

**REPORT OF  
THE VIRGINIA STATE CRIME COMMISSION**

**CRIMINAL INJURIES  
COMPENSATION FUND**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 35**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1998**





# COMMONWEALTH of VIRGINIA

## VIRGINIA STATE CRIME COMMISSION

General Assembly Building

Rich, Virginia  
2013-14

December 16, 1997

MEMBERS:  
FROM THE SENATE OF VIRGINIA  
John C. Howell, Vice-Chair  
Mark C. Lofley  
Kenneth W. Stoltz

FROM THE HOUSE OF DELEGATES:  
Clifton A. Woodrum, Chairman  
James F. Albright  
John W. Cunningham  
John J. Chaves, III  
R. Craig Dicksie  
Raymond B. Faust, Jr.

APPOINTED BY THE GOVERNOR:  
Robert C. Duke  
Terry W. Hawkins  
Richard J. Hirschman

ATTORNEY GENERAL'S OFFICE  
Richard Cohen

TO: The Honorable James S. Gilmore, III, Governor of Virginia, and  
Members of the General Assembly:

Senate Joint Resolution 266, agreed to by the 1997 General Assembly, directed the Virginia State Crime Commission to study crime victims' compensation, and to submit its findings and recommendations to the Governor and the 1998 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1997. I have the honor of submitting herewith the study report.

Respectfully submitted,

Clifton A. Woodrum  
Chairman



**VIRGINIA STATE CRIME COMMISSION  
MEMBERS**

**From the Senate of Virginia**

Mark L. Earley  
Janet D. Howell  
Kenneth W. Stolle

**From the House of Delegates**

Clifton A. Woodrum, Chairman  
James F. Almand  
Jean W. Cunningham  
John J. Davies, III  
R. Creigh Deeds  
Raymond R. Guest, Jr.

**Appointments by the Governor**

Robert C. Bobb  
Terry W. Hawkins  
Robert J. Humphreys

**Attorney General**

Richard Cullen



HJR 266 -- Criminal Injuries Compensation Fund

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## **I. Authority for the Study**

During the 1997 legislative session, Senator Janet Howell sponsored Senate Joint Resolution 266 directing the Virginia State Crime Commission to study the mechanism used to compensate victims of crime.

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission to “study, report, and make recommendations on all areas of public safety.” Section 9-127 of the Code of Virginia provides that “the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate its recommendations to the Governor and the General Assembly.” The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of the mechanisms used to compensate victims of crime.

## **II. Members Appointed to Serve**

At the April 15, 1997, meeting of the Crime Commission, Chairman Clifton A. Woodrum of Roanoke appointed Janet D. Howell to chair the Law Enforcement Subcommittee and Delegate Raymond Guest to chair the Corrections Subcommittee. The following Members were selected to serve on the respective subcommittees:

### Law Enforcement

Senator Janet D. Howell  
Delegate James F. Almand  
Mr. Robert C. Bobb  
Delegate R. Creigh Deeds  
Senator Mark L. Earley  
Mr. James S. Gilmore, III  
Mr. Robert J. Humphreys

### Corrections

Delegate Raymond Guest  
Delegate James F. Almand  
Delegate Jean W. Cunningham  
Delegate John J. Davies, III  
Sheriff Terry W. Hawkins  
Senator Kenneth W. Stolle  
Delegate Clifton A. Woodrum

### **III. Executive Summary**

Information for the Crime Commission's study concerning the Criminal Injuries Compensation Fund was gathered through: interviews, working groups, discussions with representatives of the Criminal Injuries Compensation Fund, and discussions with local and state officials. During the course of the study, the Commission addressed and made recommendations on issues pertaining to the Criminal Injuries Compensation Fund. The Commission made the following recommendations:

- Amend §19.2-368.3.2 of the Code of Virginia to include Child Protective Services as an agency from which CICF can acquire records for investigation of a claim.
- Establish a crime victims' rights ombudsman position within the Workers Compensation Commission. The ombudsman shall operate as a crime victim compensation resolution advisor. The ombudsman will facilitate and assist victims of crime with the filing and processing of claims. The Commission will designate and employ the ombudsman. The ombudsman shall report directly to the Commission and shall act independently of the Office of the Criminal Injuries Compensation Fund (CICF).
- Create a legal rebuttal presumption that any claim filed by an eligible person is valid. The Criminal Injuries Compensation Fund office can rebut such a presumption in several ways including showing the applicant was directly or indirectly involved in the criminal conduct which gave rise to the claim.
- Amend §19.2-368.5(B) of the Code of Virginia to increase the amount of time a victim has to initially file a claim from 180 days to one (1) year after the occurrence of the crime.
- Amend §19.2-368.5:1 of the Code of Virginia to increase the time a victim has to perfect his or her claim from 90 days to 180 days after the written notice of the defect is sent by the Commission
- Amend §19.2-368.7 of the Code of Virginia to increase the amount of time a victim has to appeal a decision by the Office of the Criminal

Injuries Compensation Fund from 20 days to 90 days from the time a report is issued.

- To comply with the federal statutes involving victims' compensation and to prevent a loss of these federal funds, amend §19.2-368.4 of the Code of Virginia so victims who are injured as a result of foreign terrorism are eligible for compensation.
- Broaden the list of compensable crimes for victims who suffer emotional injuries to include all violent felonies as enumerated in §17-237 of the Code of Virginia.
- Specifically add reasonable and necessary moving expenses, not to exceed \$500, to the list of compensable services in §19.2-368.11:1.
- Amend §19.2-368.11: of the Code of Virginia to increase the statutory cap for allowable funeral expenses from \$2,000 to \$3,000.

## **IV. Background**

### **a. Introduction**

“The General Assembly finds and determines that there is a need for governmental financial assistance for [ ] victims of crime. Therefore, it is the intent of the General Assembly that aid, care and support be provided by the Commonwealth as a matter of moral responsibility for [ ] victims of crime.”<sup>1</sup>

Virginia, by statute, compensates victims of crime who have no other means to recover the costs incurred because of criminal activity. Crime victim compensation is not a new idea; references to victim compensation are made in the Bible. The real impetus for compensating victims of crime originated with the victim advocacy movement of the late 1960's. California established the first victims compensation model in 1965. During the 1970's, twenty-two

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<sup>1</sup> See §19.2-368.1.

states created victims compensation programs; Virginia was the seventeenth state among this group to create such a program. By the late 1980's at least forty-four states had compensation programs in place. The majority of these programs provide compensation for lost earnings, unreimbursed medical costs, and funeral and burial expenses.

In 1976, the General Assembly passed the Crime Victims Compensation Act (H.B.1093).<sup>2</sup> The Act created a special fund, the Criminal Injuries Compensation Fund, to be administered by the Crime Victims' Division of the Workers' Compensation Commission<sup>3</sup> for the purpose of providing aid, care, and support for victims of crime.<sup>4</sup> The Act provides the following benefits to victims of crime: 1) loss of earnings; 2) funeral and burial expenses; 3) medical expenses; and 4) other reasonable and necessary expenses directly related to the injury or death. A claim must have a minimum value of \$100 and an award cannot exceed \$15,000. A "victim" of a crime means "any person who suffers personal physical injury or death as a direct result of a crime or who suffers personal emotional injury as a direct result of being the subject of a robbery, abduction or attempted robbery or abduction."<sup>5</sup> Any award made

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<sup>2</sup> See § 19.2-368.1 et. seq.. Virginia's legislation was modeled primarily after existing Maryland legislation.

<sup>3</sup> The precatory language of the Act states:  
The General Assembly finds that many innocent persons suffer personal physical injury or death as a result of criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit crimes. Such persons or their dependents may thereby suffer disability, incur financial hardships or become dependent upon public assistance. The General Assembly finds and determines that there is a need for governmental financial assistance for such victims of crime. Therefore, it is the intent of the General Assembly that aid, care and support be provided by the Commonwealth as a matter of moral responsibility for such victims of crime.

<sup>4</sup> The General Assembly considered creating a separate legislative commission to administer and oversee the fund. The two most often cited reasons given at that time for not creating a commission were that the claims and hearing aspects of the program seemed to parallel the already existing Industrial Commission (the predecessor the Worker's Compensation Commission), and less costs would be incurred by placing the fund under the control of the existing Commission.

<sup>5</sup> § 19.2-368.2.

must be reduced by the amount of all other payments to the victim from any public or private source.<sup>6</sup>

### **b. Organization**

The Criminal Injuries Compensation Fund is administered by the Crime Victims Division of the Workers' Compensation Commission. Within the Division, the day-to-day administration of the fund is controlled by a director and his staff. The Commission has delegated a great number of responsibilities to the office of the Crime Victims Division Director including: the intake and processing of claims, and the initial determination of whether or not a claim is compensable.<sup>7</sup> If a victim is not satisfied with an award or a decision of the Director, he or she can appeal the award to the Commissioners. The Commission's decision can then be appealed to the Court of Appeals.<sup>8</sup>

### **c. Funding**

Funding for the Criminal Injuries Compensation Fund comes from two sources, fines and federal grants. When the General Assembly initially created the Division, a special reverting fund was created to handle claims. Monies coming into the fund came entirely from fines. A 1978 amendment changed the fund to a special nonreverting one whereby unexpended funds could be rolled over into the following year.<sup>9</sup> A 1985 amendment to the section removed

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<sup>6</sup> See § 19.2-368.1:11(E).

<sup>7</sup> The Virginia Court of Appeals has determined the proper analysis which is to be applied to a claim. The proper analysis is: 1) determine the eligibility of the claim; 2) determine whether the award is allowed; 3) determine the amount of the award; 4) apportion the award, if necessary; and 5) reduce the award by any collateral source. Jennings v. Division of Crime Victims' Comp., 5 Va. App 536 (1988).

<sup>8</sup> For a claims summary for FY 96 see appendix B.

<sup>9</sup> See Acts of Assembly, c.413, 1978.

any limitations for receiving federal funds and allowed monies deposited to be used immediately for the payment of claims.

Funding for the program for FY96 was as follows:

Fines	\$ 1,961,311
Federal grant proceeds	<u>1, 076,557</u>
Total funding	\$ 3,037,868

## **V. Findings and Proposed Recommendations**

### **Finding A.**

The Criminal Injuries Compensation Fund (CICF) is efficiently managed. The Director and his staff perform many tedious and time consuming tasks in an effective manner. Victims receive payment on their claims faster than victims in other states' systems.<sup>10</sup>

#### **Recommendation:**

Amend §19.2-368.3:2 of the Code of Virginia to include Child Protective Services as an agency from which CICF can acquire records for investigation of a claim.

### **Finding B.**

While the CICF is efficiently and effectively managed, the office does not adequately assist victims of crime with the filing, perfection and appeal of the claims. Many victims are not given clear instructions or guidance during the filing, processing, or appeal of their claims.

#### **Recommendations:**

1. Establish a crime victims' rights ombudsman position within the Workers Compensation Commission. The ombudsman shall operate as a crime victim compensation resolution advisor. The

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<sup>10</sup> For a summary of FY97 activities of the Division, see Appendix C.

ombudsman will facilitate and assist victims of crime with the filing and processing of claims. The Commission will designate and employ the ombudsman. The ombudsman shall report directly to the Commission and shall act independently of the Office of the Criminal Injuries Compensation Fund (CICF).

2. Create a legal rebuttal presumption that any claim filed by an eligible person is valid. The Criminal Injuries Compensation Fund office can rebut such a presumption in several ways including showing the applicant was directly or indirectly involved in the criminal conduct which gave rise to the claim.

### Finding C.

The time constraints which the Code places on victims for filing, perfecting and appealing claims are onerous and burdensome, particularly when compared to other states victims' compensation systems.<sup>11</sup>

#### Recommendations:

1. Amend §19.2-368.5(B) of the Code of Virginia to increase the amount of time a victim has to initially file a claim from 180 days to one (1) year after the occurrence of the crime.

2. Amend §19.2-368.5:1 of the Code of Virginia to increase the time a victim has to perfect his or her claim from 90 days to 180 days after the written notice of the defect is sent by the Commission

3. Amend §19.2-368.7 of the Code of Virginia to increase the amount of time a victim has to appeal a decision by the Office of the Criminal Injuries Compensation Fund from 20 days to 90 days from the time a report is issued.

### Finding D.

The current Virginia statutes governing compensable injuries do not include injuries which are required to be compensated in order to continue receiving Federal VOCA funds. The Virginia Compensation

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<sup>11</sup> For a comparison of selected states' filing deadlines and maximum payments see Appendix D.

system must include as compensable any injury suffered as a result of foreign terrorist acts.

**Recommendation:**

To comply with the federal statutes involving victims' compensation and to prevent a loss of these federal funds, amend §19.2-368.4 of the Code of Virginia so victims who are injured as a result of foreign terrorism are eligible for compensation.

**Finding E.**

The Virginia statutes do not adequately reflect the current practices of mental health professionals, nor do the statutes realistically reflect the costs associated with certain services.

**Recommendations:**

1. Broaden the list of compensable crimes for victims who suffer emotional injuries to include all violent felonies as enumerated in §17-237 of the Code of Virginia.
2. Specifically add reasonable and necessary moving expenses, not to exceed \$500, to the list of compensable services in §19.2-368.11:1.
3. Amend §19.2-368.11 of the Code of Virginia to increase the statutory cap for allowable funeral expenses from \$2,000 to \$3,000.



## **VI. Acknowledgments**

The members extend a special thanks to the following agencies and individuals for their assistance with this study effort:

Mr. Ron Jordan  
House Appropriations Committee

Ms. Harriet M. Russell, Executive Director  
Commission on Family Violence Prevention

Ms. Mandie M. Patterson, Chief of Victims Services Section  
Department of Criminal Justices Services

Robert W. Armstrong, Director  
Criminal Injuries Compensation Fund  
Workers' Compensation Commission

Mr. Sean C. Mitchell, Victim Witness Assistant  
Victim Witness Assistance Program  
Office of the Commonwealth's Attorney  
Norfolk, Virginia



## Appendix A



**SENATE JOINT RESOLUTION NO. 266**

*Directing the Virginia State Crime Commission to study the mechanism used to compensate victims of crime.*

Agreed to by the Senate, January 30, 1997

Agreed to by the House of Delegates, February 20, 1997

WHEREAS, the Criminal Injuries Compensation Fund was created by the General Assembly in 1976; and

WHEREAS, the Commission on Family Violence Prevention, through its Victims' Compensation Task Group, has studied issues involving the Fund and its effectiveness and responsiveness to victims of family violence and victims of sexual assault; and

WHEREAS, the Task Group found that (i) confusion exists over the extent of authority granted to the staff of the Workers' Compensation Commission vis-a-vis the staff for the Fund; (ii) failure to perfect a claim is one of the most common reasons for denial of a claim, yet victims find the guidelines for claim submission and appeal confusing; (iii) victims of crimes have reported being subject to debt collection by health care providers during the pendency of a claim with the Fund; and (iv) the issues identified concerning the Fund affect all victims, not just those who have been victims of family violence; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study the mechanism used to compensate victims of crime. The commission shall examine the Crime Victims' Compensation Division of the Workers' Compensation Commission, particularly the handling of victims' claims.

In conducting its study, the commission shall examine (i) the philosophy of the program; (ii) the process and criteria used for claims review and appeals, and particularly the process by which mental health claims are evaluated; (iii) the standards applied to the compensation of victims; (iv) the propriety of debt collection by health care providers during the pendency of the claims and the means of improving communication between staff of the division and health care providers; (v) creation of a consistent definition of "victim," to be used throughout the Code of Virginia; (vi) alternative means of increasing the ability of division staff to assist victims in perfecting claims; and (vii) the feasibility of using a workers' compensation model for the program.

Technical assistance shall be provided by the Commission on Family Violence Prevention and the staff of the Crime Victims' Compensation Division. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission, upon request.

The commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.



## Appendix B





STATISTICS SUMMARY  
FOR  
07/01/95 THROUGH 06/30/96

LOCATION: ALL

MISC. STATISTICS:

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Claims Closed:                866
Claims Reopened:              933
Emergency Requests:           313
Emergency Request Denials:    286
Claims Pending:               101
Claims Pending Over 90 Days:  0
  
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CLAIMS ESTABLISHED:

	Count	Percent
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Total New Claims:	1242	
Female:	439	35.35%
Male:	802	64.57%
Federal:	0	0.00%
Non-Resident:	34	2.74%

BY CRIME TYPE:

	Count	Percent
HOMICIDE	134	10.79%
SEXUAL ASSAULT	59	4.75%
ASSAULT	602	48.47%
HIT & RUN	7	0.56%
CHILD ABUSE - PHY	2	0.16%
DWI/DUI - FATAL	2	0.16%
SPOUSE ABUSE	37	2.98%
ARMED ROBBERY	98	7.89%
UNARMED ROBBERY	48	3.86%
ARSON - NON-FATAL	0	0.00%
RECKLESS CONDUCT	1	0.08%
DWI/DUI NON-FATAL	8	0.64%
OTHER	0	0.00%
CHILD SEX - FAMLR	32	2.58%
CHILD SEX NON-FML	58	4.67%
ABDUCTION	4	0.32%
ARSON - FATAL	2	0.16%
ROBBERY-NO INJURY	0	0.00%
HOMICIDE-DOMESTIC	28	2.25%
SEX ASLT-DOMESTIC	6	0.48%
ASSAULT-DOMESTIC	114	9.18%
ABDUCTN-DOMESTIC	0	0.00%

BY WEAPON TYPE:	Count	Percent
GUN	386	31.08%
KNIFE	148	11.92%
HANDS / FEET	375	30.19%
BODY	146	11.76%
BOTTLE	24	1.93%
CLUB	80	6.44%
FIRE	3	0.24%
VEHICLE	32	2.58%
OTHER	48	3.86%

BY REFERRAL SOURCE:	Count	Percent
ATTORNEY	25	2.01%
CA	94	7.57%
COURT	13	1.05%
POLICE DEPT	128	10.31%
PROBATION	4	0.32%
VICTIM WITNESS	657	52.90%
CV AGENCY	3	0.24%
HOTLINE	0	0.00%
POLITICIAN	0	0.00%
STATE AGENCY	0	0.00%
SUPPORT GROUP	10	0.81%
VICTIM	5	0.40%
WELFARE	25	2.01%
WORKERS COMP	0	0.00%
COLLECTION AGENCY	12	0.97%
FUNERAL HOME	22	1.77%
HOSPITAL	84	6.76%
MD	45	3.62%
CLERGY	0	0.00%
EMPLOYMENT	2	0.16%
FRIEND	62	4.99%
BOOK	2	0.16%
MAGAZINE	0	0.00%
NEWSPAPER	1	0.08%
POSTER	0	0.00%
RADIO	0	0.00%
TV	0	0.00%
OTHER	48	3.86%

## BY LOCATION:

	Count	Percent
OUTSIDE	2	0.16%
ACCOMACK	0	0.00%
ALBEMARLE	9	0.72%
ALLEGHANY	1	0.08%
AMELIA	0	0.00%
AMHERST	2	0.16%
APPOMATTOX	3	0.24%
ARLINGTON	23	1.85%
AUGUSTA	13	1.05%
BATH	0	0.00%
BEDFORD	2	0.16%
BLAND	0	0.00%
BOTETOURT	5	0.40%
BRUNSWICK	2	0.16%
BUCHANON	0	0.00%
BUCKINGHAM	2	0.16%
CAMPBELL	4	0.32%
CAROLINE	1	0.08%
CARROLL	1	0.08%
CHARLES CITY	0	0.00%
CHARLOTTE	4	0.32%
CHESTERFIELD	16	1.29%
CLARKE	1	0.08%
CRAIG	0	0.00%
CULPEPER	15	1.21%
CUMBERLAND	1	0.08%
DICKENSON	0	0.00%
DINWIDDIE	5	0.40%
ESSEX	0	0.00%
FAIRFAX COUNTY	51	4.11%
FAUQUIER	9	0.72%
FLOYD	4	0.32%
FLUVANNA	2	0.16%
FRANKLIN	1	0.08%
FREDERICK	7	0.56%
GILES	1	0.08%
GLOUCESTER	3	0.24%
GOOCHLAND	1	0.08%
GRAYSON	1	0.08%
GREENE	1	0.08%
GREENSVILLE	2	0.16%
HALIFAX	6	0.48%
HANOVER	5	0.40%
HENRICO	25	2.01%
HENRY	16	1.29%
HIGHLAND	0	0.00%
ISLE OF WIGHT	3	0.24%
JAMES CITY	2	0.16%
KING & QUEEN	0	0.00%
KING GEORGE	2	0.16%
KING WILLIAM	0	0.00%
LANCASTER	0	0.00%
LEE	1	0.08%
LOUDOUN	18	1.45%

LOUISA	1	0.08%
LUNENBURG	1	0.08%
MADISON	0	0.00%
MATHEWS	0	0.00%
MECKLENBURG	2	0.16%
MIDDLESEX	0	0.00%
MONTGOMERY	16	1.29%
NELSON	1	0.08%
NEW KENT	0	0.00%
NORTHAMPTON	0	0.00%
NORTHUMBERLAND	0	0.00%
NOTTOWAY	0	0.00%
ORANGE	2	0.16%
PAGE	4	0.32%
PATRICK	5	0.40%
PITTSYLVANIA	18	1.45%
POWHATAN	1	0.08%
PRINCE EDWARD	2	0.16%
PRINCE GEORGE	1	0.08%
PRINCE WILLIAM	25	2.01%
PULASKI	2	0.16%
RAPPAHANNOCK	0	0.00%
RICHMOND COUNTY	0	0.00%
ROANOKE COUNTY	2	0.16%
ROCKBRIDGE	1	0.08%
ROCKINGHAM	0	0.00%
RUSSELL	0	0.00%
SCOTT	2	0.16%
SHENNANDOAH	3	0.24%
SMYTH	3	0.24%
SOUTHAMPTON	0	0.00%
SPOTSYLVANIA	10	0.81%
STAFFORD	2	0.16%
SURREY	0	0.00%
SUSSEX	1	0.08%
TAZEWELL	9	0.72%
WARREN	2	0.16%
WASHINGTON	5	0.40%
WESTMORELAND	2	0.16%
WISE	2	0.16%
WYTHE	1	0.08%
YORK	4	0.32%
ALEXANDRIA	34	2.74%
BEDFORD	3	0.24%
BRISTOL	3	0.24%
BUENA VISTA	0	0.00%
CHARLOTTESVILLE	15	1.21%
CHESAPEAKE	35	2.82%
CLIFTON FORGE	0	0.00%
COLONIAL HEIGHTS	0	0.00%
COVINGTON	0	0.00%
DANVILLE	10	0.81%
EMPORIA	4	0.32%
FAIRFAX CITY	0	0.00%

FALL CHURCH	2	0.16%
FRANKLIN CITY	0	0.00%
FREDERICKSBURG	10	0.81%
GALAX	1	0.08%
HAMPTON	51	4.11%
HARRISONBURG	3	0.24%
HOPEWELL	8	0.64%
LEXINGTON	0	0.00%
LYNCHBURG	23	1.85%
MANASSAS	2	0.16%
MANASSAS PARK	0	0.00%
MARTINSVILLE	3	0.24%
NEWPORT NEWS	59	4.75%
NORFOLK	111	8.94%
NORTON	1	0.08%
PETERSBURG	34	2.74%
POQUOSON	1	0.08%
PORTSMOUTH	114	9.18%
RADFORD	1	0.08%
RICHMOND CITY	171	13.77%
ROANOKE CITY	41	3.30%
SALEM	4	0.32%
SOUTH BOSTON	4	0.32%
STAUNTON	9	0.72%
SUFFOLK	11	0.89%
VIRGINIA BEACH	50	4.03%
WAYNESBORO	2	0.16%
WILLIAMSBURG	7	0.56%
WINCHESTER	12	0.97%

BY VICTIM AGE:

	Count	Percent
0 - 12 years:	93	7.49%
13 - 17 years:	117	9.42%
18 - 29 years:	430	34.62%
30 - 44 years:	468	37.68%
45 - 64 years:	122	9.82%
over 65 years:	12	0.97%

CLAIMS AWARDED:

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Total Initial Awards:	571
Maximum Awards:	20
Total Supplemental Awards:	463
Emergency Awards:	27

CLAIMS DENIED:

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Total Denials:	846
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BY DENIAL REASON:	Count	Percent
INFORMATION	1	0.12%
WITHDRAWN	6	0.71%
UNABLE TO LOCATE	4	0.47%
NO COOPERATION	81	9.57%
RELATIVE	0	0.00%
HOUSEHOLD	0	0.00%
NO CRIME	37	4.37%
NO PHYSICAL INJRY	5	0.59%
NO POLICE REPORT	4	0.47%
CONTRIBUTION	131	15.48%
RE-IMBURSED	101	11.94%
2 YEARS	7	0.83%
NO MINIMUM LOSS	63	7.45%
PROPERTY LOSS	0	0.00%
120 HOURS	6	0.71%
NO COMPNSBLE LOSS	0	0.00%
LOCATION	2	0.24%
DEPENDENCY	0	0.00%
HIT & RUN	7	0.83%
180 DAYS	6	0.71%
RESIDENCY	0	0.00%
A 90 DAYS	385	45.51%
FRAUDULENT	0	0.00%

PAYMENTS BREAKDOWN:

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BY PAYMENT TYPE	Count	Amount
EMERGENCY PAYMENTS	27	28803.16
INITIAL PAYMENTS	1025	999998.25
SUPPLEMENTAL PAYMENTS	554	390046.38
RESTITUTION PAYMENTS	385	56171.11
TAX SETOFF PAYMENTS	0	0.00
OVERPAYMENTS	12	2717.67

BY PAID TO TYPE	Count	Amount	
HOSPITAL EXPENSES	263	16.38%	389230.06 27.43%
PHYSICIAN EXPENSES	521	32.44%	454073.00 32.00%
DENTAL EXPENSES	61	3.80%	60611.33 4.27%
PRESCRIPTIONS	104	6.48%	5295.16 0.37%
LOST WAGES	147	9.15%	145151.22 10.23%
FUNERAL EXPENSES	127	7.91%	240750.09 16.97%
MENTAL HEALTH	170	10.59%	59866.98 4.22%
REPLACEMENT SERVICES	0	0.00%	0.00 0.00%
TRANSPORTATION	154	9.59%	26004.36 1.83%
PROSTHESIS	21	1.31%	10857.83 0.77%
NURSING CARE	21	1.31%	20402.60 1.44%
DISABILITY	0	0.00%	0.00 0.00%
OTHER	17	1.06%	6605.13 0.47%

BY CRIME TYPE	Count	Amount	
HOMICIDE	103	6.41%	187617.19 13.22%
SEXUAL ASSAULT	65	4.05%	15256.08 1.08%
ASSAULT	798	49.69%	718414.75 50.63%
HIT & RUN	0	0.00%	0.00 0.00%
CHILD ABUSE - PHY	1	0.06%	200.00 0.01%
DWI/DUI - FATAL	0	0.00%	0.00 0.00%
SPOUSE ABUSE	34	2.12%	29678.17 2.09%
ARMED ROBBERY	130	8.09%	131301.61 9.25%
UNARMED ROBBERY	99	6.16%	61228.13 4.32%
ARSON - NON-FATAL	0	0.00%	0.00 0.00%
RECKLESS CONDUCT	0	0.00%	0.00 0.00%
DWI/DUI NON-FATAL	16	1.00%	10742.45 0.76%
OTHER	0	0.00%	0.00 0.00%
CHILD SEX - FAML R	53	3.30%	21537.60 1.52%
CHILD SEX NON-FML	105	6.54%	26443.26 1.86%
ABDUCTION	7	0.44%	2633.67 0.19%
ARSON - FATAL	2	0.12%	4000.00 0.28%
ROBBERY-NO INJURY	0	0.00%	0.00 0.00%
HOMICIDE-DOMESTIC	35	2.18%	54313.50 3.83%
SEX ASLT-DOMESTIC	9	0.56%	3084.74 0.22%
ASSAULT-DOMESTIC	147	9.15%	151016.59 10.64%
ABDUCTN-DOMESTIC	2	0.12%	1380.00 0.10%





## Appendix C





JIA R. DIAMOND, Chairman  
 LAWRENCE D. TARR, Commissioner  
 WILLIAM L. DUDLEY, JR., Commissioner  
 MARY ANN LINK, Chief Deputy  
 Commissioner

**COMMONWEALTH of VIRGINIA**  
 Workers' Compensation Commission  
**CRIMINAL INJURIES COMPENSATION FUND**  
 P.O. Box 5423  
 Richmond, Virginia 23220

ROBERT W. ARMSTRONG  
 Director

MAIN NUMBER  
 (804) 367-8686

M E M O R A N D U M

TO: Virginia R. Diamond, Chairman  
 Workers' Compensation Commission

FROM: Robert W. Armstrong, Director  
 Crime Victims' Compensation

DATE: July 11, 1997

RE: Crime Victims' Activities for Fiscal Year 1997

\*\*\*\* \*\*\*\*\* \*\*\*\*\* \*\*\*\*\* \*\*\*\*\* \*\*\*\*\* \*\*\*\*\*

Claims Established . . . . .	1299
Claims Closed . . . . .	766
Claims Awarded . . . . .	590
Emergency Awards . . . . .	25
Supplemental Awards . . . . .	394
Maximum Awards . . . . .	26
Claims Re-Opened . . . . .	841
Claims Pending . . . . .	112
Claims Over 90 Days Old . . . . .	0
Total Amount Awarded . . . . .	\$1,577,444.00
Total Amount Paid . . . . .	\$1,490,848.00
Restitution Paid . . . . .	\$ 64,897.00
( Balance . . . . .	\$3,134,026.00



## Appendix D



Crime Victims' Compensation  
Comparison of States on Selected Criteria

Compiled Based on Information in "1996 Program Directory, National  
Association of Crime Victim Compensation Boards."

**Filing Deadlines**

Time**	Number of States
180 days	7 states, including Virginia
1 year	33 states
18 months	1 state
2 years	8 states
3 years	2 states
no deadline	1 state
<b>Total</b>	<b>52 states, including Washington D.C., and the Virgin Islands</b>

45 states have longer filing deadlines than Virginia

**Maximum Payments**

Maximum Payment	Number of States
\$5,000	2 states
\$10,000	17 states; 2 exceptions
\$15,000	5 states, including Virginia
\$20,000	3 states, 2 exceptions
\$23,000	1 state
\$25,000	15 states
\$35,000	1 state
\$40,000	1 state
\$45,000	1 state
\$46,000	1 state
\$50,000	2 states
\$150,000	1 state \$150,000 medical, \$30,000 non medical, 40,000 pensions (Washington)
None	2 states; 1 state, no overall limit, maximum for each expense (Iowa); 1 state no medical maximum, maximums on others (New York)

**\*\*Please Note:** Significant exemptions exist for many states' deadlines and maximum payments. States can waive deadlines, in some cases. In Virginia, "for good cause shown" the deadline can be extended to 2 years

