

# OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2011 ANNUAL REPORT



DISTRICT ATTORNEYS COUNCIL  
VICTIM SERVICES DIVISION

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# OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

## **2011 Annual Report**

July 1, 2010 – June 30, 2011

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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 2011 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

### ***\$ 7,317,625.61 deposited into Fund in FY 11.***

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**

\$4,533,866.58 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**

*\$1,845,817.33* 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 *\$144,457.99* 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**

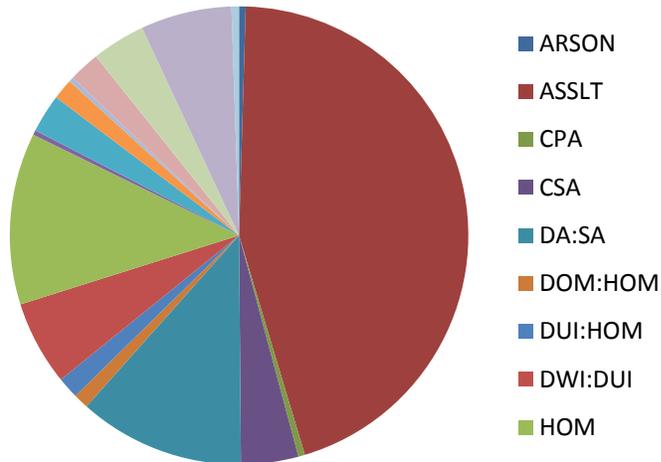
If an inmate earns wages while incarcerated, five percent of those earnings are deposited into the Fund. Inmates having savings accounts while incarcerated are required to pay 20 percent of interest earned to the Fund. *\$215,934.90* was deposited to the Fund in FY 2011 from Inmate wages and Interest. The fund also collects interest on the balance in the overall fund. This year alone, interest earned was *\$156,394.71*.

## **OTHER SOURCES OF REVENUE**

Donations totaled *\$984.22* and subrogation totaled *\$415,420.62.11* in FY 11. 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 *\$5,289.46*.

# APPLICATIONS BY CRIME TYPE

## Claims Received by Crime Type



Crime Type	Number of Claims	Percentage of Claims
ARSON	7	0.46%
ASSLT	678	44.90%
CPA	7	0.46%
CSA	61	4.04%
DA:SA	177	11.72%
DOM:HOM	16	1.06%
DUI:HOM	23	1.52%
DWI:DUI	90	5.96%
HOM	183	12.12%
KIDNAPPING	5	0.33%
LEAVING SCENE	41	2.72%
NEG. HOMICIDE	22	1.46%
OTHER	5	0.33%
ROBBERY	33	2.19%
SA	57	3.77%
SWIK	97	6.42%
Unknown	8	0.53%
<b>Grand Total</b>	<b>1510</b>	<b>100.00%</b>

# 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 3<sup>rd</sup> 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 \$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 \$750.00.

**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 '11 with award amounts totaling \$745,918.99. 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 11 and paid in FY 12.

# VICTIMS OF CRIME ACT GRANT FUNDING

In FY 11, the Victims of Crime Act (VOCA) nine member Board approved 101 grants totaling \$4,795,136.07 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 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 11.

## **FY 2011 VOCA Subgrantees**

### Domestic Violence/Sexual Assault Programs – 32

ACTION Associates (Clinton)  
City of Tulsa (Tulsa)  
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

3<sup>rd</sup> District CASA (Altus)  
13<sup>th</sup> Judicial District CASA (Grove)  
22<sup>nd</sup> Judicial District CASA (Ada)  
Canadian County CASA (El Reno)  
CASA for Children (Muskogee)  
CASA of Cherokee Country (Tahlequah)  
CASA of Oklahoma County (OKC)  
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)  
Payne County CASA (Stillwater)  
San Bois CASA (Poteau)  
Tri-County CASA (Claremore)  
Tulsa CASA (Tulsa)

### Child Programs (other than CASA) - 19

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)  
William W. Barnes Children's Advocacy Center (Claremore)  
Youth Services of Bryan County (Durant)  
Youth Services of Tulsa (Tulsa)

## CONTINUED

### Law Enforcement Programs - 3

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

### Tribal Programs - 3

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

### Other - 1

Good Samaritans of Oklahoma County (OKC)

## AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING

The 9-member VOCA Board awarded 15 applicants a total of \$703,950.00 for one time 2-year grants for the purpose of providing direct services to crime victims and to preserve and create jobs and to promote economic recovery. This money is a one-time award stimulus awarded from the Department of Justice. Project periods for the grants run from 1/1/2010 - 12/31/2011. The following programs were funded with ARRA funds.

Bethesda, Inc. (Norman)  
Comanche Nation Hope House (Lawton)  
District Attorney's Office, District 6 (Duncan)  
Family & Children's Services (Tulsa)  
Help-In-Crisis (Tahlequah)  
KI BOIS Community Action Foundation (Stigler)  
Okmulgee County Family Resource Center (Okmulgee)  
Oklahoma Interviewing Services (Oklahoma City)  
Pawnee/Osage CASA (Pawnee)  
Safenet Services (Claremore)  
Stillwater Domestic Violence Services (Stillwater)  
William W. Barnes Child Advocacy Center (Claremore)  
Women's Service & Family Resource Center (Chickasha)  
YWCA Enid (Enid)  
YWCA Oklahoma City (Oklahoma City)

# NOTES