

STATE OF LOUISIANA
CRIME VICTIMS REPARATIONS BOARD

**ANNUAL REPORT
FISCAL YEAR 2008**

(STATE EMBLEM)

LOUISIANA COMMISSION ON LAW ENFORCEMENT
1885 WOODDALE BOULEVARD, SUITE 1230
BATON ROUGE, LOUISIANA 70806

www.lcle.la.gov/cvr

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TO: Honorable Bobby Jindal
Governor, State of Louisiana

Honorable Members of the Legislature
State of Louisiana

We have the honor to submit the annual report of the Louisiana Crime Victims Reparations Board. This report is submitted pursuant to the provisions of LA R.S. 46:1818 and covers the period of July 1, 2007, through June 30, 2008.

The total amount of funds collected for FY 2008 was \$1,405,677.59. In FY 2008, 924 claimants were paid and a total of \$2,350,613.77 was awarded. The average total per award was \$2,543.95. Funds for the Crime Victims Reparations Program are not state appropriated funds and are mainly derived from costs levied on criminal court cases and from federal grants.

Sincerely,

Lamarr Davis
Chairman

BOARD MEMBERS

The Crime Victims Reparations Board is under the jurisdiction of the Louisiana Commission on Law Enforcement and is domiciled in Baton Rouge. The Board is composed of the Executive Director of the Louisiana Commission on Law Enforcement or his designee; seven representatives from each of the congressional districts in the state; a representative of the elderly; and a representative at large. The Board members are appointed by the governor and their terms run concurrent with that of the governor.

The membership of the Crime Victims Reparations Board in FY 2008 was:

Lamarr Davis, Chairman
Hodge, Louisiana
5th Congressional District

Audrey Thibodeaux
St. Martinville, Louisiana
3d Congressional District

Judy Dupuy
Baton Rouge, Louisiana
Executive Director -- LCLE

Bill Willis
Shreveport, Louisiana
4th Congressional District

Mickey DeLaup
Metairie, Louisiana
1st Congressional District

Rose Marie Montgomery
Harahan, Louisiana
At-Large

Dr. Glenn Green, Sr.
Westwego, Louisiana
2nd Congressional District

Fernest J. Benoit
Breaux Bridge, Louisiana
7th Congressional District
Elderly Representative

Elizabeth Harvey
Mandeville, Louisiana
Victims & Citizens Against Crime

A. Edward Hardin
Baton Rouge, Louisiana
6th Congressional District

Ann Polak
Lake Charles, Louisiana
At Large

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CRIME VICTIMS REPARATIONS ACT

The Louisiana Crime Victims Reparations Act provides for monetary compensation for economic losses to victims of crimes involving personal injury and to their dependents in cases of death. It also permits recovery for economic losses incurred as a result of a good faith effort to prevent a crime.

The maximum award allowable is \$10,000 for any one case, although the board may extend an award to a maximum allowable of \$25,000 for those victims whose injuries are total and permanent. Claims are reduced by all collateral sources, such as medical and hospitalization insurance payments, social security benefits, disability income insurance, worker's compensation and other sources of benefits.

FUNDING

Income for the compensation fund is composed primarily of monies paid as costs levied on criminal court cases. A cost of not less than fifty dollars (\$50) for felonies and seven dollars and fifty cents (\$7.50) for violations of misdemeanors and municipal and parish ordinances is levied, except traffic violations other than those driving offenses defined in Title 14 of the Louisiana Revised Statutes of 1950 which result in a conviction. Other components of the fund include federal grants, court-ordered restitution from criminals, donations and interest.

Act 684 of the 1992 Louisiana Legislature created the Victims of Juvenile Crime Compensation Fund. Courts which levy the cost (not to exceed \$15) must remit one-third of the amount collected to the Crime Victims Reparations Fund.

The Crime Victims Reparations Board manages a small fund and must insure that these dollars are disbursed as equitably and fairly as possible. The Board has adopted standard operating procedures to keep the fund solvent and help contain these costs while insuring equitable disbursements among crime victims and their families.

AWARDS

Eligibility:

A person who believes he or she is a victim of a crime which involved the use of force or threat of force and resulted in personal injury and/or loss of income; the victim's legal representative; or, in the case of death, a dependent or the dependent's legal representative may make application to the Board for an award.

A claim may be filed regardless of whether the offender is known, has been arrested, and/or has been found guilty.

The crime must:

1. involve the use of force or threat of use of force **or**
2. result in personal injury, death, or catastrophic property loss **and**
3. result in expenses covered by the statute and not reimbursable by any other source.

Vehicular crimes (motor vehicle, boat or aircraft) are not included unless they involve a DWI offense, a hit-and-run offense, or the injuries or death were intentionally inflicted with a vehicle, which includes a crime caused by an operator fleeing the scene of a crime in which he knowingly participated.

Victims of terrorist acts are also eligible to apply for awards.

Application Requirements:

1. The crime must have been committed in Louisiana after July 16, 1982 or happened to a Louisiana resident in a place with no compensation program.
2. The crime must be reported to law enforcement officials within 72 hours unless there is a valid reason for a later reporting.
3. The application must be filed within one year from the date of the crime.
4. The required information must be provided on the application.
5. The losses must not be reimbursable from any other source such as insurance, sick or annual leave, social security, Medicare, Medicaid, civil suit, or restitution.
6. The victim or claimant must cooperate with the reasonable requests of law enforcement officials.

Awards Are Prohibited If:

1. The victim/claimant does not comply with the application requirements as listed on the previous page.
2. The victim is the offender or an accessory, or an award would unjustly benefit either the offender or the accessory.
3. The victim is confined in any type of correctional facility.

An Award Could Be Denied or Reduced If:

1. The Board finds that the implication of the victim's behavior at the time of the crime or the victim's past criminal activity caused or contributed to the incident.
2. The victim was operating a vehicle at the time of the crime without the required insurance.
3. The victim was not wearing a seat belt as required by state law.
4. The victim was a willing passenger in a vehicle driven by an intoxicated driver.

Expenses:

Expenses which may be reimbursed include those:

1. For personal injury:
 - a) medical, hospital, nursing, physical therapy, psychiatric care, or counseling;
 - b) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury;
 - c) care of children, enabling a victim or the spouse, but not both, to engage in gainful employment.
2. As a consequence of death:
 - a) funeral, burial, cremation expenses;
 - b) loss of support to one or more dependents not otherwise compensated for personal injury loss;
 - c) care of children, enabling the surviving spouse to engage in lawful employment, where that expense is not otherwise compensated for personal injury loss;
 - d) counseling or therapy for any surviving family member or cohabiter of the victim.
3. Expenses of the victim associated with the collection and securing of crime scene evidence.

Expenses which may not be reimbursed for any reason include:

1. Property losses, except for a catastrophic property loss which is limited to the loss of the victim's abode provided it is owned and occupied by the victim;
2. Pain and suffering;
3. Attorney fees, except when they are part of an order from a hearing or awarded by a court of law.

Processing

Applications are distributed, received, and investigated by the Sheriff's Office in the parish where the crime occurred. As part of their investigative responsibilities, the sheriff's office obtains a copy of the law enforcement agency report on the crime, verifies all the expenses submitted and insurance or any other collateral sources that the claimant may have received, and makes a recommendation based on the investigation.

The application is then submitted to the Crime Victims Reparations Board's office where the Program Manager reviews the submitted documents, prepares a summary, and places the application on a monthly docket to be reviewed and considered by the entire Board. Applications are reviewed by the Board at its regular meeting and the Board votes to either award or deny. However, they may also vote to continue the case pending further information or they may order a hearing.

The victim/claimant is notified in writing, usually within seven days, of the Board's decision. The Board secretary prepares the award checks which are distributed to the respective Sheriff's offices from which they are sent to the victims and/or providers. The process takes up to three weeks from the Board meeting decision date. The victim/claimant has the right to appeal the decision of the Board within 60 days or appeal directly to District Court within 30 days. If an appeal to the board is denied, further appeal to District Court in Baton Rouge is allowed under the Administrative Procedures Act.

Provisions are made for payment of emergency awards up to \$500 in cases where urgency is apparent. Emergency awards are rendered upon the recommendation of the sheriff's investigator and concurrence of the Board member for the area involved.

Supplemental claims may be submitted for additional expenses incurred after the original award has been made. The aggregate total cannot exceed the maximum caps as per the statute. The supplemental claims are processed in the same manner as original claims.

PUBLIC INFORMATION AWARENESS

Act 383 of the 1992 Louisiana Legislature mandated that the Crime Victims Reparations Board prepare a brochure enumerating victims' rights and listing the victim assistance services specifically available to each parish. The victims' rights information was created as an insert to the Crime Victims Reparations pamphlet. More than 20,000 of these pamphlets have been forwarded to law enforcement agencies and district attorney's offices across the state for distribution. In spite of our public relations efforts, it is quite apparent that there are many victims of crime in this state who are still not aware of benefits of this program.

Public service announcements were developed and are distributed to all radio and television stations licensed to broadcast in Louisiana.

The Crime Victims Reparations Board and the Louisiana Commission on Law Enforcement publishes a statewide Victim/Elderly Services Directory on a bi-annual basis. The directory contains an updated extensive cross-reference of service agencies available to the citizens of Louisiana. The directory along with other CVR information can be accessed on the web at www.lcle.la.gov/cvr.

NATIONAL AND INTERNATIONAL AFFILIATION

The Louisiana Crime Victims Reparations Board is a member of the National Association of Crime Victims Compensation Boards, the National Organization for Victim Assistance, and the National Victim Center for Victims of Crime.

COLLECTIONS, GRANTS, AND AWARDS

	Revenues Collected*	VOCA Federal Grant	Total Funds Awarded
FY 1983	\$299,568.00	\$0.00	\$33,645.86
FY 1984	664,354.60	0.00	240,536.41
FY 1985	588,258.62	0.00	195,403.74
FY 1986	727,224.55	77,000.00	575,579.73
FY 1987	698,437.94	114,000.00	865,164.07
FY 1988	618,320.12	222,000.00	765,528.74
FY 1989	749,507.52	222,000.00	703,750.60
FY 1990	699,292.42	326,000.00	1,028,644.11
FY 1991	831,859.37	220,000.00	1,222,260.81
FY 1992	990,399.86	206,000.00	1,154,816.42
FY 1993	902,340.70	405,000.00	1,001,715.07
FY 1994	981,722.02	371,000.00	932,886.17
FY 1995	953,435.24	203,000.00	804,814.04
FY 1996	1,231,208.99	203,000.00	739,748.57
FY 1997	1,230,602.06	100,000.00	1,129,641.47
FY 1998	1,272,676.39	190,000.00	1,074,564.13
FY 1999	1,418,764.04	331,000.00	1,422,911.50
FY 2000	1,504,539.62	314,000.00	1,351,160.69
FY 2001	1,502,417.87	389,000.00	1,722,806.17
FY 2002	1,354,813.47	429,000.00	1,827,829.86
FY 2003	1,270,467.21	988,000.00	1,699,068.00
FY 2004	1,329,320.46	771,000.00	1,740,998.77
FY 2005	1,364,766.16	773,000.00	1,698,379.47
FY 2006	1,425,526.38	689,000.00	1,719,949.45
FY 2007	1,422,986.09	683,000.00	2,184,876.97
FY 2008	1,405,677.59	757,000.00	2,350,613.77
TOTALS	\$27,438,487.29	\$8,983,000.00	\$30,187,294.59

CLAIMS PROCESSED

	Awarded	Denied	Deferred
FY 1983	11	14	0
FY 1984	69	21	0
FY 1985	80	21	4
FY 1986	213	21	5
v.lcle.la.gov	332	36	11
FY 1988	317	49	13
FY 1989	267	59	11
FY 1990	387	82	25
FY 1991	450	78	13
FY 1992	479	118	21
FY 1993	495	231	20
FY 1994	488	216	23
FY 1995	409	177	22
FY 1996	364	118	3
FY 1997	462	97	3
FY 1998	445	139	0
FY 1999	540	119	0
FY 2000	570	99	0
FY 2001	693	105	75
FY 2002	792	107	132
FY 2003	760	165	421
FY 2004	702	204	10
FY 2005	725	158	160
FY 2006	680	155	111
FY 2007	791	109	173
FY 2008	924	122	225
TOTALS	12,445	2,820	1,481

**CLAIM DENIALS
FY 2008**

1	No evidence crime was committed	1
2	Victim has outstanding bench warrant	0
3	Crime not reported within time specified by statute	0
4	Lack of cooperation with law enforcement	15
5	Victim/Claimant was offender or accessory	0
6	Claim not filed timely	1
7	Victim contribution	9
8	Loss recouped from collateral source	1
9	Does not meet definition of crime	7
10	Pecuniary loss not covered by statute	7
11	Unable to determine pecuniary loss sustained	0
12	Exceeds or does not meet limits on awards defined in rules	0
13	Victim is a career criminal	4
14	Victim had felony conviction within the last five years	51
15	Victim was involved in illegal activity	25
16	Other	1
TOTAL		122

**RECEIPTS BY PARISH
FY 2008**

Parish	TOTAL AMOUNT RECEIVED	
	Fines/Fees	Restitution
Acadia	\$23,680.76	\$0.00
Allen	7,414.91	145.00
Ascension	47,755.00	4,133.77
Assumption	7,645.00	345.99
Avoyelles	6,736.25	0.00
Beauregard	15,466.21	2,793.40
Bienville	3,178.50	0.00
Bossier	35,318.75	5,000.00
Caddo	90,073.70	7,994.98
Calcasieu	54,111.89	1,059.00
Caldwell	4,237.50	0.00
Cameron	5,976.49	0.00
Catahoula	3,182.50	0.00
Claiborne	4,965.14	1,640.00
Concordia	4,335.00	0.00
DeSoto	5,950.00	0.00
E. Baton Rouge	57,732.48	2,990.00
E. Carroll	6,953.00	0.00
E. Feliciana	9,002.50	0.00
Evangeline	10,490.16	800.00
Franklin	8,550.00	0.00
Grant	5,854.50	0.00
Iberia	23,250.60	1,428.65
Iberville	8,702.87	0.00
Jackson	7,320.84	0.00
Jefferson	148,500.81	0.00
Jeff. Davis	10,050.09	0.00
Lafayette	43,897.54	4,518.85
Lafourche	38,569.98	455.13
Lasalle	12,560.48	0.00
Lincoln	12,745.85	0.00
Livingston	23,364.00	0.00
Madison	2,129.60	5.00
Morehouse	6,703.25	0.00
Natchitoches	7,018.50	0.00
Orleans	50,530.95	2,440.00
Ouachita	49,229.23	320.00
Plaquemines	10,197.50	0.00
Pointe Coupee	1,282.50	0.00

**RECEIPTS BY PARISH (Cont'd.)
FY 2008**

Rapides	49,191.74	0.00
Red River	2,345.00	0.00
Richland	7,778.43	0.00
Sabine	8,974.00	0.00
St. Bernard	4,988.10	0.00
St. Charles	11,112.26	0.00
St. Helena	1,812.75	0.00
Judy Dupuy	5,242.50	0.00
St. John	7,504.00	0.00
St. Landry	24,731.74	0.00
St. Martin	16,451.82	0.00
St. Mary	23,984.32	0.00
St. Tammany	68,318.03	0.00
Tangipahoa	25,272.50	3,169.75
Tensas	1,624.00	0.00
Terrebonne	42,668.99	0.00
Union	8,677.50	0.00
Vermilion	9,640.00	0.00
Vernon	24,389.25	200.00
Washington	14,599.12	0.00
Webster	15,066.02	4,535.00
W. Baton Rouge	5,735.19	100.00
W. Carroll	3,466.46	0.00
W. Feliciana	2,787.50	0.00
Winn	3,627.50	0.00
TOTALS	<u>\$1,264,653.55</u>	<u>\$44,074.52</u>

Fines/Fees	\$1,264,653.55
Restitution (Parish)	\$44,074.52
Restitution (Federal Court)	20,931.22
Civil Suit Recovery	0.00
Donations	5,181.00
Prior Year Refund	9,327.62
Prison Enterprises	10,450.68
Angola Break-In	0.00
Juvenile Crime Compensation	0.00
Interest	51,059.00
TOTAL	<u>\$1,405,677.59</u>

**APPLICATIONS BY PARISH
FY 2008**

Parish	Eligibility			
	Total	Approved	Denied	Other
Acadia	3	3	0	0
Allen	5	5	0	0
Ascension	3	2	0	1
Assumption	8	5	3	0
Avoyelles	3	2	1	0
Beauregard	13	7	0	6
Bienville	4	3	0	1
Bossier	45	39	5	1
Caddo	91	73	13	5
Calcasieu	82	71	8	3
Caldwell	0	0	0	0
Cameron	1	0	1	0
Catahoula	1	1	0	0
Claiborne	17	13	2	2
Concordia	16	13	1	2
DeSoto	10	9	1	0
E. Baton Rouge	76	48	6	22
E. Carroll	1	1	0	0
E. Feliciana	9	5	1	3
Evangeline	2	1	1	0
Franklin	0	0	0	0
Grant	1	1	0	0
Iberia	74	18	0	56
Iberville	12	9	3	0
Jackson	1	1	0	0
Jefferson	36	12	6	18
Jeff. Davis	4	4	0	0
Lafayette	32	19	3	10
Lafourche	82	68	7	7
Lasalle	2	0	0	2
Lincoln	7	4	2	1
Livingston	13	10	1	2
Madison	3	1	2	0
Morehouse	3	1	0	2
Natchitoches	9	5	1	3
Orleans	143	101	25	17
Ouachita	24	11	0	13
Plaquemines	0	0	0	0
Pointe Coupee	5	5	0	0

**APPLICATIONS BY PARISH (Cont'd.)
FY 2008**

Rapides	16	12	3	1
Red River	0	0	0	0
Richland	3	2	1	0
Sabine	15	7	1	7
St. Bernard	4	3	0	1
St. Charles	14	9	2	3
St. Helena	2	0	1	1
St. James	1	1	0	0
St. John	5	4	0	1
St. Landry	21	13	6	2
St. Martin	33	24	5	4
St. Mary	10	6	2	2
St. Tammany	29	22	3	4
Tangipahoa	20	18	0	2
Tensas	2	1	0	1
Terrebonne	14	8	1	5
Union	12	7	0	5
Vermilion	13	7	3	3
Vernon	2	2	0	0
Washington	8	6	1	1
Webster	2	1	0	1
W. Baton Rouge	13	9	0	4
W. Carroll	0	0	0	0
W. Feliciana	2	1	0	1
Winn	0	0	0	0
TOTALS	1082	734	122	226

**AWARDS BY PARISH
FY 2008**

Parish	AWARDS	
	Count*	Amount
Acadia	4	\$4,669.57
Allen	6	20,605.00
Ascension	3	11,278.01
Assumption	4	4,273.50
Avoyelles	2	4,837.56
Beauregard	15	19,385.06
Bienville	4	15,907.03
Bossier	30	57,661.04
Caddo	99	330,907.22
Calcasieu	94	164,205.17
Caldwell	0	0.00
Cameron	0	0.00
Catahoula	1	10,000.00
Claiborne	10	14,074.76
Concordia	18	35,651.18
DeSoto	6	28,271.16
E. Baton Rouge	71	197,315.91
E. Carroll	1	4,500.00
E. Feliciana	5	6,579.25
Evangeline	1	2,242.12
Franklin	0	0.00
Grant	1	2,690.79
Iberia	68	79,743.34
Iberville	9	44,882.28
Jackson	1	700.00
Jefferson	33	56,338.52
Jeff. Davis	3	13,436.80
Lafayette	29	53,937.65
Lafourche	64	106,567.13
Lasalle	2	1,000.00
Lincoln	4	11,776.25
Livingston	9	28,391.73
Madison	1	409.91
Morehouse	5	3,460.00
Natchitoches	8	26,824.66
Orleans	97	349,694.28
Ouachita	21	52,601.19
Plaquemines	0	0.00
Pointe Coupee	6	25,862.89

**AWARDS BY PARISH (Cont'd.)
FY 2008**

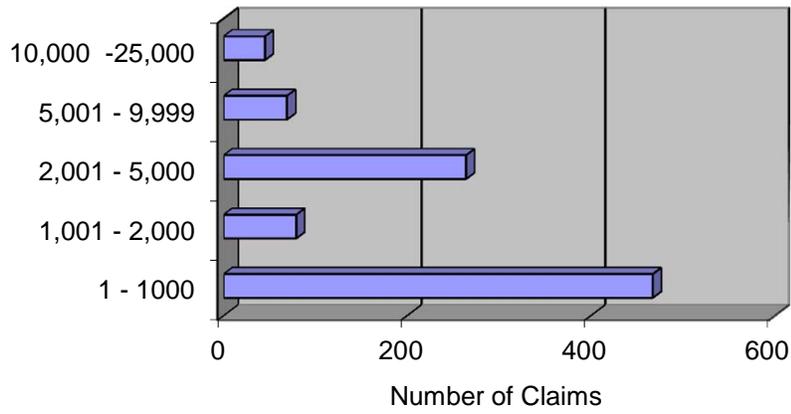
Rapides	15	44,853.36
Red River	0	0.00
Richland	3	11,356.42
Sabine	10	20,449.07
St. Bernard	5	16,110.00
St. Charles	10	5,000.00
St. Helena	1	500.00
St. James	2	3,280.40
St. John	4	14,868.16
St. Landry	15	64,583.46
St. Martin	21	37,736.42
St. Mary	6	17,037.78
St. Tammany	21	83,585.78
Tangipahoa	19	71,605.99
Tensas	1	4,500.00
Terrebonne	11	42,557.99
Union	9	19,128.43
Vermilion	10	26,974.21
Vernon	2	9,915.66
Washington	7	24,120.80
Webster	3	6,835.47
W. Baton Rouge	11	15,473.56
W. Carroll	0	0.00
W. Feliciana	3	19,459.85
Winn	0	0.00
TOTALS	924	\$2,350,613.77

** Includes both state and federal funds. Does not include refund adjustments.

* This count includes supplemental awards based on previous years' eligibility.

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CLAIMS BY DOLLAR AMOUNT



CLAIMS BY CRIME TYPE

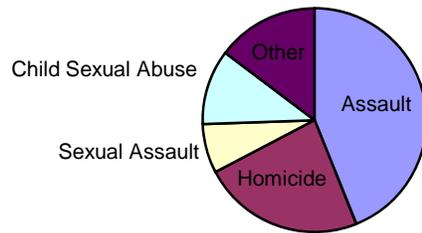
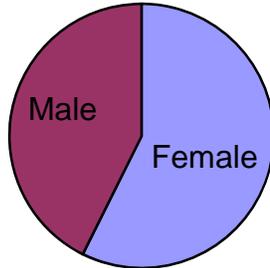
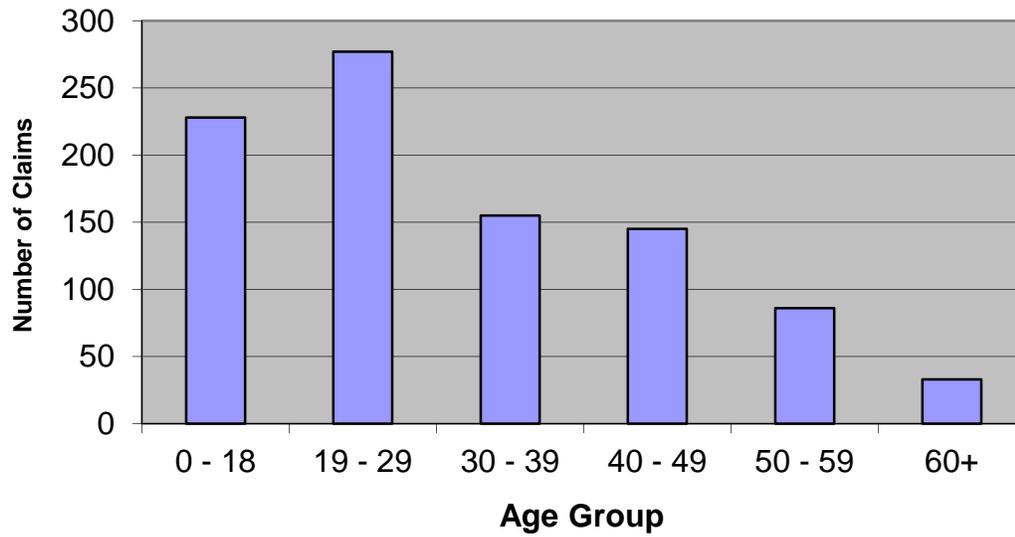


CHART BY GENDER

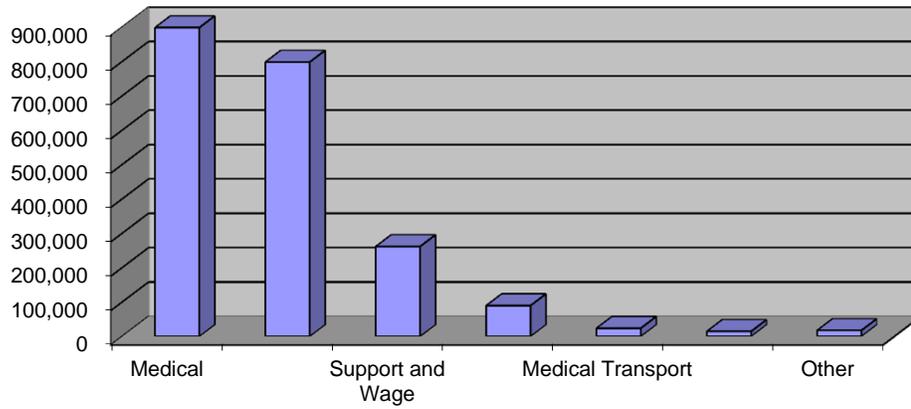


CLAIMS BY AGE



www.lcle.la.gov/cvr.

AWARDED BY EXPENSE TYPE



www.lcle.la.gov/cvr.