

VIRGINIA WORKERS' COMPENSATION COMMISSION

CRIMINAL INJURIES COMPENSATION FUND

2010 ANNUAL REPORT
JULY 1, 2009 – JUNE 30, 2010

MARY VAIL WARE, DIRECTOR
P.O. BOX 26927
RICHMOND, VA 23261
WWW.CICF.STATE.VA.US





COMMONWEALTH of VIRGINIA

WILLIAM L. DUDLEY, JR., Chairman
VIRGINIA R. DIAMOND, Commissioner
ROGER L. WILLIAMS, Commissioner

WORKERS' COMPENSATION COMMISSION
1000 DMV Drive
Richmond, Virginia 23220
www.wvc.state.va.us
(877) 664-2566

JAMES J. SZABLEWICZ
CHIEF DEPUTY COMMISSIONER

MARJORIE P. PLATT, CLERK

November 1, 2010

The Honorable Robert F. McDonnell, Governor

Members of the General Assembly
Commonwealth of Virginia

Dear Governor McDonnell 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 2010. This report details the activities of the Fund from July 1, 2009, through June 30, 2010.

In 2010, the Criminal Injuries Compensation Fund processed 3357 new claims for crime victim compensation and forensic evidence collection, awarding in excess of \$3.2 million dollars. The Fund's commitment to sound stewardship continued 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.

As we enter a new year, 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 ongoing support for crime victims in our state.

Sincerely,

William L. Dudley, Jr.
Chairman

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. Claimants are eligible for awards up to the statutory maximum of \$25,000 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 consider claimants' collateral resources, assistance from the Fund is not income-based. Since its inception, the Fund has processed **over 40,000 claims** from Virginia victims of violent crime.

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 SAFE Program, however, does receive General Fund monies via dollars designated to the Virginia Supreme Court to reimburse for sexual assault evidence collection expenses.

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 2010 IN REVIEW

Fiscal year 2010 represented another busy year for the Criminal Injuries Compensation Fund (CICF). **This year the Fund provided nearly \$1.3 million dollars in compensation awards to crime victims and their families, in addition to paying for forensic examinations for 1648 victims of sexual assault, totaling just over \$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. To that end, fiscal year 2010 saw the passage by the Virginia General Assembly of Senate Bill 88, sponsored by Senator Janet Howell, which requires health care providers to establish prospective negotiation agreements with CICF for payment of claims. Further, this law requires that health care providers accept payment from CICF as payment in full without billing the patient for any remaining balances.

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 2010, in addition to issuing 703 initial awards for victims' crime-related expenses, 90 victims received supplemental awards, which 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).

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with **66% of FY 2010's claimants learning about CICF from their area victim/witness assistance program** and another 13% 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.

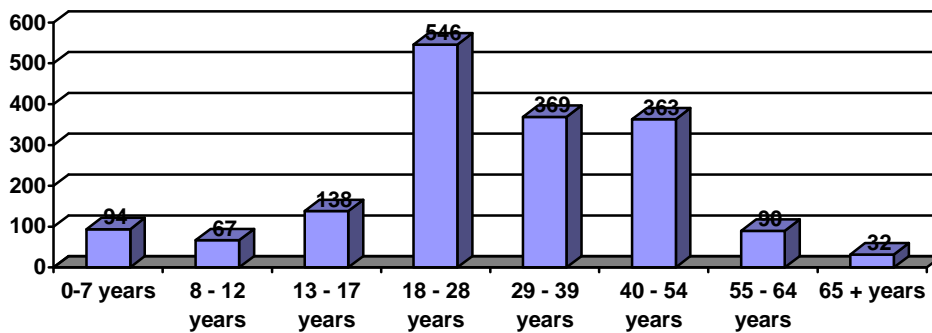
"I was battered in August 2009 and have been attempting to mend both physically and mentally. Your employees have made my healing a much easier process. They helped with getting my medical bills processed and have followed up with me in responses to questions and followed through with a medical bill and lawyer that was pursuing an unjust case against me. Again, I must say what a pleasure it was dealing with your staff."

**Summary for Compensation and SAFE claims
(FY 2010)**

Compensation SAFE

Claims Received	1709	1648
Claims Awarded	793	1004
Claims Denied	228	111
Total Amount Awarded	\$1,265,122	\$2,079,400

Age of Victims in FY 2010 compensation claims



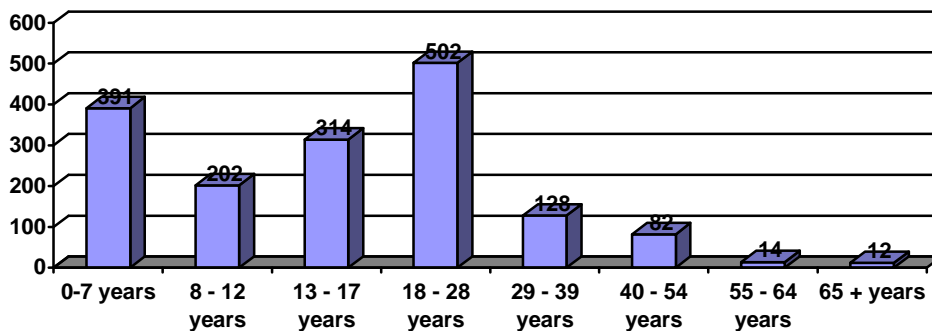
Most Frequent Award Type

1. Funeral Expenses
2. Hospital Expenses
3. Physician Expenses
4. Lost Wages
5. Domestic Loss of Support

Most Frequent Crime Categories

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

Age of Victims in FY 2010 SAFE claims



2010 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 DCJS 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. CICF was the primary funder for the 2010 academy, with CICF staff continuing to serve on the Advisory and Steering Committees and participate as Academy faculty and staff.
- 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

- Provided **extensive training support** to this year's annual conference of the National Association of Crime Victim Compensation Boards in Washington, D.C., with three CICF staff members asked to facilitate breakout sessions on restitution, advocacy, and forensic exam payment as subject matter experts to provide technical assistance to other compensation program staff across the country.
- Rolled out **WebFile training** to all areas of the state to train victim/witness assistance program staff to submit CICF claims online, training 164 advocates at 19 training statewide between March and June, 2010.
- Presented on the topic of restitution at a conference sponsored by the Kentucky Crime Victim Compensation Board in Louisville, KY and on the topic of mass casualty and terrorism response at a conference sponsored by the Office for Victims of Crime in Philadelphia, PA.

Legislative Efforts / Changes

- Senate Bill 88, sponsored by Senator Janet Howell and signed into law by Governor McDonnell to take effect July 1, 2010, **requires CICF to establish standing agreements with medical providers** for payment of claims and further prohibits providers accepting CICF payment from balance-billing the patient.

Staff Expansion

- Hired an **additional Claims Analyst** to assist with new claim set-up and phone coverage as well as two additional part-time staff to assist with mail processing, document scanning, and other administrative functions.
- Expanded into additional office space in the Bookbindery building to accommodate staff growth.

Other Items of Note

- Provided assistance onsite in Appomattox after a **mass casualty shooting** in January, assisting victims' families at three area funeral homes in collaboration with local victim advocates.
- Presented the sixth annual "**Victim/Witness Assistance Program of the Year**" award to the **Winchester Victim/Witness Program** at the annual conference of the Virginia Network for Victims and Witnesses of Crime.

"My family and I wish to thank you for your generous gift of financial help towards our son's funeral and burial. We greatly appreciate this gift and the work you've done to help us and others in this horrific situation."

FY 2010 REVENUES AND EXPENSES*

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

Cash Receipts

Restitution / Tax Set-off / Court Fees	\$ 3,124,949
Agency Transfer (for SAFE payments)	\$ 1,885,000
Unclaimed Restitution	\$ 557,577
Grant Proceeds	\$ 1,285,000
Private Donations	\$ 4737

TOTAL RECEIPTS **\$ 6,857,263**

Cash Disbursements

Benefits for Victims (compensation claims)	\$ 1,265,122
Benefits for Victims (SAFE claims)	\$ 2,079,400
Administrative	\$ 890,199

TOTAL DISBURSEMENTS **\$ 4,234,721**

ENDING CASH BALANCE **\$ 12,975,341**

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

“Thank you for your willingness to talk with our team about CICF. Your presentation was very helpful and we received a lot of positive feedback! We look forward to collaborating with you in the future.”

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. While **paying out over \$3.3 million dollars in FY 2010 in compensation and SAFE claims**, 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.

2010 brought continued technological changes to the Fund, with a database conversion that continued to involve extensive staff training and business 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, 2009, automated many of the previously manual CICF processes with the ultimate goal of minimizing duplicative effort. CICF's transition to this new "paperless" system has unfortunately resulted in temporary slowdowns in claims processing but will ultimately, upon completion, enhance CICF's ability to serve Virginia's victims of violent crime and provide information to allied professionals and medical providers with whom we collaborate. During the course of this system conversion (which was ongoing through FY 2010 and continues into FY 2011), staff has collaborated with CAPTech as subject matter experts (SMEs), tested systems, provided input, and of course received training on using WENDY. The new system also includes **WebFile, an online claims submission and management system** that allows victim/witness advocates who have gone through a specialized training and certification process with CICF to submit claims online as well as check claim status online and see notes from CICF staff on information still needed to perfect a claim. Throughout this challenging transition, staff has maintained high standards of customer service and responsiveness to claimants.

Training remained an important focus of the Fund in 2010, with CICF staff conducting **50 training programs to 1214 participants, including 19 WebFile trainings for 164 victim/witness assistance program advocates** across the state who are now trained to submit CICF claims online.

Other training audiences included forensic nurses, mental health service providers, domestic violence and sexual assault advocates, prosecutors, law enforcement, and other allied professionals. CICF staff provided training not only in Virginia, but to national audiences as well, facilitating multiple sessions at the annual gathering of crime victim compensation programs as well as the conferences sponsored by the Office for Victims of Crime, the National Organization for Victim Assistance, and the Kentucky Compensation Program.

Looking ahead to 2011 and beyond, it is most likely that CICF's claims volume will continue to increase as the new system is completed, CICF completes a staff reorganization to better align our staffing with our business processes, and CICF staff continues extensive outreach and marketing efforts throughout the state to educate allied professionals and the community at large about the Fund.

CICF efforts to serve Virginia's victims of violent crime continue as we look to the future. Staff remains committed to maximizing operational capacity and looking for ways to streamline internal processes, collaborate with community partners in new and innovative ways, 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.**