

VIRGINIA WORKERS' COMPENSATION COMMISSION

# CRIMINAL INJURIES COMPENSATION FUND

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2011 ANNUAL REPORT  
JULY 1, 2010 – JUNE 30, 2011

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## COMMONWEALTH of VIRGINIA

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

### WORKERS' COMPENSATION COMMISSION

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JAMES J. SZABLEWICZ  
CHIEF DEPUTY COMMISSIONER

MARJORIE P. PLATT, CLERK

November 14, 2011

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 2011. This report details the activities of the Fund from July 1, 2010, through June 30, 2011.

In fiscal year 2011, the Criminal Injuries Compensation Fund processed **3438 new claims** for crime victim compensation and forensic evidence collection, **awarding in excess of \$3.2 million dollars**. The Fund's ongoing commitment to sound stewardship continued through the establishment of negotiation agreements with medical providers in conjunction with changes to §19.2-368.3 of the Code of Virginia that took effect July 1, 2010, as well as augmented systems for offender data collection in order to pursue Fund recovery. Further, the Fund sought opportunities to collaborate with our partners in victim services at the local, state and federal levels to ensure that crime victims in the Commonwealth are well-served.

As we enter a new year, the Criminal Injuries Compensation Fund looks forward to maintaining its commitment to assisting Virginia's victims of crime 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). In 2008, the Fund also established the Sexual Assault Forensic Exam Payment Program (SAFE Program) as the result of changes to § 19.2-165.1 of the Virginia Code which tasked the Fund with payment of expenses associated with forensic evidence collection for victims of sexual assault in the Commonwealth. 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 for crime victim compensation, 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 is shown. A claim must be filed with the Fund **within one year** of the occurrence of the crime unless good cause exists for failure to do 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. Under the policies and guidelines of the SAFE Program, CICF pays for forensic evidence in sexual assault cases regardless of the victim's involvement with the criminal justice system, as in accordance with state and federal law.

*"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 2011 IN REVIEW

Fiscal year 2011 represented another busy year for the Criminal Injuries Compensation Fund. **This year the Fund provided nearly \$1.9 million dollars in compensation awards to crime victims and their families, in addition to paying just over \$1.3 million dollars for forensic evidence collection in sexual assault cases.** As in years past, CICF staff took steps to ensure 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. On July 1, 2010, Senate Bill 88, sponsored by Senator Janet Howell, took effect, **requiring 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. Both before the bill took effect and throughout the ensuing fiscal year, CICF staff worked extensively to educate medical providers throughout the Commonwealth about this legislative change and establish standing agreements with facilities, physicians, dentists, transport services, therapists, and countless other providers of crime-related medical treatment. This work continues into FY 2012.

FY 2011 saw a 4% increase in the number of new compensation claims filed, with a **notable increase in the crime category of domestic assault** (up 21% from the prior year, with 262 claims filed), as well as increases in the number claims filed for the crimes of homicide, arson, and breaking and entering. Fewer compensation claims were filed this fiscal year in the crime category of child sexual abuse (down 16% from FY 2010) as well as a slight decrease in the number of claims filed for adult victims of sexual assault. While fewer claims were filed this year involving non-fatal DWI cases, there was a 45% increase in the number of DWI-related fatality claims in 2011 (increasing from 11 in FY 2010 to 16 this year).

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 2011, in addition to issuing **961 initial compensation awards** for victims' crime-related expenses and **1426 SAFE awards, 266 compensation claims resulted in 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).

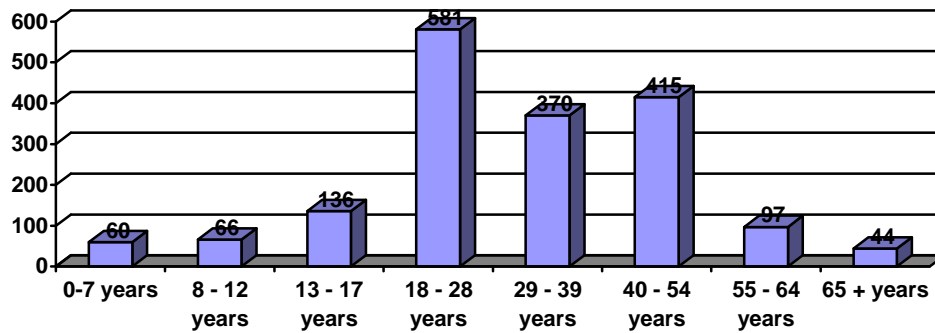
Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with **71% of FY 2011's claimants learning about CICF from their area Victim/Witness assistance program** and 12% being referred to the Fund from their local police or sheriff's department or commonwealth's attorney's office. Other victims learned about CICF from human service agencies, medical providers, probation offices, funeral homes or other sources. Continued collaboration and training with our criminal justice partners and other stakeholders 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.

## Summary of FY 2011 Compensation and SAFE claims

### *Compensation    SAFE*

New Claims Received	1771	1667
Claims Awarded	961	1426
Claims Denied	490	170
Total Amount Awarded	\$1,892,861	\$1,265,122

### Age of Victims in FY 2011 compensation claims



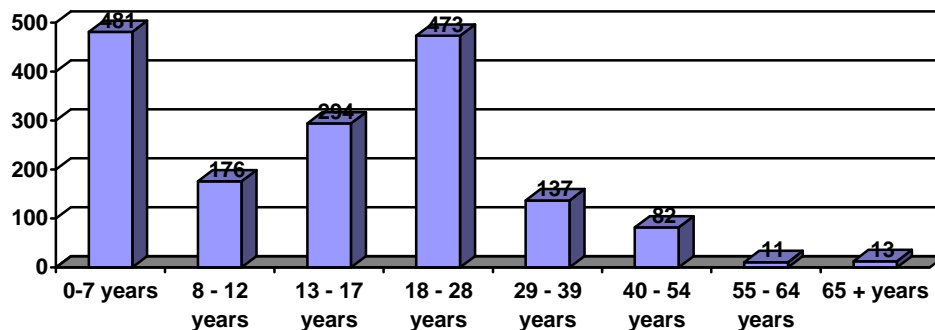
#### Largest Expense Outlays (by dollars paid out)

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. Assault (domestic)
3. Homicide
4. Child Sexual Abuse
5. Robbery

### Age of Victims in FY 2011 SAFE claims



# FY 2011 HIGHLIGHTS AND ACCOMPLISHMENTS

## *Collaboration*

- Continued partnership with the Virginia Department of Criminal Justice Services to implement the **Virginia Victim Assistance Academy**, a week-long comprehensive training program for advocates and other allied professionals new to victim services. CICF was a sponsor of the 2010 Academy and the primary funder for the 2011 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 (with CICF staff active in the Membership, Programs, Compensation, and Executive Committees of the Network)
- CICF Director Mary Vail Ware was appointed to the **Governor's Domestic Violence Prevention and Response Advisory Board**, which convened in the spring of 2011.
- Collaboration with the Virginia Department of Emergency Management to enhance localities' response to mass casualty crime incidents through development of a statewide template for the establishment of Family Assistance Centers and concurrent training

## *Outreach / Training*

- Ongoing training collaboration with the Victim Services Unit of the Virginia Department of Correction for probation officers throughout the Commonwealth
- Continued provision of trainings upon request to a wide range of allied professionals statewide, **facilitating 30 presentations to a total of 759 participants**, including four WebFile trainings to train victim/witness assistance program staff to submit CICF claims online
- Participated in planning of DCJS-sponsored regional trainings statewide for victim service providers in the spring of 2011 and facilitated sessions on the topics of crime victim compensation and mass casualty response

## *Legislative Efforts / Changes*

- SB 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 claim payment and further prohibits medical providers accepting CICF payment from balance-billing the patient.

## *Fund Development*

- Linked with the Department of Corrections data system to more easily update offender information
- Developed a new internal system for tracking unclaimed restitution, collecting nearly \$494,000 from courts across the Commonwealth as the state's repository for unclaimed restitution
- Collected over \$440,000 in restitution from offender billing and tax debt set-off

## FY 2011 HIGHLIGHTS AND ACCOMPLISHMENTS (CONT.)

### *Staff Expansion / Reorganization / Development*

- Conducted thorough analysis of internal business processes to more efficiently align staff organization / work flow with business needs and technology changes, with resulting overhaul of claim set-up and examination processes
- Staff reorganization / expansion included additional staffing for customer telephone contact and document management (Client Services Specialists), eliminating Assistant Claims Examiner positions, expanding the number of Claims Examiners from four to eight (including a claims examiner for the SAFE Program) with Claims Examiners now responsible for all aspects of claim set-up/management from the time of application receipt to streamline the claims examination process, and establishing a Senior Claims Examiner position with supervisory responsibility
- Scheduled ongoing training for staff development, with topics including disability determination, domestic violence, victim impact, and victim services within the military

### *Other Items of Note*

- Honored by the Virginia Network for Victims and Witnesses of Crime at the Network's Conference on Crime Victims' Issues in December 2010 with a Distinguished Victim Services Award for ongoing support of the Virginia Victim Assistance Academy
- Updated SAFE Program policy manual and revised /streamlined submission forms for medical providers requesting payment in SAFE claims
- Presented the 7th annual "**Victim/Witness Assistance Program of the Year**" award to the **Appomattox Victim/Witness Program** in December 2010 at the Network's annual conference.

# GEOGRAPHIC DISTRIBUTION OF CLAIMS

*CICF received claims from across the Commonwealth as follows:*

	<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>
Accomack County	4	12	Albemarle County	30	13	Alexandria	35	53
Alleghany County	1	0	Amelia County	5	0	Amherst County	4	20
Appomattox County	6	2	Arlington County	22	35	Augusta County	14	5
Bedford City	1	3	Bedford County	8	5	Bland County	0	1
Botetourt County	2	2	Bristol	1	0	Brunswick County	13	2
Buchanan County	7	0	Buckingham Co	2	2	Buena Vista	1	2
Campbell County	20	13	Caroline County	15	16	Carroll County	6	0
Charles City County	3	0	Charlotte County	4	0	Charlottesville	27	22
Chesapeake	69	48	Chesterfield County	40	49	Clarke County	1	0
Colonial Heights	7	3	Covington	0	1	Culpeper County	5	7
Cumberland County	2	3	Danville	8	28	Dinwiddie County	5	2
Emporia	5	0	Essex County	2	1	Fairfax City	5	2
Fairfax County	127	184	Falls Church	2	5	Fauquier County	4	9
Floyd County	3	2	Fluvanna County	3	2	Franklin City	6	2
Franklin County	2	6	Frederick County	9	4	Fredericksburg	19	24
Galax	3	0	Gloucester County	26	3	Goochland County	4	4
Grayson County	10	0	Greene County	6	2	Greensville County	3	0
Halifax County	10	23	Hampton	69	16	Hanover County	15	21
Harrisonburg	14	8	Henrico County	58	37	Henry County	9	1
Hopewell	12	6	Isle of Wight County	7	7	James City County	23	7
King and Queen Co	3	0	King George County	0	4	King William County	3	3
Lancaster County	4	1	Lee County	17	1	Lexington	0	1
Loudoun County	12	41	Louisa County	13	14	Lunenburg County	15	0
Lynchburg	34	48	Madison County	2	1	Manassas	7	19



## GEOGRAPHIC DISTRIBUTION OF CLAIMS (con't)

	<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>
Manassas Park	0	5	Martinsville	5	0	Mathews County	3	2
Mecklenburg County	14	2	Middlesex County	5	9	Montgomery County	11	13
Nelson County	2	1	New Kent County	1	6	Newport News	56	46
Norfolk	72	114	Northampton Co	5	3	Northumberland Co	1	5
Norton	3	0	Nottoway County	1	4	Orange County	1	6
Page County	2	1	Patrick County	6	0	Petersburg	38	4
Pittsylvania County	11	23	Poquoson	3	0	Portsmouth	44	54
Powhatan County	9	4	Prince Edward Co	2	15	Prince George Co	3	2
Prince William Co	39	58	Pulaski County	8	9	Radford	2	7
Rappahannock Co	2	0	Richmond City	166	58	Richmond County	1	1
Roanoke City	41	33	Roanoke County	7	16	Rockbridge County	0	5
Rockingham County	8	8	Russell County	0	2	Salem	7	5
Scott County	3	1	Shenandoah County	6	0	Smyth County	2	1
Southampton Co	5	3	Spotsylvania County	15	42	Stafford County	26	29
Staunton	8	8	Suffolk	7	23	Surry County	2	3
Tazewell County	7	2	Virginia Beach	99	133	Warren County	3	3
Washington County	14	5	Waynesboro	4	5	Westmoreland Co	22	6
Williamsburg	9	11	Winchester	10	3	Wise County	4	0
Wythe County	2	0	York County	6	4	Out of Country	3	0
Out of State	0	6						

## CONCLUSION

Victims of violent crime clearly face multiple concerns as they struggle to regain control of their lives and recover both physically and emotionally. The Criminal Injuries Compensation Fund remains dedicated to facilitating that recovery by assisting Virginia victims deal with the financial burdens that often accompany victimization. While **paying out over \$3.2 million dollars in FY 2011 in compensation and SAFE claims**, CICF continued its work helping victims, holding offenders financially 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. CICF also continues to ensure the Fund's viability by implementing cost-cutting measures

2011 brought continued technological changes to the Fund, with the finalization of a database conversion that continued to involve extensive staff training and business process changes. CICF's transition to a "paperless" system of claims management and accompanying business process enhancements have increased CICF's capacity to serve Virginia's victims of violent crime by streamlining and mechanizing previously manual processes and providing information to allied professionals and medical providers with whom the Fund collaborates. Throughout the year, victim advocates increasingly utilized WebFile, CICF's 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.

Training remained an important focus of the Fund in 2011, with CICF staff conducting **30 training programs to 759 participants**, including 4 WebFile trainings, a technical training for 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. Looking ahead to 2012, CICF staff anticipates continued education and marketing efforts with continued facilitation of trainings upon request for allied professional groups, targeted outreach to law enforcement and medical providers, ongoing opportunities for new victim advocates to receive WebFile training, and training updates for advocates already using WebFile ("WebFile 2.0 training"). CICF also plans to again sponsor Crisis Response Team (CRT) training through the National Organization of Victim Assistance to maximize the number of advocates trained throughout the Commonwealth to respond to mass casualty crime incidents and other emergencies requiring coordinated community response.

CICF efforts to serve Virginia's victims of violent crime continue unabated as it looks 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.**

*"Thank you so much for everything. I don't know what we would have done without the help after the loss of my baby brother."*

*- excerpt from a thank you card from a CICF claimant*