

OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2019 ANNUAL REPORT



oklahoma
crimevictims
compensation

hope begins with help

**Easing the Financial Burdens
of Crime Victims**

**DISTRICT ATTORNEYS COUNCIL
VICTIM SERVICES DIVISION**

TABLE OF CONTENTS

Agency Information	3
Our Mission	4
Letter from the Board	5
Program Overview	6
Revenue Sources	7-8
FY 2019 Activity Summary by County	9-11
Applications by Crime Type	12
Benefits of Program	13-14
Sexual Assault Examination Fund	15

OKLAHOMA CRIME VICTIMS COMPENSATION PROGRAM

2019 Annual Report

July 1, 2018 – June 30, 2019

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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 Mike Schulz, 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 2019 Annual Report. This report highlights the successes of this program and the hope that it brings to crime victims.

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.

Moving forward, we are fiscally prepared to assist crime victims in our state with expenses that relate to their victimizations. From assisting a victim of domestic violence with medical treatment and lost wages, to helping the parents of a homicide victim with funeral expenses and grief counseling, this program is helping Oklahomans daily. Hope begins with help.

It is an honor to present this 2019 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 not 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, unless the Board finds there was good cause for not filing within a year.
- 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

\$7,430,111.14 deposited into the OCVC Fund in FY 19.

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 and penalty assessments 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

\$4,320,891.74 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

\$1,845,226.97 was deposited in the Fund through the Federal Victims of Crime Act (VOCA) Compensation Grant, 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. This grant is 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 *\$404,684.51* of the annual funding. A defendant may be ordered to reimburse the Fund for monies paid on behalf of the victim. In order to recover restitution, the Victims Services Division provides local prosecutors with information on awards made on behalf of crime victims in their jurisdiction so restitution can be ordered by the Court and paid by the offender. Restitution paid by offenders 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 as unclaimed restitution, this year the Fund received *\$473,741.93* in unclaimed restitution. If any of the victims are later located, restitution can be reimbursed from the Fund for payment to the victim.

INMATE FEES AND INTEREST

If an inmate earns wages while incarcerated, five percent of those earnings are deposited into the Fund. This year, *\$13,003.63* was deposited into the Fund. Inmates having savings accounts while incarcerated and are required to pay 20 percent of the interest earned in this savings account to the Fund, which brought in *\$239,639.26*. The Fund also collects interest on the Fund balance which totaled *\$63,227.94*.

OTHER SOURCES OF REVENUE

Subrogation in FY 19 totaled *\$40,405.86*. 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. Miscellaneous funds totaling *\$11,617.12* came in during FY 19. Transfers back into the Fund from DA districts was *\$4,372.24*. Deferred Prosecution Agreements netted *\$13,299.94* during the fiscal year.

FY2019 ACTIVITY SUMMARY BY COUNTY

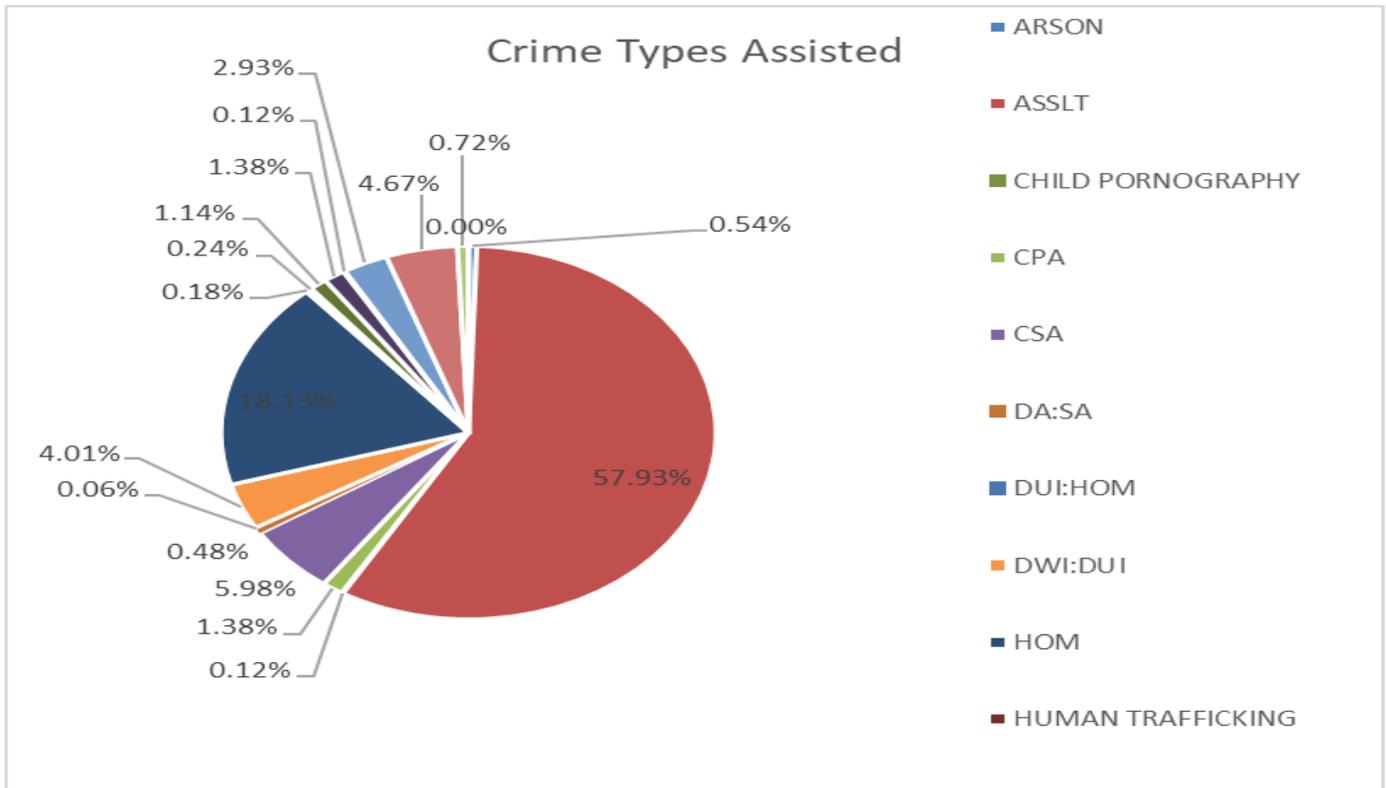
County	Claims Received in FY19	Claims Approved in FY19	Claims Denied in FY19	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
ADAIR	14	3	7	\$28,133	9	6954	\$28,950
ALFALFA	0	0	1	\$0	1	1938	\$7,527
ATOKA	2	5	1	\$28,767	8	2250	\$13,499
BEAVER	0	0	1	\$0	0	905	\$8,930
BECKHAM	5	0	1	\$0	10	1900	\$19,470
BLAINE	2	2	1	\$1,766	11	4100	\$27,461
BRYAN	12	7	34	\$67,659	27	9450	\$63,527
CADDO	17	10	7	\$39,816	12	4157	\$20,434
CANADIAN	18	7	3	\$26,860	20	8600	\$140,937
CARTER	17	22	15	\$113,503	30	11897	\$69,397
CHEROKEE	15	8	18	\$35,621	20	11093	\$62,592
CHOCTAW	8	1	6	\$20,000	14	1350	\$8,786
CIMARRON	1	0	1	\$0	0	0	\$4,344
CLEVELAND	91	50	35	\$216,318	147	55875	\$212,618
COAL	0	0	0	\$0	4	1850	\$6,182
COMANCHE	46	21	19	\$149,303	49	19910	\$56,014
COTTON	3	0	0	\$0	1	500	\$10,056
CRAIG	11	4	5	\$9,778	3	1900	\$16,272
CREEK	16	8	7	\$56,149	16	8716	\$82,603
CUSTER	7	0	1	\$0	11	2750	\$22,040
DAC	3	1	2	\$0	0	0	\$0
DELAWARE	6	6	0	\$45,738	8	2300	\$50,072
DEWEY	3	2	2	\$2,212	2	941	\$5,477
ELLIS	0	0	0	\$0	1	487	\$3,241
GARFIELD	14	11	4	\$122,422	47	19910	\$88,019
GARVIN	20	9	9	\$44,249	18	4065	\$34,382
GRADY	21	4	9	\$63,727	19	5833	\$107,330
GRANT	0	0	0	\$0	2	1400	\$3,977
GREER	2	1	1	\$4,677	2	41	\$7,934
HARMON	4	0	1	\$0	0	0	\$2,071
HARPER	1	3	0	\$3,951	0	1623	\$1,808
HASKELL	1	1	1	\$701	3	900	\$21,815
HUGHES	6	3	1	\$16,345	10	4650	\$2,071
JACKSON	4	1	0	\$6,934	5	1397	\$35,514
JEFFERSON	1	2	0	\$845	2	1000	\$9,960
JOHNSTON	5	2	1	\$2,573	2	0	\$10,148
KAY	15	5	11	\$43,555	25	11050	\$78,641
KINGFISHER	6	2	3	\$5,471	4	3730	\$29,967

County	Claims Received in FY19	Claims Approved in FY19	Claims Denied in FY19	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
KIOWA	0	0	0	\$0	4	143	\$18,735
LATIMER	2	4	0	\$1,959	4	6300	\$27,561
LEFLORE	20	4	7	\$45,153	24	19800	\$92,422
LINCOLN	15	12	0	\$96,935	18	8707	\$49,882
LOGAN	24	13	24	\$33,864	21	7727	\$50,832
LOVE	1	3	1	\$19,064	6	3150	\$15,162
MAJOR	1	1	0	-\$637	1	1390	\$11,945
MARSHALL	8	4	3	\$29,459	3	2262	\$14,180
MAYES	23	13	10	\$82,176	7	9200	\$52,062
MCCLAIN	13	8	6	\$32,263	19	8719	\$60,826
MCCURTAIN	37	10	18	\$32,859	19	7650	\$15,148
MCINTOSH	3	0	0	\$0	20	6350	\$27,475
MURRAY	7	0	4	\$1,979	9	3600	\$17,998
MUSKOGEE	38	17	40	\$105,332	82	47092	\$86,314
NOBLE	6	1	0	\$12,529	0	1350	\$13,022
NOWATA	2	2	0	\$13,843	4	2250	\$3,919
OKFUSKEE	3	4	6	\$28,902	10	4200	\$14,833
OKLAHOMA	460	130	130	\$1,077,832	454	218967	\$591,204
OKMULGEE	12	3	1	\$20,864	37	10950	\$161,269
OSAGE	13	5	3	\$52,408	14	10600	\$81,176
OTTAWA	6	4	0	\$49,652	10	2794	\$215,835
PAWNEE	5	2	2	\$5,017	4	2281	\$42,366
PAYNE	57	30	42	\$86,062	92	38255	\$113,843
PITTSBURG	20	4	4	\$17,991	50	15400	\$39,523
PONTOTOC	11	5	1	\$24,454	22	14900	\$52,815
POTTAWATOMIE	28	1	5	\$15,458	29	26934	\$92,725
PUSHMATAHA	5	1	0	\$10,280	11	2250	\$13,641
ROGER MILLS	0	0	1	\$0	2	0	\$3,573
ROGERS	43	27	49	\$114,302	23	15381	\$139,865
SEMINOLE	7	2	1	\$5,464	16	10370	\$24,049
SEQUOYAH	22	10	15	\$11,304	15	7650	\$11,599
STEPHENS	14	9	10	\$25,843	19	4850	\$24,892
TEXAS	10	4	5	\$19,120	2	2761	\$16,875
TILLMAN	4	0	1	\$0	3	500	\$7,498
TULSA	305	131	116	\$1,107,586	384	177925	\$519,356
WAGONER	23	13	24	\$36,948	22	12399	\$105,999
WASHINGTON	8	6	2	\$28,242	21	13550	\$55,589
WASHITA	3	0	1	\$0	4	500	\$7,360

County	Claims Received in FY19	Claims Approved in FY19	Claims Denied in FY19	Award Amount	SANE Apps Received	SANE Award Amounts	VCA Collections
WOODS	5	5	0	\$11,531	2	2750	\$11,938
WOODWARD	15	10	7	\$105,135	8	1576	\$27,676
Grand Total	1676	699	747	\$4,518,246	2038	948855	\$4,307,048

Approved and denied claims may have been submitted prior to FY 2019.

APPLICATIONS BY CRIME TYPE



Crime Type	Number Received	Percentage
ARSON	9	0.54%
ASHLT	968	57.93%
CHILD PORNOGRAPHY	2	0.12%
CPA	23	1.38%
CSA	100	5.98%
DA:SA	8	0.48%
DUI:HOM	1	0.06%
DWI:DUI	67	4.01%
HOM	303	18.13%
HUMAN TRAFFICKING	3	0.18%
IDENTITY THEFT/	4	0.24%
KIDNAPPING	19	1.14%
LEAVING SCENE	23	1.38%
OTHER	2	0.12%
ROBBERY	49	2.93%
SA	78	4.67%
STALKING	12	0.72%
HOMICIDE WITNESS	1	0.00%
Grand Total	1524	100%

EASING THE FINANCIAL BURDENS OF CRIME VICTIMS

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 2107 claims received in FY' 19 with payments totaling \$973,772.70. These funds go directly to the Medical Doctors or SANE (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 to the Sexual Assault Examination Fund. The total 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.

*Claims paid could include claims received in FY 18 and paid in FY 19.

NOTES

