

VIRGINIA WORKERS' COMPENSATION COMMISSION

CRIMINAL INJURIES COMPENSATION FUND

2015 ANNUAL REPORT
JULY 1, 2014 – JUNE 30, 2015

CICF
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COMMONWEALTH of VIRGINIA

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Chairman

ROGER L. WILLIAMS
Commissioner

R. FERRELL NEWMAN
Commissioner

**VIRGINIA WORKERS' COMPENSATION
COMMISSION**

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September 30, 2015

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 2015. This report details the activities of the Fund from July 1, 2014, through June 30, 2015.

In 2015, the Criminal Injuries Compensation Fund processed **3,760** new claims for crime victim compensation and forensic evidence collection, awarding over **\$3.9 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,

Wesley G. Marshall
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 2015 IN REVIEW

Fiscal year 2015 represented another busy year for the Criminal Injuries Compensation Fund. **This year the Fund provided over \$2.1 million dollars in compensation awards to crime victims and their families, in addition to paying nearly \$1.8 million dollars for forensic evidence collection in sexual assault cases.** CICF compensation and SAFE payouts in FY 2015 were up 6% cumulatively from FY 2014.

The number of new compensation claims submitted in FY 2015 increased by 8.5% (1,795 claim applications in FY 2015 vs. 1654 claims in FY 2014). The SAFE program saw a 6% increase in payouts and a 21% increase in claims filed when compared to FY 2014. Of the over \$3.9 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 \$1,294,071 paid to hospitals for forensic evidence collection under the SAFE program, with another \$310,555.78 distributed to hospitals in conjunction with compensation claims). Physician expenses were the second largest expense type overall, constituting 17.7% of CICF's total FY 2015 payout (inclusive of the SAFE program as well as compensation claims). While homicides represented only 16.2% of CICF's compensation claims in FY 2015, **funeral expenses in homicide cases (which are capped at \$5000 per victim) constituted 30.4% of CICF's compensation payment total**, the largest compensation expense type. Transportation expenses increased by 72% (\$156,583.55 payout in FY 2015 versus \$90,858.11 payout in FY 2014), and represents 7.4% of CICF's compensation payment total. Other expense types included wage loss, counseling expenses, prescriptions, moving expenses, domestic loss of support (temporary wage replacement in domestic violence/child sexual assault cases), prosthetics and prescription expenses.

FY 2015 saw an increased number of compensation claims involving breaking and entering (+56% from FY 2014). An increase in compensation claims was also noted for crimes involving a motor vehicle, as DWI-related claims increased 18% from FY 2014 and felony hit and run claims increased 27% from FY 2014. Compensation claims for assaults also increased by 9% from FY 2014 and claims for homicides increased by 13%. While FY 2015 saw virtually no change in the total number of compensation claims filed for the crimes of sexual assault involving adult victims, abduction, and robbery, decreases were noted in sexual assaults involving children (down 5% from FY 2014), child abuse (down 20%), arson (down 70%), stalking (down 50%) and Carjacking (down from 3 claims in FY 2014 to no claims in FY 2015).

Of the 1,965 claims received through CICF's SAFE program for payment of sexual assault forensic exams, **child victims (< 18 years of age) accounted for 52% of these claims** (1026 claims). The total number of SAFE claims increased 26.7% from FY 2014, with the number of sexual assault cases involving adult victims representing the largest increase of 28.7% from FY 2014.

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 2015, in addition to issuing **1049 initial compensation awards** for victims' crime-related expenses, **417 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 memorandum 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 2016.

Professionals within the criminal justice system continue to be the Fund's most significant source of referrals, with **68% of FY 2015's claimants learning about CICF from their area victim/witness assistance program** and 11% referred to the Fund from their local police or sheriff's department and 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, including the creation of a training and outreach coordinator position, as well as piloting a television advertising campaign 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 2015 Compensation claims

	FY2012	FY2013	FY2014	FY2015
New Claims Received	1737	1746	1654	1795
Claims Awarded	1328	1160	898	1049
Claims Denied	660	613	422	330
Total Amount Awarded	\$2,315,550	\$3,026,814	\$2,357,384	\$2,116,550

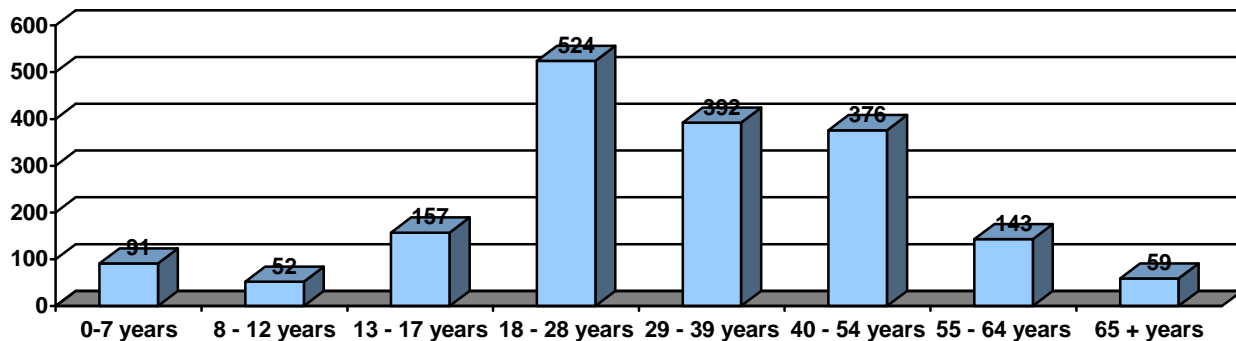
Largest Expense Outlays (by dollars paid out)

1. Funeral Expenses
2. Physician Expenses
3. Hospital Expenses
4. Wage Loss
5. Transportation

Most Frequent Crime Categories

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

Age of Victims in FY 2015 compensation claims



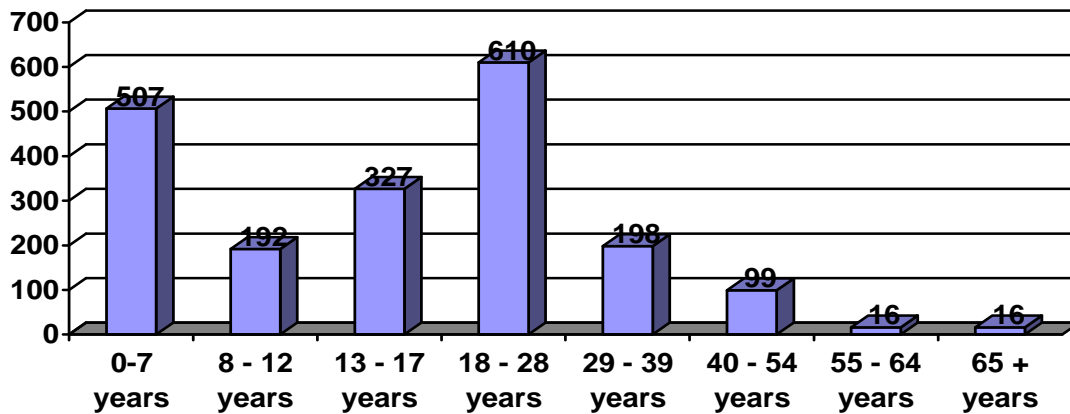
Most Common Referral Sources

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

Summary of FY 2015 SAFE claims

	FY2012	FY2013	FY2014	FY2015
New Claims Received	1,665	1,529	1,441	1,965
Total Amount Awarded	\$1,717,204	\$1,454,655	\$1,330,716	\$1,790,055

Age of Victims in FY 2015 SAFE claims



Expense Outlays in FY 2015 SAFE claims

Hospital Expenses	\$1,294,071
Physician Expenses	\$354,409
Prescriptions	\$140,643
Transportation	\$932

FY 2015 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 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, International Association of Forensic Nurses and the Virginia Victim Assistance Network (with CICF staff active in the Programs and Compensation Committees of the Network)
- CICF staff was involved with the Campus Alliance to End Violence Task Force, the Stop by Believing Task Force, the Central Virginia Victim Services Coalition, the Body Scan Work group, and the Campus Alliance to End Violence Task Force. CICF staff was also involved in numerous activities during Victim's Rights Week, including participation on the Victim's Rights Week Forum.
- Co-sponsored the Virginia Victim Assistance Network's Annual Conference on Victim's Issues and the Trauma to Trial Conference
- CICF is a partner agency of the *Vision 21: Linking Systems of Care for Children Youth* initiative

Outreach / Training

- Continued provision of trainings upon request to a wide range of allied professionals statewide and beyond, **facilitating 19 presentations to a total of approximately 373 participants.**
- Hosted a one day Trauma-Informed Care Conference for mental health professionals
- Implemented a statewide public awareness campaign, working with Burford Advertising of Richmond, VA, on rebranding, new logo design, and a television ad campaign. Television ads began airing in the Richmond and Roanoke viewing areas in October 2014.

Legislative Changes

- §19.2-368.5 allows for claims to be filed for crimes committed between July 1, 1977 and July 1, 2001 if the criminal case is being investigated as a result of newly discovered evidence
- Benefit Increases: Counseling benefits for survivors of homicide victims increased from \$2,500 to \$3,500 and moving expenses increased from \$1,000 to \$2,000 (§19.2-368.5:11.1)

FY 2015 HIGHLIGHTS AND ACCOMPLISHMENTS (con't)

Sexual Assault Forensic Exam (SAFE) program

- Presented SAFE Payment Program information to over **300** professionals in Virginia including forensic nurses, law enforcement, medical management and billing specialists, prosecutors, etc.
- Continued building relationships with pharmacies to set-up direct billing between pharmacies and the SAFE program for HIV post-exposure prophylaxis.

Fund Development

- **Collected over \$530,000 in restitution** from offender billing and tax debt set-off in addition to over \$624,000 in unclaimed restitution

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. CICF staff and 35 additional advocates, including victim/witness assistance program staff, law enforcement, military personnel, mental health practitioners, participated in this 24-hour training in February 2015 in Williamsburg Virginia.
- 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.

Other Items of Note

- Conducted thorough staff review of the CICF policy manual to ensure office procedures and policies were consistent with state/federal law and audit requirements and that the manual accurately reflected current practice. Updates and changes were approved by the Commission in September 2014.
- In an effort to expedite the claim process, CICF simplified the mental health policy by creating a one page Mental Health Report that could be submitted by mental health providers in lieu of session notes.
- Presented the ninth annual "**Victim/Witness Assistance Program of the Year**" award (as selected by CICF staff) to the **Washington County Victim/Witness Program** at the annual conference of the Virginia Victim Assistance Network in November 2014.

GEOGRAPHIC DISTRIBUTION OF CLAIMS

In FY 2015, CICF received claims from across the Commonwealth as follows:

<u>Incident Location</u>	<u>CICF</u>	<u>SAFE</u>	<u>Incident Location</u>	<u>CICF</u>	<u>SAFE</u>
Accomack County	15	7	Fairfax City	2	12
Albemarle County	9	4	Fairfax County	121	167
Alexandria	27	62	Falls Church	2	5
Alleghany County	5	2	Fauquier County	4	9
Amelia County	1	3	Floyd County	5	2
Amherst County	8	29	Fluvanna County	4	1
Appomattox County	9	8	Franklin City	7	2
Arlington County	18	48	Franklin County	4	18
Augusta County	13	7	Frederick County	1	2
Bath County	0	1	Fredericksburg	8	14
Bedford County	12	16	Galax	2	2
Botetourt County	1	9	Giles County	3	8
Bristol	4	1	Gloucester County	5	16
Brunswick County	2	1	Goochland County	4	5
Buchanan County	6	0	Grayson County	5	0
Buckingham County	3	1	Greene County	8	0
Campbell County	17	29	Greensville County	1	1
Caroline County	26	9	Halifax County	4	18
Carroll County	1	0	Hampton	40	49
Charles City County	4	1	Hanover County	10	12
Charlotte County	1	12	Harrisonburg	5	16
Charlottesville	20	6	Henrico County	66	74
Chesapeake	68	52	Henry County	4	5
Chesterfield County	58	64	Hopewell	23	9
Colonial Heights	9	0	Isle of Wight County	4	11
Covington	1	2	James City County	22	16
Craig County	0	1	King George County	6	2
Culpeper County	11	10	King William County	3	1
Cumberland County	2	4	Lancaster County	7	2
Danville	34	20	Lee County	2	0
Dinwiddie County	8	3	Lexington	0	1
Emporia	7	1	Loudoun County	25	54
Essex County	3	1	Louisa County	12	2

GEOGRAPHIC DISTRIBUTION OF CLAIMS (con't)

<u>Incident Location</u>	<u>CICF</u>	<u>SAFE</u>	<u>Incident Location</u>	<u>CICF</u>	<u>SAFE</u>
Lunenburg County	6	5	Radford	10	15
Lynchburg	37	54	Richmond City	205	105
Madison County	0	1	Richmond County	1	3
Manassas	10	10	Roanoke City	44	68
Martinsville	3	4	Roanoke County	12	18
Mathews County	1	0	Rockbridge County	1	6
Mecklenburg County	18	5	Rockingham County	9	8
Middlesex County	8	7	Russell County	3	2
Montgomery County	15	30	Salem	7	6
Nelson County	7	1	Scott County	3	0
New Kent County	10	3	Shenandoah County	10	1
Newport News	48	88	Smyth County	0	1
Norfolk	77	115	Southampton County	6	3
Northampton County	7	0	Spotsylvania County	10	34
Northumberland County	1	3	Stafford County	14	31
Nottoway County	7	2	Staunton	5	3
Orange County	1	4	Suffolk	5	22
Out of Country	1	0	Surry County	3	2
Out of State	0	7	Sussex County	3	2
Page County	4	0	Tazewell County	3	2
Patrick County	7	6	Virginia Beach	88	124
Petersburg	53	7	Warren County	3	4
Pittsylvania County	15	22	Washington County	9	0
Poquoson	1	2	Waynesboro	5	0
Portsmouth	50	44	Westmoreland County	13	5
Powhatan County	13	5	Williamsburg	3	10
Prince Edward County	4	21	Winchester	10	5
Prince George County	5	5	Wise County	5	0
Prince William County	58	63	Wythe County	2	0
Pulaski County	6	10	York County	8	11

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 in dealing with the financial burdens that often accompany victimization. While **paying out over \$3.9 million dollars in FY 2015 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 2016, CICF staff hopes to continue with 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.**