

VIRGINIA WORKERS' COMPENSATION COMMISSION

# CRIMINAL INJURIES COMPENSATION FUND

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**2014 ANNUAL REPORT**  
JULY 1, 2013 – JUNE 30, 2014

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COMMONWEALTH of VIRGINIA

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Chairman

WESLEY G. MARSHALL  
Commissioner

R. FERRELL NEWMAN  
Commissioner

VIRGINIA WORKERS' COMPENSATION  
COMMISSION

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Clerk

October 21, 2014

The Honorable Terence R. McAuliffe, Governor

Members of the General Assembly  
Commonwealth of Virginia

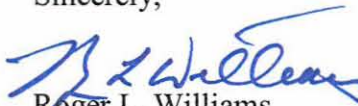
Dear Governor McAuliffe and  
Members of the General Assembly:

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 2014. This report details the activities of the Fund from July 1, 2013, through June 30, 2014.

In 2014, the Criminal Injuries Compensation Fund processed 3095 new claims for crime victim compensation and forensic evidence collection, awarding nearly \$3.7 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 2014 IN REVIEW

Fiscal year 2014 represented another busy year for the Criminal Injuries Compensation Fund. This year the Fund provided nearly \$2.4 million dollars in compensation awards to crime victims and their families, in addition to paying over \$1.3 million dollars for forensic evidence collection in sexual assault cases. CICF compensation and SAFE payouts in FY 2014 were down 18% cumulatively from FY 2013.

While the number of new compensation claims submitted in FY 2014 decreased by 5.3% (1654 claim applications in FY 2014 vs. 1746 claims in FY 2013), CICF's FY 2014 compensation payout of \$2,357,384 represents a 22.1% decrease over FY 2013. While this decrease is significant compared to last year, compared to the three prior years, the trend of increasing payouts continues. The SAFE program saw an 8.5% decrease in payouts and a 5.8% decrease in claims filed when compared to FY 2013. Of the over \$3.6 million dollars CICF paid on behalf of Virginia's victims of violent crime through compensation and SAFE, hospital expenses composed 41% of that expenditure (largely due to \$991,192 paid to hospitals for forensic evidence collection under the SAFE program, with another \$534,140 distributed to hospitals in conjunction with compensation claims). Physician expenses were the second largest expense type overall, constituting 19% of CICF's total FY 2014 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 17.6% of CICF's total FY 2014 payout, they constituted 27.5% of CICF's compensation payment total, the largest compensation expense type. The category of lost wages accounted for approximately 7.9% of CICF's compensation claim payout (and 5% of CICF's total payout). Other expense types included transportation, counseling expenses, prescriptions, moving expenses, domestic loss of support (temporary wage replacement in domestic violence/child sexual assault cases), prosthetics and dental expenses.

FY 2014 saw an increased number of compensation claims involving arson (+ 150% from FY 2013, from 4 to 10 claims) as well as an increase in DWI-related compensation claims (+32.4%). An increase was also noted in sexual assault compensation claims involving child victims. While FY 2014 saw virtually no change in the total number of compensation claims filed for the crimes of sexual assault involving adult victims, child abuse, felony hit and run, stalking, and carjacking, decreases were noted in homicide (down 16% from FY 2013), assault (down 7.0%), abduction (down 20.8%), robbery (down 15.9%) and breaking and entering (down 15.6%).

Of the 1441 claims received through CICF's SAFE program for payment of sexual assault forensic exams, child victims (< 18 years of age) accounted for 53% of these claims (766 claims). While the total number of SAFE claims was down 5.8% in FY 2014, the number of domestic sexual assault cases involving child victims actually increased by 12.6% from 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 2014, in addition to issuing 898 initial compensation awards for victims' crime-related expenses, 498 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. 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 2015.

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with 68% of FY 2014's claimants learning about CICF from their area victim/witness assistance program and 14% 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. This work continues into FY 2015, as staff work with Burford Advertising to pilot television advertising in targeting viewing areas within the Commonwealth.

*"I did not want this week to get by me without letting you know how very much I appreciate your tremendous and continued efforts to support victims in our Commonwealth. You are truly the unsung heroes in my eyes. As a citizen, I am in awe and amazed at the hard work you put in each and every day to ensure victims' voices are heard and that they are cared for locally. As a fellow state employee, I am deeply humbled by your dedication and ethics."*

- a colleague from the OCME



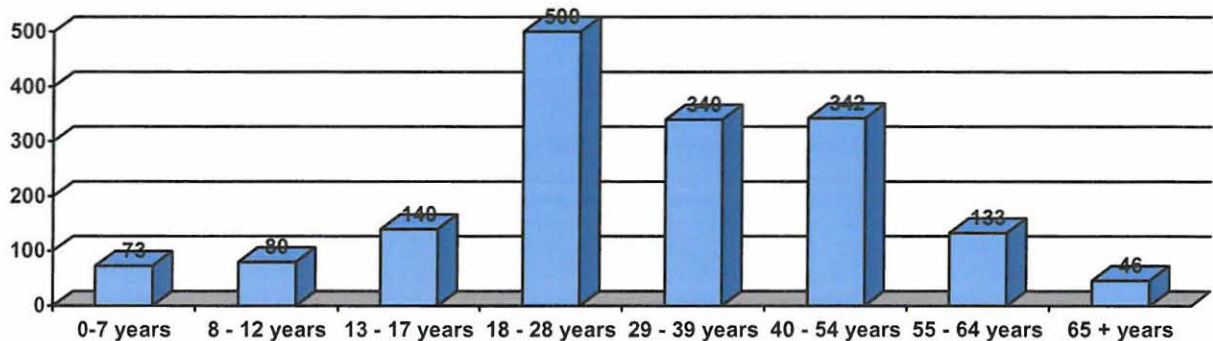
## Summary of FY 2014 Compensation claims

	2011	2012	2013	2014
New Claims Received	1771	1737	1746	1654
Claims Awarded	961	1328	1160	898
Claims Denied	490	660	613	422
Total Amount Awarded	\$1,892,861	\$2,315,550	\$3,026,814	\$2,357,384

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

- |                             |                               |
|-----------------------------|-------------------------------|
| 1. Funeral Expenses         | 1. Assault (non-domestic)     |
| 2. Hospital Expenses        | 2. Homicide                   |
| 3. Physician Expenses       | 3. Assault (domestic)Homicide |
| 4. Wage Loss                | 4. Robbery                    |
| 5. Domestic Loss of Support | 5. Child Sexual Abuse         |

### Age of Victims in FY 2014 compensation claims



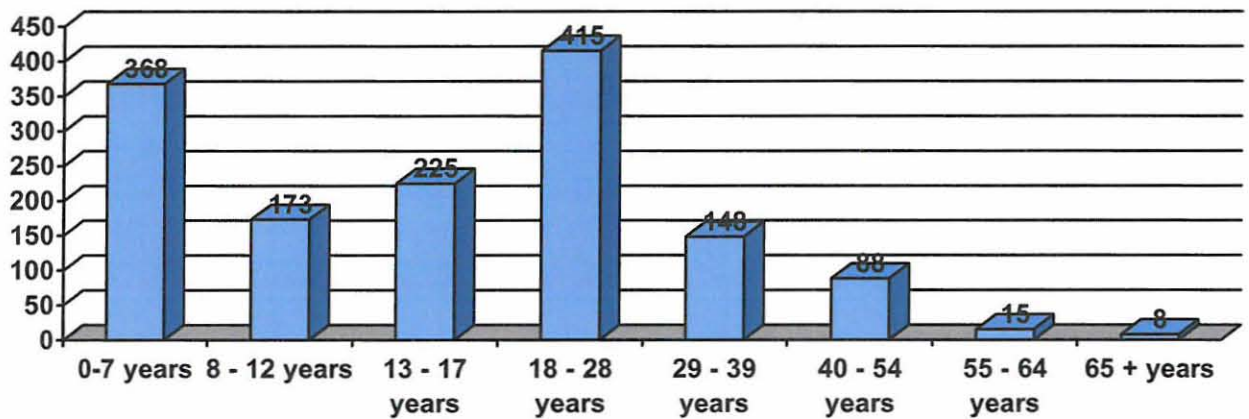
### Most Common Referral Sources

1. Victim/Witness Assistance Programs
2. Commonwealth's Attorney's office
3. Medical Provider
4. Police/Sheriff's Office
5. Other Government Agency

## Summary of FY 2014 SAFE claims

	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
New Claims Received	1667	1665	1529	1441
Total Amount Awarded	\$1,357,437	\$1,717,204	\$1,454,654	\$1,330,716

## Age of Victims in FY 2014 SAFE claims



## Expense Outlays in FY 2014 SAFE claims

Hospital Expenses	\$991,192
Physician Expenses	\$297,775
Prescriptions	\$39,790
Transportation	\$759

# FY 2014 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, held each summer on the University of Richmond campus. 2014 was the seventh year Virginia has offered this training to victim services providers across the state. Once again, CICF provided 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).
- Co-sponsored "Reduce the Risk: Strangulation Prevention Conference and Law Enforcement and Prosecutor Institute" in partnership with the Virginia Sexual and Domestic Violence Action Alliance
- Co-sponsored the Virginia Victim Assistance Network's Annual Conference on Victim's Issues
- Provided sponsorship for HEART, Inc.'s Victim to Victim Retreat and for Camp Mabon, non-profit programs serving victims of sexual abuse.

## *Outreach / Training*

- Continued provision of trainings upon request to a wide range of allied professionals statewide and beyond, facilitating 37 presentations to a total of 1145 participants, including 10 WebFile trainings to prepare victim/witness assistance program staff to submit / manage CICF claims online. This included acting as a prominent sponsor and presenter at the 2014 Virginia Probation and Parole Association's (VPPA) Annual Business Meeting and Training Event May 14-16 in Virginia Beach, Virginia, with over 150 Probation officers across the state in attendance
- The Fund Development department began planning for implementation of a statewide public awareness campaign in FY 2015, working with Burford Advertising of Richmond, VA. The purpose of this comprehensive marketing / outreach plan to increase public and criminal justice system partners awareness of CICF to be piloted in FY15 and if successful fully implemented in FY 15-16.

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

- Expanded the HIV post-exposure prophylaxis pilot program to now 6 areas across the state.
- Presented SAFE Payment Program information to over 500 professionals in Virginia including forensic nurses, law enforcement, medical management and billing specialists, prosecutors, and victim advocates.

## *Fund Development*

- July 1 2013 new legislation was enacted that would strengthen restitution policy in Virginia and increase collections for CICF. § 19.2-305.1: If restitution pursuant to § 19.2-305 or this section is ordered to be paid by the defendant to the victim of a crime or other entity, and the Criminal Injuries Compensation Fund has made any payments to or on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon presentation by the Fund of a written request that sets forth the amount of payments made by the Fund to the victim or on the victim's behalf, the entity collecting restitution shall pay to the Fund as much of the restitution collected as will reimburse the Fund for its payments made to the victim or on the victim's behalf.



## FY 2014 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 31 additional advocates, including victim/witness assistance program staff, law enforcement, and mental health practitioners, participated in this 24-hour training in March 2014 in Giles County.
- Provided ongoing technical assistance and support for New River Community College in response to April 2013 school shooting. Group crisis interventions (GCIs) were made available to students, faculty and staff as school began in September and as the semester was ending in December and included representation from the local victim/witness assistance program to provide court case updates and criminal justice information.
- Coordinated and facilitated (along with other trained crisis response team members) group crisis interventions (GCIs) in a number of localities across the state after traumatic incidents, including Richmond, Abingdon, and Virginia Beach.
- Piloted Family Assistance Center training in Lynchburg in partnership with the Virginia Department of Emergency Management to increase statewide capacity for victim response after a mass casualty incident. Based on feedback from this pilot session, this daylong training will be updated and made available statewide to emergency planners and other allied professionals.

### *Other Items of Note*

- Presented the ninth annual "Victim/Witness Assistance Program of the Year" award (as selected by CICF staff) to the Richmond City Victim/Witness Program at the annual conference of the Virginia Victim Assistance Network in November 2013.

*"Thank you so much for getting back with me. (CICF staff) answered ALL of my questions in a way that I could articulate the answers to the victim. Sometimes I think that some of my questions are pretty SILLY, but she made me feel that the questions were not.*

*I have enjoyed a good relationship with all of your staff in the past and I continue to enjoy that relationship today. For that I say "thank you!"*

*- a Victim/Witness program advocate*

# GEOGRAPHIC DISTRIBUTION OF CLAIMS

*In FY 2014, 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	6	3	Albemarle County	19	2	Alexandria	35	24
Alleghany County	2	0	Amelia County	1	2	Amherst County	14	16
Appomattox County	8	8	Arlington County	18	21	Augusta County	9	6
Bath County	0	0	Bedford County	7	16	Bland County	0	0
Botetourt County	0	0	Bristol	4	1	Brunswick County	1	2
Buchanan County	4	0	Buckingham Co	0	1	Buena Vista	3	0
Campbell County	17	10	Caroline County	12	1	Carroll County	4	0
Charles City County	0	0	Charlotte County	1	1	Charlottesville	17	4
Chesapeake	75	58	Chesterfield County	48	71	Clarke County	2	0
Colonial Heights	14	3	Covington	2	1	Craig County	0	0
Culpeper County	7	0	Cumberland County	2	2	Danville	17	17
Dickenson County	3	0	Dinwiddie County	9	0	Emporia	3	0
Essex County	2	4	Fairfax City	4	4	Fairfax County	112	80
Falls Church	7	1	Fauquier County	19	5	Floyd County	3	8
Fluvanna County	8	0	Franklin City	4	6	Franklin County	7	17
Frederick County	3	3	Fredericksburg	13	18	Galax	1	0
Giles County	5	4	Gloucester County	23	9	Goochland County	5	1
Grayson County	6	0	Greene County	6	0	Greensville County	0	0
Halifax County	1	26	Hampton	39	18	Hanover County	11	19
Harrisonburg	14	19	Henrico County	70	56	Henry County	8	4
Hopewell	10	4	Isle of Wight County	6	7	James City County	10	4
King and Queen Co	1	0	King George County	3	6	King William Co	3	1
Lancaster County	9	3	Lee County	7	0	Lexington	2	1
Loudoun County	32	20	Louisa County	5	1	Lunenburg County	14	6

## 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	18	32	Madison County	0	1	Manassas	4	10
Manassas Park	2	4	Martinsville	3	3	Mathews County	3	4
Mecklenburg Co	7	8	Middlesex County	4	2	Montgomery Co	13	26
Nelson County	1	3	New Kent County	1	3	Newport News	53	39
Norfolk	75	115	Northampton Co	8	4	Northumberland Co	3	1
Norton	0	0	Nottoway County	0	7	Orange County	3	6
Page County	2	4	Patrick County	5	3	Petersburg	41	6
Pittsylvania County	5	16	Poquoson	1	0	Portsmouth	32	40
Powhatan County	0	6	Prince Edward Co	3	15	Prince George Co	9	9
Prince William Co	43	55	Pulaski County	15	12	Radford	9	15
Rappahannock Co	0	0	Richmond City	181	76	Richmond County	0	1
Roanoke City	21	42	Roanoke County	11	10	Rockbridge County	2	3
Rockingham Co	9	4	Russell County	8	4	Salem	6	7
Scott County	3	1	Shenandoah County	9	1	Smyth County	0	0
Southampton Co	3	1	Spotsylvania County	19	28	Stafford County	14	16
Staunton	2	6	Suffolk	4	26	Surry County	3	2
Sussex	6	2	Tazewell County	6	2	Virginia Beach	79	97
Warren County	3	2	Washington County	14	0	Waynesboro	2	1
Westmoreland Co	22	7	Williamsburg	4	9	Winchester	6	2
Wise County	2	0	Wythe County	11	2	York County	5	6
Out of Country	0	0	Out of State	0	9			

*“I am grateful to your agency for assisting me with the payment of my medical expenses. This agency puts forth great effort in ensuring that victims are well taken care of after such tragic events... Thanks and continue to do the fine job that you have been doing.”*

*- 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 over \$3.6 million dollars in FY 2014 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.

Looking ahead to FY 2015, 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), and ongoing training opportunities for victim advocates.

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.

*"I just wanted to say thank you from the bottom of my heart. I cannot express how much my family and I thank you. You may see what you do as part of your everyday job, but to my family and myself it means so much more than that. There really are no words to express the gratitude we have for what you and the rest of your staff have done."*

*- a CICF claimant*