

VIRGINIA WORKERS' COMPENSATION COMMISSION

CRIMINAL INJURIES COMPENSATION FUND

2009 ANNUAL REPORT JULY 1, 2008 – JUNE 30, 2009

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November 24, 2009

The Honorable Timothy M. Kaine, Governor

Members of the General Assembly
Commonwealth of Virginia

Dear Governor Kaine and
Members of the General Assembly:

On behalf of the Virginia Workers' Compensation Commission, it is my pleasure to present to you the Annual Report for the Criminal Injuries Compensation Fund for fiscal year 2009. This report details the activities of the Fund from July 1, 2008, through June 30, 2009.

In fiscal year 2009, the Criminal Injuries Compensation Fund processed 2098 new claims for compensation, awarding in excess of \$2.9 million dollars. Additionally, in its first year covering expenses related to evidence collection in sexual assault cases, the Fund paid for 1651 forensic examinations, paying out nearly \$2.2 million dollars. The Fund's ongoing commitment to sound stewardship continued this year through the negotiation of bills with medical providers on behalf of claimants, enhanced collections activity against offenders, and the initiation of other cost-saving measures throughout the year to ensure that the Fund is available to assist Virginia's victims of violent crime for years to come.

As we approach 2010, the Criminal Injuries Compensation Fund looks forward to maintaining its commitment to serving crime victims in the Commonwealth with both sensitivity and efficiency. On behalf of the Workers' Compensation Commission and the Criminal Injuries Compensation Fund, I thank you for your continued support for crime victims in our state.

Sincerely,

William L. Dudley, Jr.
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 over 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. As of July 1, 2007, claimants are eligible for awards up to the statutory maximum of \$25,000 for compensable expenses (a \$10,000 increase over previous years, a legislative change enacted in the 2007 General Assembly session). 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. Since its inception, the Fund has processed **over 30,000 claims** from Virginia victims of violent crime.

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.

New this fiscal year, the Fund began reimbursing the evidence-collection expenses related to sexual assault forensic examinations through its new **SAFE Program** (Sexual Assault Forensic Examination Payment Program). This program addition arose in conjunction with changes made to § 19.2-368.11:1 of the Virginia Code last year as part of the state's effort to be in compliance with the federal Violence Against Women Act (VAWA). Paying these expenses allows CICF to maximize fund reimbursement via the federal Victims of Crime Act (VOCA), bringing additional dollars to crime victims in the Commonwealth.

The monies awarded to victims of crime in conjunction with compensation claims are not funded through state tax dollars. CICF is funded by court fees, assessments on offenders, and restitution as well as federal grant funds to supplement monies available to victims of violent crime generated by court fines at the federal level. CICF's new SAFE Program, however, does receive General Fund dollars via monies designated to the Virginia Supreme Court to reimburse for sexual assault evidence collection expenses.

"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 2009 IN REVIEW

Fiscal year 2009 represented another record-breaking year for the Criminal Injuries Compensation Fund (CICF). The number of new compensation claims filed (2008) represented a 3% increase over the previous fiscal year. **This year the Fund provided nearly \$3,000,000 in compensation awards to crime victims and their families, in addition to paying for forensic examinations for 1651 victims of sexual assault, totaling just over \$2.2 million dollars.** As in years past, CICF staff took steps to insure that victims' CICF awards were able to address as many compensable expenses as possible through continued efforts to negotiate bills with medical providers on behalf of claimants. **In FY 2009, CICF staff successfully negotiated nearly 300 medical bills on behalf of claimants, ultimately saving victims of crime over \$380,000.**

CICF's involvement in a victim's care 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 2009, 1081 victims received supplemental awards totaling \$1,262,785. Supplemental awards are issued when an eligible victim documents the need for additional benefits after the initial award has been entered. CICF continues to make supplemental awards for the duration of the claimant's crime-related treatment, until such time as the claim has reached its statutorily designated maximum payout amount (\$25,000 for crimes occurring after July 1, 2007; \$15,000 for crimes occurring prior).

Though the crime categories of adult sexual assault, child physical abuse, DUI, and armed robbery saw decreases this fiscal year in terms of numbers of CICF claims filed, the vast majority of crime categories were on the rise or showed no change from FY 2008. This year saw increases in the number of claims based on homicides (including a 9% increase in non-domestic homicides), child sexual assault (+16%), unarmed robbery (+31%), abductions (+40%), breaking and entering (+50%), and stalking (+33% in the second year it was covered as a compensable crime by CICF in Virginia code). The number of arson, carjacking, and assault claims remained relatively stable from the previous year.

In 2008, changes to §19.2-165.1(B) of the Code of Virginia eliminated the requirement that an adult victim of an alleged sexual assault participate in the criminal justice system or cooperate with law enforcement in order to request a forensic examination, or for the Commonwealth to pay for the examination, a code change which brought Virginia into compliance with the requirements of the federal Violence Against Women Act (VAWA). In anticipation of a potential increase in the number of forensic exams requested across the state with this code change, CICF was statutorily designated as payer of these exams (a duty formerly handled by the state Supreme Court) in order to recoup 60% of monies paid out through federal Victims of Crime Act (VOCA) funding designated to compensation programs. In CICF's first year covering costs of evidence collection in sexual assault, CICF's SAFE Program (Sexual Assault Forensic Evidence Program) was tasked with developing payment policies and procedures and rolling out training statewide to medical providers and advocates on how PERK (Physical Evidence Recovery Kits) and other forensic evidence collection in sexual assault cases would be processed. CICF's new SAFE Program Coordinator also attended the 40-hour classroom portion of the Forensic Nurse Examiner (FNE) training to enhance familiarity with forensic evidence collection processes and protocols and worked on developing strong relationships with the state's forensic nurses.

CICF's new direct-bill system for facilities providing forensic exams streamlined processes, leading to hospitals receiving payment sooner and decreasing the likelihood that victims would be billed for forensic evidence collection. Victims of sexual assault also were able to receive information about the victim compensation process, including an application to apply if they had additional crime-related expenses and met regular compensation criteria

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with **68% of FY 2009's claimants learning about CICF from their area victim/witness assistance program** and another 17% 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 human service agencies, medical providers, probation offices, funeral homes or other sources. Continued collaboration and training with our criminal justice partners is important to ensure that potentially eligible victims of crime are able to access the Fund. Fund staff is committed to increasing outreach to other allied professionals and the community at large about CICF. Enhanced training efforts in recent years as well as improvements to the program's website 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.

Compensation Claims Comparison Summary
(FY 2005 through FY 2009)

	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Claims Received	1760	1902	2054	2045	2098
Claims Awarded	1327	1448	1418	1591	1142
Claims Denied	440	508	469	535	516
Total \$ Awarded	\$2,574,424	\$2,970,381	\$3,262,756	\$3,622,000	\$2,974,278

Most Frequent Award Type

1. Hospital Expenses
2. Funeral Expenses
3. Physician Expenses
4. Lost Wages
5. Transportation/Mileage

Most Frequent Crime Categories

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

2009 HIGHLIGHTS AND ACCOMPLISHMENTS

Collaboration

- Served on the interdisciplinary Advisory Board and Working Group tasked with updating Virginia's healthcare response to sexual assault and establishing a **statewide protocol for the acute care of victims of sexual assault** (an outgrowth of the Governor's Commission on Sexual Violence, to which CICF's Director was appointed)
- Continued partnership with the Department of Criminal Justice Services and the University of Richmond to implement the **Virginia Victim Assistance Academy**, a comprehensive training program for advocates and other allied professionals new to victim services. Staff from CICF served on the Advisory and Steering Committees and participated as Academy faculty and staff. A CICF staff person was also one of 30 individuals selected to attend 2008's inaugural academy.
- Maintained membership and participation with the National Association of Crime Victim Compensation Boards, the Virginia Sexual and Domestic Violence Action Alliance, and the Virginia Network for Victims and Witnesses of Crime, Inc. (with CICF staff active in the Membership, Programs, Compensation, and Executive Committees)

Outreach / Training

- Sponsored and underwrote costs of **Crisis Response Team (CRT) training**, a 24-hour training certified by the National Organization for Victim Assistance covering techniques and protocols for providing crisis intervention and psychological first aid. Not offered in Virginia since 2001, this training was open to advocates, clergy, emergency services personnel, social workers, and others interested in volunteering as a part of the state team to be mobilized to provide crisis intervention within a community affected by some sort of disaster (mass casualty crime incident, natural disaster, etc.). All CICF staff received CRT training as well as 35 other individuals from across the state representing a variety of disciplines.
- Partnered with the Department of Corrections to conduct a series of trainings across the state for probation and corrections staff on victims' issues and resources

Legislative Efforts / Changes

- Authored and provided support and technical assistance to HB2612 and SB1150 which took effect July 1, 2009 and requires public schools, state institutions of higher education, the Board of Health, regional emergency medical services councils, the Virginia Department of Emergency Management and local emergency management officials to include a provision in their emergency plans that **both CICF and DCJS shall be contacted immediately to deploy assistance in the event of an emergency** as defined in the emergency response plan when there are victims as defined in § 19.2-11.01.
- §19.2-368.5 was amended to allow for the **electronic filing of CICF claims** "in accordance with standards approved by the Commission".

Staff Expansion

- Hired a **Forensic Payment Coordinator** to develop policies and oversee payment in conjunction with CICF's new statutorily designated responsibility with regard to forensic evidence collection in sexual assault cases
- Hired a **Medical Provider Liaison** to handle status inquiries, collections issues, and training requests from providers/facilities providing treatment to CICF claimants

Other Items of Note

- Established a lockbox through Wachovia Bank for collection of CICF restitution payments to streamline and secure collections processes
- Presented the fifth annual "**Victim/Witness Assistance Program of the Year**" award to the **Lynchburg Victim/Witness Program** at the annual conference of the Virginia Network for Victims and Witnesses of Crime
- Utilized a collections agency, NCO Collections, to pursue repayment of monies owed by convicted offenders in cases where offenders had ignored previous CICF collection efforts

FY 2009 REVENUES AND EXPENSES*

BEGINNING CASH BALANCE **\$10,392,203**

Cash Receipts

CICF (court fees)	\$3,283,398
Agency Transfer (for SAFE payments)	\$1,800,000
Restitution (including tax set-off and overpayments)	\$ 441,990
Unclaimed Restitution	\$ 460,843
Grant Proceeds	\$ 907,000
CRT Training Registrations	\$ 3,150
Private Donations	\$ 450

TOTAL RECEIPTS **\$6,896,831**

Cash Disbursements

Benefits for Victims (compensation claims)	\$2,974,278
Benefits for Victims (SAFE claims)	\$2,244,066
Administrative	\$1,717,891

TOTAL DISBURSEMENTS **\$6,936,235**

ENDING CASH BALANCE **\$10,352,799**

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

"I have to say what a wonderful organization you are. The people working there are authentic and caring and it shows every time I call for a victim. I personally would like to say... THANK YOU!!"

- A medical provider treating a CICF claimant

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 dedicated to playing a role in that recovery by assisting Virginia victims deal with the financial burdens that often accompany victimization. FY 2009 saw a 3% increase in the number of applications received by the Fund and nearly \$3 million dollars awarded in compensation claims with an additional \$2.2 million paid out through CICF's new SAFE program, covering forensic examination expenses in sexual assault cases. CICF continued its work helping victims, holding offenders fiscally accountable and collaborating with a wide variety of service providers (law enforcement, medical professionals, court services staff, etc.) to best serve the needs of claimants.

2009 brought technological changes to the Fund, with a new phone system and a database conversion that involved extensive staff training and process changes. **The CICF system implementation project**, managed by CAPTech, was tasked with developing a system to replace the Delphi / MY SQL database system previously used to record and track claims data. The new system, **WENDY**, which launched in April, automates many of the previously manual CICF processes and minimizes duplicative effort. During the course of this system conversion (which continues into FY 2010), staff has collaborated with CAPTech as subject matter experts (SMEs), tested systems, provided input, and of course received training on using WENDY. Throughout this challenging transition, staff has maintained high standards of customer service and responsiveness to claimants.

Looking ahead to 2010 and beyond, it is most likely that CICF's claims volume will continue to increase as CICF staff continues extensive outreach and marketing efforts throughout the state to educate allied professionals and the community at large about the Fund. In addition, in accordance with changes to §19.2-368.5 that now allow for electronic filing as well as external capabilities built into CICF's new database, CICF staff are working to develop policies, procedures and training for advocates statewide regarding online claim filing. CICF-certified advocates will be able to assist victims in applying online and will also have secured web access to limited information in the CICF database, allowing them to check claim status and see notes from CICF staff on information still needed to perfect a claim. CICF staff and partners across the state are excited about this enhanced technological capacity that will allow advocates easier access to CICF information and increase the efficiency of claims processing.

CICF efforts to serve Virginia's victims of violent crime continue unabated as we look towards the future. CICF staff remains committed to maximizing operational capacity and looking for ways to streamline internal processes, collaborate with community partners, and advocate for victims of crime. **Above all else, CICF will zealously maintain its tradition of providing assistance to victims of crime with compassion, efficiency, and fairness.**

"I would like to thank you for all your help in taking care of me financially while I have been going through this tough healing process, physically and emotionally. The CICF has allowed me to focus on healing and getting this part of my life behind me without the added stress of worrying about how I am going to finance my medical care. When my surgeon unjustly sued me, the CICF came to my defense and took care of the situation with little abatement from me, allowing me to relax and put this ugly incident in the past. Again, my deepest appreciation and gratitude to all those at CICF that were part of helping me get through this tough time in my life."

- a CICF claimant