

OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2018 ANNUAL REPORT



oklahoma
crimevictims
compensation

hope begins with help

**Easing the Financial Burdens
of Crime Victims**

**DISTRICT ATTORNEYS COUNCIL
VICTIM SERVICES DIVISION**

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OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2018 Annual Report

July 1, 2017 – June 30, 2018

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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 Kevin Stitt, Governor
The Honorable Matt Pinnell, Lieutenant Governor
The Honorable Greg Treat, Senate Pro Tempore
The Honorable Charles McCall, Speaker of the House

Greetings!

The Oklahoma Crime Victims Compensation Program (OCVC) is pleased to present you with the 2018 Annual Report. This report highlights the successes of this program and the hope that it brings to crime victims. When we review the program's client surveys; we see hope, financial relief and gratitude.

All services are funded through fines and penalty assessments paid by state and federal offenders. No tax payer dollars or state appropriations are used or received for this program.

We look forward to working with you in the future. Together we hope to continue to make a difference in the lives of crime victims. Hope begins with help.

It is an honor to present this 2018 Annual Report to you.

Respectfully,

Oklahoma Crime Victims' Compensation Board

WHO WE ARE AND HOW WE HELP

The Crime Victims' Compensation Program (21 O.S. §142.1 et. seq) 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 "payer of last resort" after primary sources of payment such as health insurance, Medicaid and Medicare.

To be eligible a person must:

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

To qualify a person must:

- Be a 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* injuries that involve extended work loss or loss of support in the event of a homicide can be approved for up to \$40,000.00.

Benefits may be awarded for:

- Medical/Dental care and Prescription Medication
- Counseling, physical therapy, rehabilitation
- Work loss/ Loss of income in homicide cases and Caregiver work-loss
- Crime scene clean-up
- Funeral and burial expense, including traditional healing and burial for American Indian Crime Victims
- Impound fees

FUNDING SOURCES

\$7,513,724.12 deposited into the OCVC Fund in FY 18.

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 completely 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

\$3,756,539.69 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 GRANT FUNDS

\$1,946,836.76 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 *\$1,000,631.44* 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. *\$181,758.15* was deposited to the Fund in FY 2018 from Inmate wages and Interest. The fund also collects interest on the balance in the overall fund. This year alone, interest earned was *\$181,758.15*.

OTHER SOURCES OF REVENUE

There were no donations to the program during FY 2018. Subrogation totaled *\$0*. Both are considered 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 no additional funding in this fiscal year.

FY2018 ACTIVITY SUMMARY BY COUNTY

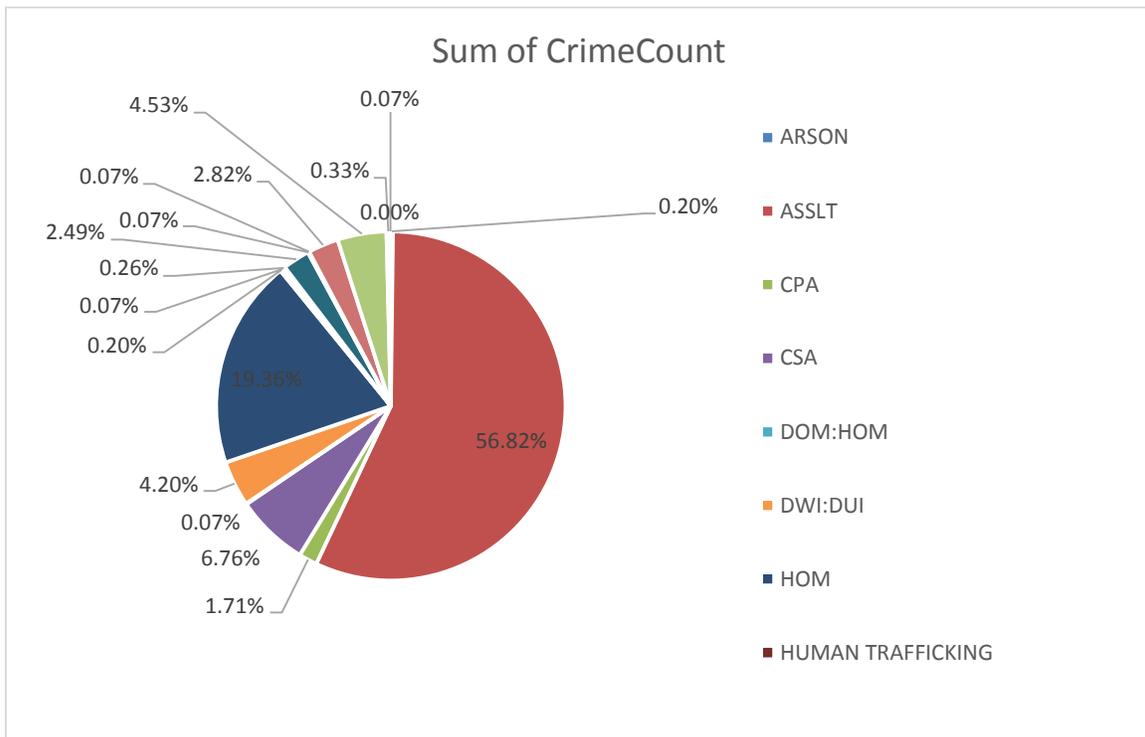
County	Claims Received in FY18	Claims Approved in FY18	Claims Denied in FY18	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
ADAIR	6	3	6	\$10,646	9	\$5,150	\$16,475
ALFALFA	2	0	0	\$0	1	\$900	\$5,867
ATOKA	11	1	0	\$7,500	8	\$3,600	\$10,988
BEAVER	2	1	0	\$20,000	0	\$0	\$8,160
BECKHAM	4	0	2	\$1,291	10	\$4,355	\$22,009
BLAINE	8	2	4	\$2,551	11	\$5,100	\$23,444
BRYAN	15	6	0	\$40,274	27	\$11,250	\$56,119
CADDO	11	3	4	\$40,511	12	\$5,397	\$19,180
CANADIAN	24	11	19	\$61,063	20	\$11,250	\$113,487
CARTER	11	7	3	\$36,223	30	\$17,080	\$71,838
CHEROKEE	11	4	6	\$39,941	20	\$10,414	\$53,469
CHOCTAW	7	1	0	\$7,427	14	\$6,300	\$8,213
CIMARRON	2	1	0	\$20,000	0	\$0	\$4,814
CLEVELAND	76	56	47	\$342,205	147	\$76,108	\$219,855
COAL	1	0	0	\$0	4	\$1,800	\$4,237
COMANCHE	51	14	20	\$119,555	49	\$23,728	\$51,557
COTTON	1	0	0	\$0	1	\$500	\$9,649
CRAIG	3	0	5	\$0	3	\$1,950	\$16,143
CREEK	21	11	7	\$19,516	16	\$7,650	\$99,953
CUSTER	8	1	4	\$20,000	11	\$5,150	\$23,332
DAC	2	0	4	\$0	0	\$0	\$0
DELAWARE	5	4	2	\$4,418	8	\$3,400	\$76,299
DEWEY	1	0	0	\$1,608	2	\$900	\$5,474
ELLIS	1	0	0	\$0	1	\$450	\$2,169
GARFIELD	14	9	5	\$130,583	47	\$26,700	\$53,987
GARVIN	21	8	7	\$47,792	18	\$9,216	\$29,134
GRADY	22	13	7	\$53,390	19	\$8,966	\$102,295
GRANT	0	0	0	\$0	2	\$1,400	\$4,201
GREER	4	2	2	\$5,139	2	\$950	\$6,378
HARMON	1	0	1	\$0	0	\$0	\$2,490
HARPER	2	0	1	\$0	0	\$0	\$1,341
HASKELL	2	4	5	\$33,278	3	\$1,800	\$15,992
HUGHES	4	1	0	\$7,500	10	\$5,050	\$2,701
JACKSON	5	4	0	\$20,848	5	\$3,129	\$29,589
JEFFERSON	2	0	0	\$0	2	\$1,350	\$5,781
JOHNSTON	0	0	1	\$0	2	\$947	\$12,039
KAY	20	3	9	\$18,336	25	\$11,650	\$63,068
KINGFISHER	6	0	0	\$0	4	\$1,950	\$31,444

County	Claims Received in FY18	Claims Approved in FY18	Claims Denied in FY18	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
KIOWA	1	0	1	\$0	4	\$1,950	\$11,369
LATIMER	2	1	1	\$15,725	4	\$1,350	\$22,766
LEFLORE	15	5	5	\$20,204	24	\$12,650	\$89,433
LINCOLN	12	8	7	\$37,945	18	\$9,123	\$46,002
LOGAN	29	12	14	\$71,215	21	\$9,999	\$38,518
LOVE	3	0	0	\$2,937	6	\$3,600	\$18,107
MAJOR	3	1	0	\$1,495	1	\$450	\$11,834
MARSHALL	2	1	0	\$1,556	3	\$2,327	\$12,810
MAYES	11	3	2	\$41,444	7	\$4,862	\$56,317
MCCLAIN	17	5	4	\$19,456	19	\$9,168	\$46,692
MCCURTAIN	36	17	13	\$123,938	19	\$8,550	\$15,912
MCINTOSH	6	1	0	\$4,865	20	\$12,350	\$28,492
MURRAY	1	0	2	\$0	9	\$4,659	\$16,503
MUSKOGEE	63	20	28	\$91,716	82	\$44,427	\$69,245
NOBLE	5	3	2	\$6,832	0	\$450	\$9,123
NOWATA	2	2	0	\$3,381	4	\$2,250	\$4,511
OKFUSKEE	4	1	5	\$0	10	\$4,080	\$13,341
OKLAHOMA	384	203	122	\$1,647,675	454	\$224,524	\$489,386
OKMULGEE	15	2	1	\$45,850	37	\$17,635	\$64,210
OSAGE	6	6	5	\$39,290	14	\$7,500	\$79,805
OTTAWA	7	0	1	\$0	10	\$5,900	\$99,706
PAWNEE	3	0	1	\$0	4	\$2,764	\$43,110
PAYNE	62	43	37	\$286,640	92	\$45,990	\$98,535
PITTSBURG	4	9	11	\$84,506	50	\$23,780	\$34,503
PONTOTOC	9	3	0	\$47,496	22	\$11,588	\$39,368
POTTAWATOMIE	16	11	6	\$47,457	29	\$15,104	\$90,945
PUSHMATAHA	4	1	0	\$22,774	11	\$5,400	\$7,946
ROGER MILLS	0	1	0	\$17,892	2	\$950	\$1,178
ROGERS	41	17	16	\$111,515	23	\$11,600	\$119,589
SEMINOLE	10	1	4	\$7,702	16	\$7,814	\$23,789
SEQUOYAH	14	2	3	\$36,190	15	\$6,900	\$8,900
STEPHENS	18	14	3	\$75,864	19	\$9,263	\$26,153
TEXAS	6	3	2	\$9,601	2	\$702	\$26,666
TILLMAN	3	0	0	\$0	3	\$1,450	\$5,296
TULSA	257	152	142	\$1,066,820	384	\$200,765	\$560,421
WAGONER	26	7	15	\$66,137	22	\$12,277	\$72,879
WASHINGTON	9	3	3	\$13,941	21	\$9,961	\$56,898
WASHITA	8	2	3	\$6,405	4	1850	\$8967

County	Claims Received in FY18	Claims Approved in FY18	Claims Denied in FY18	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
WOODS	3	1	0	\$7,500	2	\$989	\$10,924
WOODWARD	22	4	4	\$20,979	8	\$3,981	\$30,712
Grand Total	1526	735	634	\$5,216,538	2038	\$1,036,472	\$3,797,309

- Approved and denied claims may have been submitted prior to FY 2018.

APPLICATIONS BY CRIME TYPE



Crime Type	Number Received	Percentage
ARSON	3	5.56%
ASHLT	866	11.11%
CPA	26	16.67%
CSA	103	22.22%
DOM:HOM	1	27.78%
DWI:DUI	64	33.33%
HOM	295	38.89%
HUMAN TRAFFICKING	3	44.44%
CRIMES	1	50.00%
KIDNAPPING	4	55.56%
LEAVING SCENE	38	61.11%
NEGLIGENT HOMICIDE	1	66.67%
OTHER	1	72.22%
ROBBERY	43	77.78%
SA	69	83.33%
STALKING	5	88.89%
SWIK	1	94.44%
UNKNOWN	1	100.00%
Grand Total	1524	100%

BENEFITS OF THE PROGRAM

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.

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 unreimbursed 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 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.

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. *Medical and pharmaceutical treatment for a family member of a homicide victim is not compensable.*

Crime Scene Cleanup- Crime scene cleanup may be approved up to \$2,000.00.

Replacement Services/ Loss and Replacement Services Loss for dependents – Includes expenses reasonably incurred in obtaining ordinary

and necessary services in lieu of those the victim would have performed for the benefit of self or family if not for the injury or death.

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 \$20,000.00, except when additional work loss/loss of support is being claimed, the maximum award can be extended to \$40,000.00. The sum of all payments made to individual claimants and service providers on behalf of one victim may not exceed this amount.

Property losses are not covered under the Act.

SEXUAL ASSAULT EXAMINATION FUND

There were 2038 claims received in FY' 18 with payments totaling \$1,036,197.49. 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 17 and paid in FY 18.

NOTES

