

VIRGINIA WORKERS' COMPENSATION COMMISSION

# CRIMINAL INJURIES COMPENSATION FUND

---

2013 ANNUAL REPORT  
JULY 1, 2012 – JUNE 30, 2013

MARY VAIL WARE, DIRECTOR  
P.O. BOX 26927  
RICHMOND, VA 23261  
[WWW.CICF.STATE.VA.US](http://WWW.CICF.STATE.VA.US)





COMMONWEALTH of VIRGINIA

**ROGER L. WILLIAMS**  
Chairman

**WESLEY G. MARSHALL**  
Commissioner

**R. FERRELL NEWMAN**  
Commissioner

**VIRGINIA WORKERS' COMPENSATION  
COMMISSION**

1000 DMV Drive  
Richmond, Virginia 23220  
[www.workcomp.virginia.gov](http://www.workcomp.virginia.gov)  
(877) 664-2566  
(804) 367-6124 (Fax)

**JAMES J. SZABLEWICZ**  
Chief Deputy Commissioner

**EVELYN V. MCGILL**  
Executive Director

**MARJORIE P. PLATT**  
Clerk

October 1, 2013

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 2013. This report details the activities of the Fund from July 1, 2012, through June 30, 2013.

In 2013, the Criminal Injuries Compensation Fund processed 3276 new claims for crime victim compensation and forensic evidence collection, awarding nearly \$4.5 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,

Roger L. Williams  
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 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 almost forty 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 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 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. 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 2013 IN REVIEW

Fiscal year 2013 represented another busy year for the Criminal Injuries Compensation Fund. **This year the Fund provided over \$3 million dollars in compensation awards to crime victims and their families, in addition to paying nearly \$1.5 million dollars for forensic evidence collection in sexual assault cases.** CICF compensation and SAFE payouts in FY 2013 were up 11% cumulatively from FY 2012.

While the number of new compensation claims submitted in FY 2013 increased slightly (1747 claims in FY 2013 vs. 1737 claims in FY 2012), **CICF's FY 2013 compensation payout of \$3,033,055 represents a 31% increase over FY 2012.** The SAFE program saw a 15% decrease in payouts and an 8% decrease in claims filed when compared to FY 2012. Of the \$4.5 million dollars CICF paid on behalf of Virginia's victims of violent crime through compensation and SAFE, hospital expenses composed 37% of that expenditure (largely due to \$1.1 million dollars paid to hospitals for forensic evidence collection under the SAFE program, with another \$546,000 distributed to hospitals in conjunction with compensation claims). Physician expenses were the second largest expense type overall, constituting 22% of CICF's total FY 2013 payout (inclusive of the SAFE program as well as compensation claims). While funeral expenses in homicide cases (which are capped at \$5000 per victim) represented only 18% of CICF's total FY 2013 payout, they constituted 26% of CICF's compensation payment total, the largest compensation expense type. The categories of lost wages and transportation (mileage and ambulance transport) each accounted for approximately 8% of CICF's compensation claim payout (and 5% each of CICF's total payout). Other expense types included counseling expenses, prescriptions, moving expenses, domestic loss of support (temporary wage replacement in domestic violence/child sexual assault cases), and prescription expenses.

FY 2013 saw an **increased number of compensation claims involving homicide (+ 27%** from FY 2012) as well as an **increase in sexual assault compensation claims involving adult victims (+17%).** Increases were also noted involving the crimes of robbery and breaking and entering. Sexual assault compensation claims involving child victims decreased by approximately 16% overall, with a 28% decrease noted in non-domestic sexual assaults. While FY 2013 saw virtually no change in the total number of DWI-related claims submitted, there was a **55% increase in the number of DWI fatality claims** in 2013 (increasing from 11 in FY 2012 to 17 this year). Similarly, while the total number of assault claims remained consistent (960 in FY 2013 as compared to 964 in FY 2012), the **number of domestic assault claims increased by 16%** (282 in FY 2013 as compared to 243 in FY 2012). FY 2013 also saw felony hit and run added to CICF's list of compensable crimes, and 28 claims based on this crime type were received.

Of the 1529 claims received through CICF's SAFE program for payment of sexual assault forensic exams, **child victims (< 18 years of age) accounted for 56% of these claims** (854 claims). While the total number of SAFE claims was down 8% in FY 2013, the number of non-domestic sexual assault cases involving child victims actually increased 4% from FY 2012. **SAFE claims involving adult victims decreased by 12%** in FY 2013.

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 2013, in addition to issuing **1271 initial compensation awards** for victims' crime-related expenses, **525 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).

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, with continued efforts to establish prospective negotiation agreements between medical providers and CICF for payment of claims. These memoranda of agreement, as required by a 2010 amendment to §19.2-368.3, further require that health care providers accept payment from CICF as payment in full without billing the patient for any remaining balances. CICF staff continues 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 2014.

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with **71% of FY 2013's claimants learning about CICF from their area victim/witness assistance program** and 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 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.

***“Thank you for your follow up on my behalf. I will definitely follow up as well with the credit reporting companies as you recommended. Once again, thank you for all the help, and may life treat you as well as you have treated me.”***

- a CICF claimant

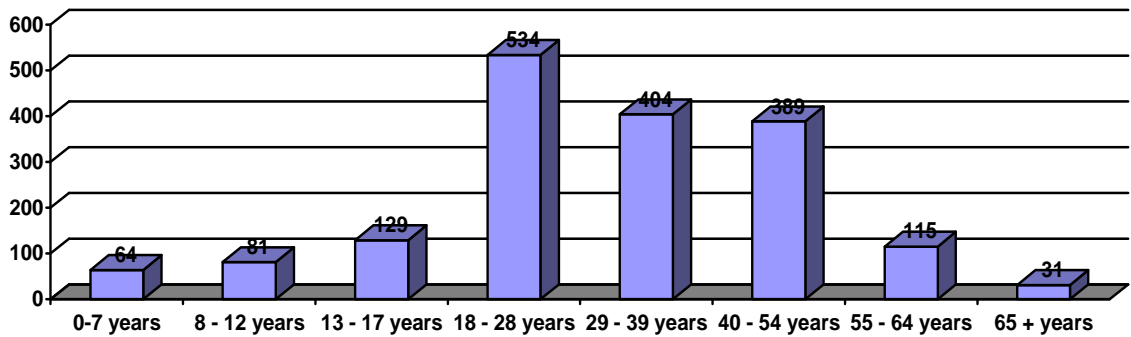
## Summary of FY 2013 Compensation claims

	<i>2011</i>	<i>2012</i>	<i>2013</i>
New Claims Received	1771	1737	1747
Claims Awarded	961	1328	1271
Claims Denied	490	660	618
Total Amount Awarded	\$1,892,861	\$2,315,550	\$3,033,055

### *Largest Expense Outlays (by dollars paid out)*    *Most Frequent Crime Categories*

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Funeral Expenses</li> <li>2. Physician Expenses</li> <li>3. Hospital Expenses</li> <li>4. Transportation</li> <li>5. Wage Loss</li> </ol> | <ol style="list-style-type: none"> <li>1. Assault (non-domestic)</li> <li>2. Homicide</li> <li>3. Assault (domestic)</li> <li>4. Child Sexual Abuse</li> <li>5. Robbery</li> </ol> |
|---|--|

### Age of Victims in FY 2013 compensation claims



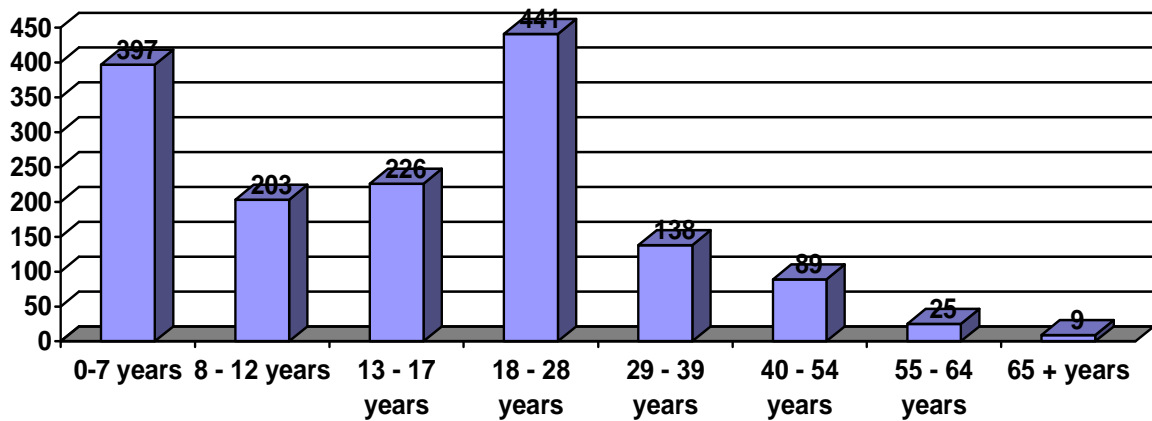
### *Most Common Referral Sources*

1. Victim/Witness Assistance Programs
2. Police/Sheriff's office
3. Commonwealth's Attorney's office
4. Medical Provider
5. Funeral Home

## Summary of FY 2013 SAFE claims

	<i>2011</i>	<i>2012</i>	<i>2013</i>
<b>New Claims Received</b>	1667	1665	1529
<b>Total Amount Awarded</b>	\$1,357,437	\$1,717,204	\$1,454,655

### Age of Victims in FY 2013 SAFE claims



### Expense Outlays in FY 2013 SAFE claims

<b>Hospital Expenses</b>	<b>\$1,118,210</b>
<b>Physician Expenses</b>	<b>\$330,999</b>
<b>Prescriptions</b>	<b>\$4,318</b>
<b>Transportation</b>	<b>\$1,127</b>

# FY 2013 HIGHLIGHTS AND ACCOMPLISHMENTS

## *Collaboration*

- Continued partnership with the Virginia Department of Criminal Justice Services and the University of Richmond to implement the **Virginia Victim Assistance Academy**, a comprehensive week-long training program for advocates and other allied professionals new to the field of victim services. 2013 was the sixth year Virginia has offered this training to the state's victim services providers across the state. Once again, CICF provided both financial and staff support to ensure the Academy's ongoing success.
- Maintained **membership and participation** with the National Association of Crime Victim Compensation Boards, the Virginia Sexual and Domestic Violence Action Alliance, and the Virginia Victim Assistance Network (with CICF staff active in the Programs, Victims' Rights, and Executive Committees of the Network)
- Participated in the **Victim's Rights Coordinating Committee**, a quarterly forum convened by the Secretary of Public Safety in 2012 and composed of representatives from state agencies with victim constituencies to enhance inter-agency communication and identify service barriers/challenges, solutions, and opportunities for collaboration
- Served on the General Assembly's **Justice Reinvestment Act Group**
- Developed partnership with the Office of the Chief Medical Examiner for CICF involvement with **fatality management training**
- Partnered with the Office of the Attorney General on regional **human trafficking trainings**

## *Outreach / Training*

- Co-sponsored Director's Training and Strangulation Institute in partnership with the Virginia Sexual and Domestic Violence Action Alliance
- Continued provision of trainings upon request to a wide range of allied professionals statewide and beyond, **facilitating 56 presentations to a total of 1619 participants**, including 11 WebFile trainings to prepare victim/witness assistance program staff to submit / manage CICF claims online
- Enhanced outreach with **Virginia's military installations**, with participation at awareness events for the Army National Guard and Army as well as training for Quantico's Family Advocacy Program

## *Legislative Changes*

- **House Bill 1705**, sponsored by Delegate Christopher Stolle, provides that **CICF has a lien** on a victim's claim if an award is made. The bill also provides that if the defendant pays restitution, and the Fund has made any payments for expenses included in the restitution order, the clerk or other entity collecting the restitution must pay as much of the restitution collected to CICF as will reimburse CICF for its payments. The bill states that **the clerk or other entity collecting the restitution must honor any written assignment of restitution in favor of CICF.**

## *Sexual Assault Forensic Exam (SAFE) program*

- Developed and began piloting a payment program for **HIV post-exposure prophylaxis**
- Presented at regional Sexual Assault Response Team (SART) trainings and Advanced Program Management, hosted by the Department of Criminal Justice Services (DCJS)
- Developed and began utilizing/distributing the internally-generated "**medical provider report**" to update providers on claim status



# FY 2013 HIGHLIGHTS AND ACCOMPLISHMENTS (con't)

## *Crisis Response*

- Fully funded **Crisis Response Team (CRT) training** provided by the National Organization of Victim Assistance (NOVA) in order to maximize the number of allied professionals trained throughout the Commonwealth to respond to mass casualty crime incidents and other emergencies requiring coordinated community response. New CICF staff and 30 additional advocates, including victim/witness assistance program staff, law enforcement, and mental health practitioners, participated in this 24-hour training in February 2013 in Williamsburg.
- **Responded on-site at New River Community College** in April 2013 after a school shooting. CICF staff and other crisis response team members assisted victims with CICF filing and accessing other needed resources in conjunction with the local victim/witness assistance program and provided technical assistance to school administration with regard to victim services.
- Coordinated and facilitated (along with other training crisis response team members statewide) **group crisis interventions (GCI)** in Christiansburg at New River Community College for students and faculty affected by the April shooting and in Caroline County for survivors of a charter bus crash.
- Sponsored statewide **Family Assistance Center training** in partnership with the Virginia Department of Emergency Management to increase statewide capacity for victim response after a mass casualty incident.

## *Fund Development*

- Worked extensively with the Office of the Attorney General to **strengthen collections efforts** against offenders
- **Collected over \$500,000 in restitution** from offender billing and tax debt set-off in addition to almost \$617,000 in unclaimed restitution

## *Other Items of Note*

- Presented the eighth annual **"Victim/Witness Assistance Program of the Year"** award (as selected by CICF staff) to the **Martinsville Victim/Witness Program** at the annual conference of the Virginia Victim Assistance Network in November 2012

*"I want to thank you again for your presentation today. You did a great job and people learned so much about the program. I've already heard many positive comments about you and your presentation and everyone said they didn't realize all the things CICF does for crime victims. So, I say "mission accomplished!"*

- a Victim/Witness program advocate

# GEOGRAPHIC DISTRIBUTION OF CLAIMS

*In FY 2013, 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	2	Albemarle County	12	0	Alexandria	21	18
Alleghany County	4	0	Amelia County	2	2	Amherst County	2	13
Appomattox County	13	5	Arlington County	24	23	Augusta County	15	7
Bath County	0	1	Bedford County	18	10	Bland County	0	0
Botetourt County	2	4	Bristol	3	0	Brunswick County	0	3
Buchanan County	7	1	Buckingham Co	1	1	Buena Vista	0	2
Campbell County	19	14	Caroline County	23	12	Carroll County	8	2
Charles City County	1	1	Charlotte County	2	6	Charlottesville	16	2
Chesapeake	89	58	Chesterfield County	39	48	Clarke County	1	0
Colonial Heights	14	2	Covington	1	0	Craig County	0	2
Culpeper County	13	11	Cumberland County	4	3	Danville	11	10
Dickenson County	0	0	Dinwiddie County	12	4	Emporia	3	1
Essex County	2	7	Fairfax City	3	6	Fairfax County	120	105
Falls Church	2	1	Fauquier County	12	5	Floyd County	1	3
Fluvanna County	3	0	Franklin City	2	3	Franklin County	4	14
Frederick County	5	1	Fredericksburg	14	17	Galax	1	1
Giles County	1	6	Gloucester County	27	10	Goochland County	2	2
Grayson County	11	0	Greene County	5	0	Greensville County	0	0
Halifax County	6	17	Hampton	55	33	Hanover County	21	9
Harrisonburg	16	23	Henrico County	86	44	Henry County	14	0
Hopewell	12	8	Isle of Wight County	3	7	James City County	12	9
King and Queen Co	3	5	King George County	0	3	King William Co	5	3
Lancaster County	11	3	Lee County	9	0	Lexington	0	3
Loudoun County	28	35	Louisa County	4	2	Lunenburg County	8	3

## GEOGRAPHIC DISTRIBUTION OF CLAIMS (con't)

	<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>		<u>CICF</u>	<u>SAFE</u>
Lynchburg	19	41	Madison County	0	0	Manassas	13	5
Manassas Park	0	2	Martinsville	4	0	Mathews County	0	2
Mecklenburg Co	11	9	Middlesex County	3	1	Montgomery Co	8	16
Nelson County	5	0	New Kent County	3	1	Newport News	54	64
Norfolk	87	85	Northampton Co	10	8	Northumberland Co	3	2
Norton	2	0	Nottoway County	4	6	Orange County	1	3
Page County	3	2	Patrick County	6	1	Petersburg	49	7
Pittsylvania County	13	19	Poquoson	2	2	Portsmouth	46	34
Powhatan County	1	3	Prince Edward Co	3	7	Prince George Co	2	5
Prince William Co	35	63	Pulaski County	4	10	Radford	10	10
Rappahannock Co	0	0	Richmond City	177	95	Richmond County	0	2
Roanoke City	32	79	Roanoke County	9	17	Rockbridge County	3	2
Rockingham Co	4	8	Russell County	1	0	Salem	6	3
Scott County	3	1	Shenandoah County	5	3	Smyth County	1	0
Southampton Co	1	8	Spotsylvania County	13	31	Stafford County	28	16
Staunton	5	4	Suffolk	8	31	Surry County	2	2
Tazewell County	4	0	Virginia Beach	82	119	Warren County	8	4
Washington County	6	0	Waynesboro	5	1	Westmoreland Co	14	7
Williamsburg	9	7	Winchester	16	3	Wise County	4	0
Wythe County	3	4	York County	4	8	Out of Country	0	0
Out of State	0	7						

*“Thank you for assistance with this. Your help, understanding, and professionalism during this most difficult time is much appreciated. May God bless you.”*

*- 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 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 nearly \$4.5 million dollars in FY 2013 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. CICF continues to ensure the Fund's viability by aggressively pursuing offenders for repayment and continued implementation of cost-cutting and collections-enhancing measures.

CICF's recent 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 provide information to allied professionals and medical providers with whom we collaborate. One benefit of CICF's new database is a greater ability to capture and analyze collected data. In FY 2013 began utilizing an internally generated "**medical provider report**", a provider-specific report showing the current status of pending claims, as well denied and recently awarded claims, which is emailed to high-volume medical providers monthly. The report highlights information that is still needed to further process claims, including medical records, itemized billing information, and collateral resource information. This report increases communication efficiency between CICF's medical provider liaison / SAFE program staff and provider billing offices, allowing billing offices who routinely contact the CICF office to check claim status, confirm that information has been received, and/or inquire about payment. Looking ahead to 2014, CICF staff plans to offer training opportunities, face-to-face and through webinars, to medical providers on compensation/SAFE issues, including maximizing their usage of the provider report.

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. CICF surveyed WebFile users in FY 2013 for suggestions and recommendations on enhancing the system's "user-friendliness" and submitted the survey results to the IS department, with many subsequent enhancements to WebFile reflecting this user feedback.

Training remained an important focus of the Fund in 2013, with CICF staff conducting **56 training programs to 1619 participants** (almost doubling FY 2012 training numbers), including continued efforts to enhance the number WebFile-trained advocates across the Commonwealth. A "WebFile 2.0" training series was developed and conducted statewide (11 trainings), providing opportunities for advocates not yet WebFile-trained to get WebFile certification, as well as offering advanced training for those already using WebFile to improve their claims submissions and learn about new WebFile features/tools. Other training audiences included forensic nurses, mental health service providers, domestic violence and sexual assault advocates, prosecutors, law enforcement, emergency managers, and other allied professionals.

Looking ahead to FY 2014, CICF staff hopes to undertake significant branding/marketing efforts along with continued facilitation of trainings upon request for allied professional groups, targeted outreach to law enforcement, court clerks and medical providers, exploration of alternative training methods (including webinars and other avenues of online training), ongoing training opportunities for victim advocates. CICF also plans to once again sponsor Crisis Response Team (CRT) training in early 2014 to maximize the number of advocates trained throughout the Commonwealth to respond to mass casualty crime incidents and other emergencies requiring coordinated community response. There are also plans in 2014 to offer continuing practice/education to current CRT team members to keep team members' skills honed.

CICF efforts to serve Virginia's victims of violent crime continue unabated as we look towards 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.**