

VIRGINIA WORKERS' COMPENSATION COMMISSION

CRIMINAL INJURIES COMPENSATION FUND

2005 ANNUAL REPORT
JULY 1, 2004 – JUNE 30, 2005



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LAWRENCE D. TARR, Chairman
WILLIAM L. DUDLEY, JR., Commissioner
VIRGINIA R. DIAMOND, Commissioner
JAMES SZABLEWICZ, Chief Deputy
Commissioner

COMMONWEALTH of VIRGINIA
CRIMINAL INJURIES COMPENSATION FUND
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January 27, 2006

The Honorable Timothy M. Kaine, Governor

Members of the General Assembly
Commonwealth of Virginia

Dear Governor Kaine and
Members of the General Assembly:

It is my pleasure to present to you the Annual Report for the Criminal Injuries Compensation Fund for fiscal year 2005. The Virginia Workers' Compensation Commission oversees this statutory program. The report details activities of the Fund from July 1, 2004, to June 30, 2005.

Please do not hesitate to contact me with any questions you may have about the Fund or the report.

Sincerely,

Lawrence D. Tarr, Chairman
Virginia Workers' Compensation Commission

WHAT IS THE CRIMINAL INJURIES COMPENSATION FUND?

Citing the Commonwealth's "moral responsibility" to provide financial assistance to victims of crime, the ***Criminal Injuries Compensation Fund (CICF)*** was established by the Virginia General Assembly in 1977 to pay unreimbursed expenses of innocent victims of crime who had suffered physical or emotional injury or death (§ 19.2-368.1, Code of Virginia). The fund is administered by the **Virginia Workers' Compensation Commission**.

For nearly thirty years the Fund has assisted victims of crime and their families by **easing the financial burden that crime often creates**, providing relief in the form of reimbursement for medical expenses, lost wages, funeral expenses, relocation, counseling costs and other "necessary and reasonable" expenditures incurred by the victim. Claimants are eligible for awards up to the statutory maximum of \$15,000 for compensable expenses. By law, CICF is the **payer of last resort**, assisting victims with expenses that are not covered by any other source. While the Fund does take "collateral resources" into account, assistance from the Fund is not "income-based".

The Fund receives nearly 1800 claims annually, awarding close to \$3 million dollars per year. Since its inception, the Fund has processed **over 30,000 claims** from Virginia victims of violent crime.

The Fund receives no tax dollars from the citizens of Virginia. CICF is funded by court fees, assessments on offenders, and restitution. The Fund also receives federal funds to supplement monies available to victims of violent crime. These funds are generated by court fines at the federal level, not public tax dollars.

In order for a victim to meet the Fund's eligibility requirements, the crime **must occur in Virginia** or against a Virginia resident in a state, country, or territory that does not have a compensation program. The crime must be reported to law enforcement within **120 hours** unless good cause for the delay can be shown. A claim must be filed with the Fund **within one year** of the occurrence of the crime unless good cause exists for not doing so. The claim must have a **minimum value of \$100**. The victim must **fully cooperate** with law enforcement and **must not have engaged in illegal activity or contributed to his or her injuries in any way**. Apprehension and conviction of the offender are **not** prerequisites for a crime victim's CICF eligibility.

"The mission of the Criminal Injuries Compensation Fund is to administer the Compensating Victims of Crime Act in a compassionate, fair and efficient manner. In so doing, the Fund strives to treat every victim and survivor with dignity and respect, recognizing the tremendous impact that violent crime has upon our society."

FISCAL YEAR 2005 IN REVIEW

Fiscal year 2005 represented another record-breaking year for the Criminal Injuries Compensation Fund (CICF), with increases in both the number of new claims filed (1760, representing over a **3% increase** from FY 2004) and the number of initial awards made (1327 awards). This fiscal year, the Fund provided **\$2,574,424** in awards to crime victims and their families. The total amount of awards decreased slightly from FY 2004, a decrease directly related to CICF's ongoing efforts to negotiate bills with medical providers, particularly hospitals, so that victims' CICF awards are able to address as many compensable expenses as possible.

CICF's role does not stop after an initial award is made. Many victims of violent crime require longer term care for the physical and emotional injuries they sustain, and CICF assists Virginia's victims of crime with these ongoing health needs. In FY 2005, 689 victims received supplemental awards totaling \$699,869, or 27.2% of the total amount awarded. Supplemental awards are issued when an eligible victim documents the need for additional benefits after the initial award has been entered.

Though the crime categories of homicide, abduction, and robbery showed decreases this fiscal year in terms of numbers of CICF claims filed, most other crime categories were on the rise from FY 2004. This year saw increases in the number of assaults, DUIs, carjackings, sexual assaults, child abuse and child sexual abuse cases in which victims were awarded through CICF. In fact, 20% of CICF's 2005 claims (359 out of 1760) involved victims under the age of 18, with nearly 5% involving children under the age of 7.

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with nearly 64% of FY 2005's claimants learning about CICF from their area victim/witness assistance program and another 11% being referred to the Fund from their local police or sheriff's department or commonwealth's attorney's office. Other victims found out about CICF from social service agencies, medical providers, funeral homes or other sources. This information supports the belief that continued collaboration and training with our criminal justice partners is important and also demonstrates an increased need for outreach and education for the community at large about the Fund. Enhanced training efforts in FY 2005 have served to heighten the Fund's visibility as staff work toward a vision of CICF's instant recognition as a resource when an individual has been the victim of a crime.

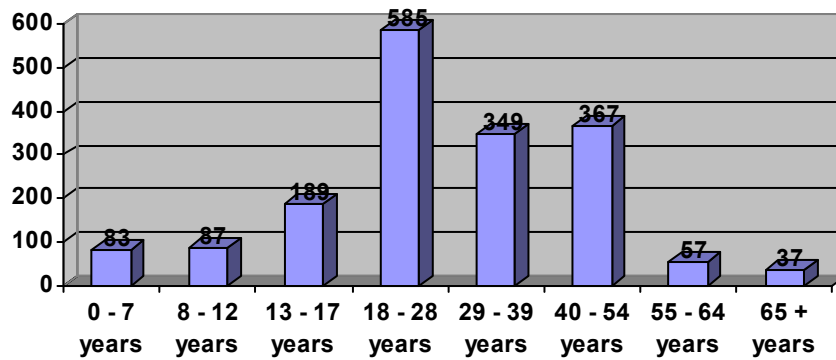
“Financial compensation for victims of crime is one of the most important, tangible expressions of society’s compassion for those among us who have been harmed by crime. While compensation cannot address all that victims suffer, it can provide a critical ingredient in repairing the harm.”

- Susan Herman, National Center for Victims of Crime

FY 2005 Compensation Claims Summary

Claims Received	1760
Claims Awarded	1327
Claims Denied	440
Total Amount Awarded	\$2,574,424
Average Awarded Amount	\$1940

Age of Victims in CICF claims



Most Frequent Award Type

1. Hospital Expenses
2. Physician Expenses
3. Funeral Expenses
4. Lost Wages
5. Counseling Expenses

Most Frequent Crime Categories

1. Assault (non-domestic)
2. Homicide
3. Assault (domestic)
4. Child Sexual Abuse
5. Robbery

2005 HIGHLIGHTS AND ACCOMPLISHMENTS

Outreach / Training

- Developed targeted training curricula for Commonwealth's Attorneys, Victim/Witness staff, domestic violence programs, police officers and probation staff
- Implemented comprehensive outreach plan, conducting 45 training sessions to 895 individuals across the Commonwealth
- Provided training at the National Association of Crime Victims' Compensation Board's national and regional conferences

Legislative Changes (2005 General Assembly session)

- Allowable reimbursement for funeral expenses increased to \$5,000
- Healthcare providers prohibited from pursuing collection efforts against claimants while a CICF claim is pending
- Police/sheriff's offices can now release investigative reports involving minors to CICF
- CICF is not precluded from exercising subrogation rights by the lack of a restitution order

Fund Development

- Streamlined collections procedure and initiated monthly billing for offenders
- Began accepting payments via credit card
- 44% increase in collected restitution dollars

Staff Expansion

- Hired restitution specialist to handle increased collections activity
- Hired receptionist to manage mail processing, increased call volume and file room maintenance
- Hired ombudsman after revising job description to include enhanced advocacy and victim linkage to community resources
- Obtained new office space in City of Richmond to enhance accessibility to CICF clients and to accommodate recent and future program growth

Other Items of Note

- Successfully completed a federal review of the program
- Continued bill negotiations on behalf of claimants to maximize awards and control costs
- Implemented a new recognition program for victim/witness assistance programs, presenting the first "Program of the Year" award to the Danville Victim/Witness Program at the annual conference of the Virginia Network for Victims and Witnesses of Crime

GEOGRAPHIC DISTRIBUTION OF CLAIMS

CICF received claims from across the Commonwealth as follows:

COUNTIES

Accomack	9	Albemarle	19	Alleghany	4	Amelia	1
Amherst	1	Appomattox	3	Arlington	31	Augusta	14
Botetourt	1	Brunswick	5	Buchanan	4	Buckingham	2
Campbell	12	Caroline	8	Carroll	4	Chesterfield	47
Clarke	2	Craig	3	Culpeper	12	Cumberland	3
Dickenson	4	Dinwiddie	10	Essex	2	Farifax	91
Fauquier	5	Fluvanna	7	Franklin	4	Frederick	6
Giles	1	Gloucester	7	Goochland	2	Grayson	2
Greene	9	Greensville	5	Halifax	3	Hanover	11
Henrico	53	Henry	6	Isle of Wight	7	James City	6
King & Queen	3	King William	3	Lancaster	1	Lee	22
Loudoun	19	Louisa	7	Lunenburg	2	Mecklenburg	31
Montgomery	14	Nelson	2	New Kent	10	Northampton	4
Nottoway	2	Orange	1	Page	9	Patrick	2
Pittsylvania	14	Powhatan	1	Prince Edward	6	Prince George	8
Prince William	19	Pulaski	4	Richmond	1	Roanoke	1
Rockbridge	1	Rockingham	2	Russell	2	Scott	3
Shenandoah	7	Smyth	5	Southampton	6	Spotsylvania	37
Stafford	12	Surry	2	Sussex	7	Tazewell	11
Warren	13	Washington	6	Westmoreland	6	Wise	2
York	7						

GEOGRAPHIC DISTRIBUTION OF CLAIMS (con't)

CITIES

Alexandria	32	Bedford	3	Bristol	9	Buena Vista	2
Charlottesville	20	Chesapeake	79	Colonial Heights	6	Danville	17
Emporia	4	Fairfax	9	Falls Church	4	Franklin	8
Fredericksburg	19	Galax	2	Hampton	55	Harrisonburg	1
Hopewell	22	Lexington	3	Lynchburg	27	Manassas	6
Martinsville	8	Newport News	78	Norfolk	120	Norton	2
Petersburg	35	Poquoson	1	Portsmouth	88	Radford	6
Richmond	204	Roanoke	26	Salem	5	South Boston	4
Staunton	7	Suffolk	21	Virginia Beach	51	Waynesboro	4
Williamsburg	4	Winchester	16	International	1		

“I just wanted to express my gratitude for all the work that was done on my claim as well as express my gratitude for the existence of your office. What you have done for me and my family is greatly appreciated. You have lifted a tremendous burden off our shoulders and we greatly appreciate it. Thank you.”

- A CICF claimant

FY 2005 REVENUES AND EXPENSES*

BEGINNING CASH BALANCE	\$4,578,554
Cash Receipts	
CICF (court fees)	\$3,355,671
Inmate Employment payments	\$ 3,650
Restitution	\$ 393,113
Unclaimed Restitution	\$ 347,857
Grant Proceeds	\$1,244,000
Private Donations	\$ 20
TOTAL	\$5,344,311
Cash Disbursements	
Benefits for Victims	\$2,574,424
Administrative	\$ 598,062
TOTAL DISBURSEMENTS	\$3,172,486
ENDING CASH BALANCE	\$6,750,379

*this data has not yet been audited by the Auditor of Public Accounts

CONCLUSION

Victims of violent crime clearly face a myriad of concerns as they struggle to regain control of their lives and recover both physically and emotionally. The Commonwealth's Criminal Injuries Compensation Fund remains committed to playing a role in that recovery by assisting Virginia victims deal with the financial burdens that often accompany victimization. FY 2005 saw an increase in the number of claims received and the number of claims awarded, implementation of an aggressive CICF outreach plan, staff growth and heightened collection efforts against offenders with the initiation of billing procedures. Legislative changes to the Code of Virginia increased the funeral benefits available to families of homicide victims and prohibited health care providers from debt collection activities against individuals with CICF claims pending. CICF continued its work helping victims, holding offenders fiscally accountable and collaborating with allied professionals to best serve the needs of claimants.

Looking ahead to 2006, it is most likely that CICF's claims volume will continue its upward trend and CICF staff will be working from new office space more accessible to claimants and with increased capacity to accommodate recent and anticipated future expansion. With education and outreach a continued agency priority, CICF looks forward to enhancing community awareness of the Fund through the development of a communications plan and targeted marketing strategies. The staff of the Fund is committed to maximizing operational capacity and will continue to look for ways to streamline the CICF application and claims examination processes and advocate for victims of crime.

Above all else, CICF will zealously maintain its tradition of providing assistance to victims of crime with efficiency, compassion and fairness.

“Your help and advice really comforted me at a time when I thought I had no one in my corner. Thank you for listening and offering all the help that you provided for me. I appreciate it. There should be more people in the world like you.”

- A CICF claimant