing the eligible victim financial assistance related to the crime when all eligibility criteria have been met.

The OUTREACH section increases the awareness of the Crime Victims' Compensation Program by providing resource materials and training programs to persons statutorily mandated to inform victims and targeted allied professionals who can assist victims with the application.

The CRIME VICTIMS' COMPENSATION STAFF receives all initial inquiries and incoming mail. The staff logs the claim into the database and assigns a claim number to the application and then forwards the application to the appropriate District Attorney's office Victim-Witness Coordinator for documentation.

The DOCUMENTATION process is carried out by the Victim-Witness Coordinator in the District Attorney's office. A police report is requested along with any other forms and reports that may be needed to assist the victim with their out-of-pocket expenses. After the Victim-Witness Coordinator gathers all information needed, the completed claim is forwarded back to the Crime Victims' Compensation Program for docketing.

The staff reviews the application to ensure that ELIGIBILITY guidelines established by statute are met. A primary requirement is that the crime be one in which the victim suffered physical or psychological harm or death as a result of the criminal offense. Eligible claimants are the victim, a dependent of a deceased victim, or a person authorized to act on behalf of the victim. Applicants must also meet reporting and filing requirements. They are as follows:

- The crime must have occurred in Oklahoma.
- The crime must have been reported to law enforcement within 72 hours of the incident, unless the Board finds good cause for failure to report within this period. Exceptions are made for child victims.
- The claim for compensation must be filed within one (1) year of the crime-related injury or death of the victim, unless a reasonable explanation for the failure to file a claim is shown. In no event shall the filing of a claim be permitted after two (2) years of the injury or death.
- The claimant must fully cooperate with the police, prosecution and other law enforcement entities during the investigation.
- Compensation shall not be awarded to a claimant if it would benefit the offender or an accomplice, and the claimant must not have been the offender or accomplice.
- Compensation that could be awarded to a claimant shall be reduced or denied, depending on the degree of responsibility for the injury or death that is attributable to the victim.

APPLICATION PROCESS CONTINUED

Once all documentation is received, the claim is then assigned to the Claims Examiners. The claims examiners review the documentation of losses provided by eligible victims and claimants and determine the compensable amount on the claim. The Crime Victims' Compensation Fund is the payer of last resort; collateral sources such as insurance benefits and Medicaid are deducted. The Board Claims Examiner reviews all claims over \$10,000.00 and then places the claim on the Board docket for the three-member Governor appointed Board to decide. If the claim is under the \$10,000.00 threshold, the claim is decided by the Administrator after a recommendation is received by one of two Claims Examiners. This process takes an average of 30 days from receipt of the completed claim.

All expenses approved for payment are sent to the Office of State Finance for processing. Payments are issued and mailed by Crime Victims' Compensation staff within 2-3 weeks of a decision.

If an application is denied, the victim or claimant is given a written explanation and instructions on how to exercise their right to APPEAL. The first appeal is to the Board. If a victim or claimant is still dissatisfied with the decision, the second step in the process is to file a petition in district court.

COVERED EXPENSES

Funeral – By law, up to \$5,000.00 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. Caregiver work loss can also be awarded up to \$2,000.00, if the work loss is verified by the victim's physician and an employer's certificate from the caregiver's employer is filed.

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. Monthly installments or a lump sum award is at the Board's discretion.

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).

COVERED EXPENSES CONTINUED

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

Counseling for Victims - Licensed Psychiatrist (M.D.); Licensed Psychologist (Ph.D.); Licensed Social Worker (ACSW, LSW, LCSW); Licensed Professional Counselor (LPC); Licensed Marital & Family Therapist (LMFT) ; and Masters in Social Work (MSW) are all eligible to receive funds from the crime victims compensation fund. MSW's must work in licensed facility under supervision of a qualified mental health professional. A "session" is presumably the standard 45 minutes. Counselors whose credentials do not coincide with those specified above will not be considered qualified providers of mental health treatment, and it is likely that payment would be declined. The maximum compensable amount for the victim's counseling is \$3,000.00, unless the Board finds additional counseling is reasonable and necessary.

Grief Counseling - Crisis counseling is available for family members of homicide victims with a limit of \$500.00 per person, not to exceed \$3,000.00 for the family.

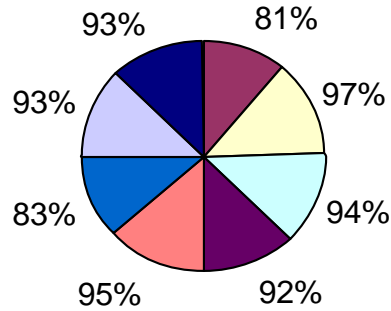
Homicide Crime Scene Cleanup-Homicide crime scene cleanup can be covered, up to \$500.00.

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 or killed. Property losses are not covered under the Act.

UPCOMING CHANGES FOR FISCAL YEAR 2006

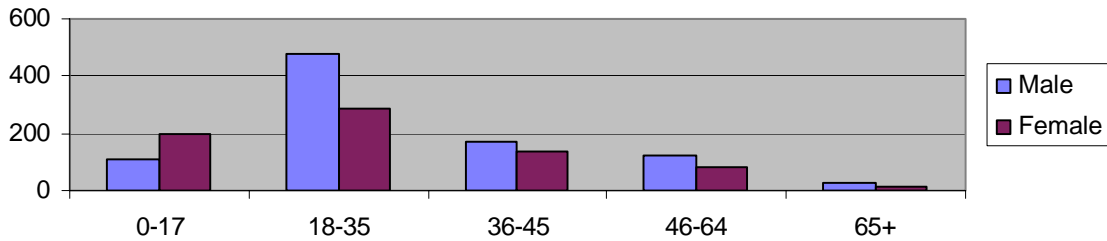
1. Funeral Benefits will increase from \$5,000.00 to \$6,000.00.
2. Grief Counseling will increase from \$500.00 per family member of a homicide victim to \$3,000.00 per family member. Also grief counseling will be extended to three years; however victims compensation claim must still be filed within one year of date of death.

Program Satisfaction Rate

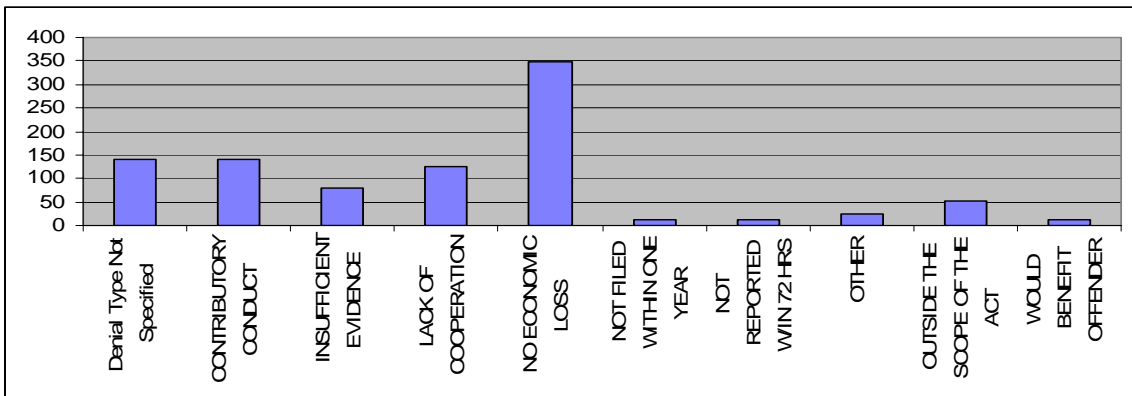


- Helped with trauma recovery
- Application was easy to read
- Correspondence was easy to understand
- Phone calls were handled effectively
- The decision was easily understood
- Time Satisfaction
- Sensitivity of Board/Staff
- Overall Satisfaction

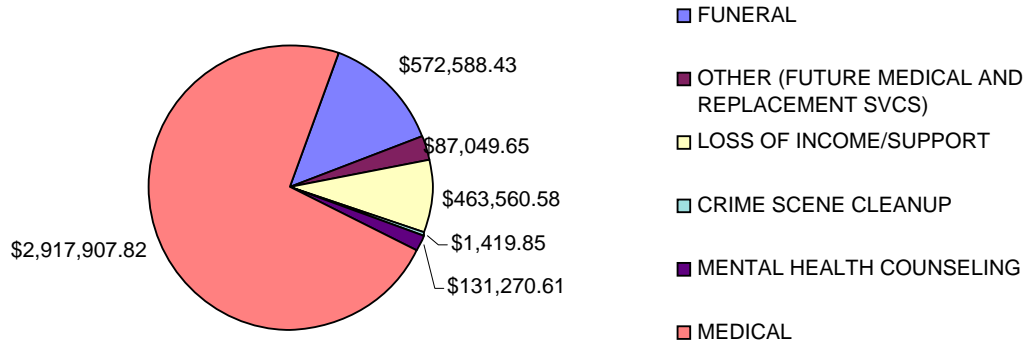
Claims Received by Age & Gender



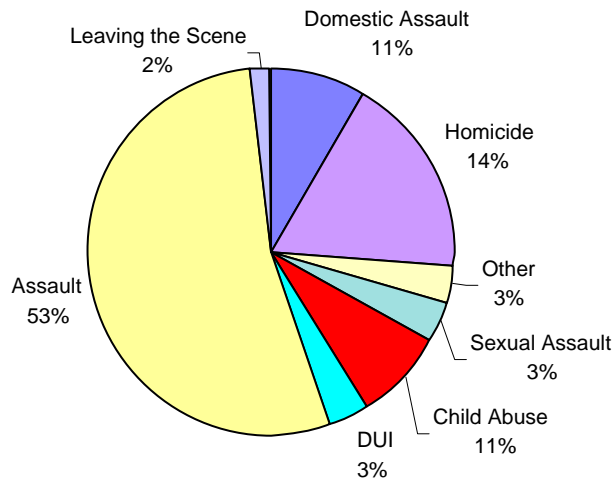
Claim Denial Reasons



FY '05 Awards by Expense Type



FY '05 Claims Received by Crime Type



FY 05 District Collections vs. Awards

FY 2004	VCA Collections	Claims Awarded	Difference
District 1	\$24,247.25	\$13,027.45	\$11,219.80
District 2	\$80,771.72	\$53,313.17	\$27,858.95
District 3	\$76,352.86	\$132,226.08	-\$55,873.22
District 4	\$161,156.13	\$204,459.54	-\$43,303.41
District 5	\$51,037.29	\$235,396.71	-\$184,359.42
District 6	\$206,426.69	\$175,390.08	\$31,036.61
District 7	\$960,188.60	\$1,075,619.16	-\$115,873.92
District 8	\$74,507.12	\$70,261.06	\$4,246.06
District 9	\$79,717.02	\$65,760.83	\$14,596.19
District 10	\$67,012.25	\$23,308.75	\$43,703.50
District 11	\$75,193.63	\$46,485.49	\$28,708.14
District 12	\$136,349.63	\$68,169.43	\$68,180.20
District 13	\$148,155.19	\$63,031.63	\$85,123.50
District 14	\$860,456.26	\$856,033.71	-\$740.91
District 15	\$40,270.11	\$8,440.07	\$31,830.04
District 16	\$120,117.93	\$18,458.09	\$101,659.84
District 17	\$72,982.05	\$195,247.80	-\$122,265.75
District 18	\$85,555.29	\$33,937.52	\$51,617.77
District 19	\$118,077.18	\$76,115.89	\$41,961.29
District 20	\$129,306.82	\$65,006.41	\$64,300.41
District 21	\$224,107.47	\$173,541.96	\$50,565.51
District 22	\$60,672.12	\$84,048.11	-\$23,375.99
District 23	\$111,909.82	\$94,740.09	\$17,169.33
District 24	\$52,225.04	\$40,576.40	\$11,810.64
District 25	\$24,316.28	\$47,565.68	-\$23,249.39
District 26	\$53,626.02	\$54,384.42	-\$758.40
District 27	\$149,418.97	\$193,681.40	-\$45,686.40
STATE TOTALS	\$4,244,156.74	\$4,168,226.93	\$75,929.81

VICTIMS ASSISTANCE GRANT

In FY 05, the Victims of Crime Act (VOCA) Board met and approved \$4,326,947.37 in grants to organizations serving victims of violent crime in Oklahoma. The VOCA grant is available from the Office of Justice Programs, Office for Victims of Crime, through the successful collection of assessments paid by offenders at the federal level. The U.S. Attorneys Offices throughout Oklahoma and the nation are responsible for the collection of penalty fines, ordered payable to the Federal Victims Fund. Because of those efforts, 97 grants for direct services to crime victims were awarded in FY 05. Included in the list of sub-recipients 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. There is a nine member Board, appointed by the District Attorneys Council that makes all funding decisions. The following programs were funded with VOCA grant dollars in FY 05.

ACMI HOUSE, INC.	DA #14	OK CO. JUV. BUREAU
ACTION ASSOC.	DA #16	OKMULGEE FAM. RESRC.
ATOKA COUNTY SHERIFF	DA #17	OKMULGEE FAM. RESRC. CASA
BETHESDA ALTERNATIVE	DA #18	PARENT CHILD CTR. OF TULSA
BETHESDA	DA # 19	PAYNE CO. CASA
BETHESDA	DA # 20	PAYNE CO. YTH SVS
BROKEN ARROW PD	DA #21	PROJECT SAFE, INC.
BRYAN CO. CASA	DA #22	ROGERS CO. COM. SVS.
CALL RAPE, INC.	DA #23	SEMINOLE COUNTY DV ASSOC
CASA FOR CHILDREN INC.	DA #27	SOS FOR FAMILIES
CASA – OSAGE COUNTY	DV OF N. CENTRAL OK	STEPHENS CO. SHERIFF
CASA OF SE OKLAHOMA	DVIS	THE CHICKASAW NATION
CASA – PONTOTOC COUNTY	DVIS	STILLWATER DOM. VIOL.
CASA of CHEROKEE COUNTRY	FAM. & CHILD. SVCS.	THIRD DISTRICT CASA
CHEROKEE COUNTY SHERIFF	FAMILY CRISIS & CNSLG.	THIRTEENTH JUDICIAL DISTRICT CASA
SEMINOLE CO. DV ASSOC	FAMILY CRISIS CTR.	TRI-COUNTY CASA, INC.
CANADIAN COUNTY CASA	FAMILY SHELTER - S. OK	TULSA CASA, INC.
CHOCTAW NATION	GARFIELD CO. CHILD ADV CASA	WILLIAM BARNES CHILD ADV CTR
CLEV. CO. CASA	HELP-IN-CRISIS, INC.	WISH
COMANCHE NATION HOPE HOUSE	KIBOIS	WOMENS CRISIS SERVICES of LEFLORE
COMM. CRISIS CTR.	LINCOLN COUNTY SHERIFF	WOMEN'S HAVEN
COUNSELING, INC.	LITTLE DIXIE CASA	WOMEN'S RESOURCE CENTER
CRISIS CONTROL CTR.	LOGAN CO. YTH & FAM	WOMEN'S SVS. & FAM RES. CTR
CTR. FOR CHILD. & FAM.	MADD	YOUTH SVS. OF TULSA
DA #2	MCCLAIN COUNTY SHERIFF	YOUTH. SVS. OF BRYAN CO
DA #3	M.E.'S OFFICE	YWCA OF ENID
DA #4	MOORE YOUTH & FAM.	YWCA-OKC
DA #6	MULTI-CO. YTH CASA	YWCA-OKC SANE
DA #7	N. OK YTH SVS CASA	
DA #8	MARIE DETTY YTH FAM/SER	
DA #9	NORTH CARE	
DA #10	NW DOM CRISIS	
DA #11	OAKS BEHAVIORAL CTR	
DA #13		

NOTES