



VIRGINIA WORKERS' COMPENSATION
COMMISSION

CRIMINAL INJURIES COMPENSATION FUND

2016 ANNUAL REPORT

JULY 1, 2015 – JUNE 30, 2016

W. JACKSON RITCHIE, DIRECTOR
P.O. BOX 26927
RICHMOND, VA 23261
WWW.CICF.STATE.VA.US





COMMONWEALTH of VIRGINIA

WESLEY G. MARSHALL
Chairman

ROGER L. WILLIAMS
Commissioner

R. FERRELL NEWMAN
Commissioner

VIRGINIA WORKERS' COMPENSATION
COMMISSION

1000 DMV Drive
Richmond, Virginia 23220
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

September 16, 2016

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 2016. This report details the activities of the Fund from July 1, 2015 through June 30, 2016.

In 2016, the Criminal Injuries Compensation Fund processed **3,534** new claims for crime victim compensation and forensic evidence collection, awarding just under **\$4.8 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 (Code of Virginia, § 19.2-368.1). 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 Code of Virginia. The Fund is authorized to pay 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 burdens created by crime**. The Fund provides reimbursement for medical expenses, lost wages, funeral expenses, relocation, counseling costs and other "necessary and reasonable" expenditures incurred by victims. Claimants are eligible for awards up to a statutory maximum of \$25,000 for compensable expenses. By law, CICF is the **payer of last resort**, assisting victims with expenses which are not covered by other sources. While the Fund considers 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.

Reimbursement awarded to victims of crime in conjunction with compensation claims is not funded through state tax dollars. CICF is funded by court fees, assessments on offenders, restitution, and federal grant funds. Grants supplement other sources available to victims of violent crime and are supported by Federal level court fines. CICF's SAFE Program receives General Fund money via sums designated to the Virginia Supreme Court for reimbursement of sexual assault evidence collection expenses.

For a victim to meet the Fund's eligibility requirements, the crime **must occur in Virginia** or against a Virginia resident in a state, country, or territory that does not have a compensation program. The crime must be reported to law enforcement within **120 hours** unless good cause for 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 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, 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 2016 in Review

Fiscal year 2016 represented another busy year for the Criminal Injuries Compensation Fund (CICF). The Fund provided nearly **\$2.9 million dollars** in compensation awards to crime victims and their families. It also paid over **\$1.9 million** dollars for forensic evidence collection in sexual assault cases.

FY 2016 saw increased payouts in both compensation and SAFE claims, despite a slight decrease in number of submitted claims. **For FY 2016, payouts on compensation claims increased by 36% and payouts on SAFE claims increased by 7%.** Funeral expenses for homicide cases (which are capped at \$5,000 per victim) continue to be the largest expense payout for compensation claims, accounting for 28% of compensation claim payouts in FY 2016. **Wage loss saw the largest increase in payouts for compensation claims increasing by 127%** (\$372,929.06 awarded in FY 2016 compared to \$164,394.29 in FY 2015). Hospital expenses remain the largest expense payout for SAFE claims, accounting for 68% of total payments in FY 2016. SAFE program payments for prescription expenses have continued to increase since the implementation of a HIV post-exposure prophylaxis (nPEP) payment program in 2013. In 2016, the prescription payout for the SAFE program increased by 58% over FY 2015 and 457% over FY 2014 (\$221,561.69 in FY 2016 compared to \$140,642.59 in FY 2015 and \$39,790.32 in FY 2014). As more forensic programs and pharmacies establish procedures with the SAFE program for payment of HIV nPEP medication, it is anticipated that prescription payments will continue to increase.

While there was very little change in the number of compensation claims filed for many crime types, such as assaults and homicides, there was a notable increase among claims for Hit & Run (+58%) and noteworthy decreases in claims for DUI related offenses (-48%) and Child Sexual Assaults (-23%). Similarly, there was a decrease in the number of SAFE claims for Child Sexual Assaults (-23%).

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 addition to issuing 1,071 initial awards for victims' crime-related expenses, **CICF also issued 584 supplemental awards.** Supplemental awards are issued when an eligible victim documents the need for additional benefits after an initial award has been entered. CICF continues to make supplemental awards for the duration of the claimant's crime-related treatment, until the claim reaches its statutorily designated maximum payout amount (\$25,000 for crimes occurring after July 1, 2007; \$15,000 for crimes occurring prior).

CICF staff continues to take steps to ensure that CICF awards are able to address as many compensable expenses as possible. This is done through negotiating bills with medical providers on behalf of claimants and establishing prospective negotiation agreements with CICF for claim payment. These memoranda of agreement, as required by a 2010 amendment to Code of Virginia §19.2-368.3, require that health care providers accept payment from CICF as payment in full without billing the patient for any remaining balances. **CICF has established standing negotiation agreements with over 1500 medical providers.** Additionally, the SAFE program has separate memoranda of agreements on file with all hospitals that have forensic programs.

Professionals in the criminal justice system continue to be the Fund's most significant source of referrals. **62% of FY 2016's claimants learned about CICF from their area victim/witness assistance program.** 14% were referred to the Fund from their local police, 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 eligible victims of crime are able to access the Fund. Our staff is committed to increasing outreach to other allied professionals and the community at large to educate them about CICF. The creation of a training and outreach coordinator position last year has enhanced training efforts and served to heighten the Fund's visibility. Our staff continues to work toward a vision of CICF's instant recognition as a resource when an individual has been the victim of a crime.

Comparison to previous fiscal years

COMPENSATION CLAIMS

Fiscal Year Comparisons – Compensation Claims				
	FY2013	FY2014	FY2015	FY2016
New Claims Received	1,746	1,654	1,795	1,718
Claims Awarded	1,160	898	1,049	1,071
Claims Denied	613	422	330	400
Expenses Awarded	3,235	2,577	2,293	2,617
Total Amount Awarded	\$3,026,814	\$2,357,384	\$2,116,550	\$2,874,898

FY 2016 Comparison of the Dollar Amount Paid for Expenses (Compensation Claims)

	Funeral Expenses	Hospital Expenses	Physician Expenses	Wage Loss	Transportation
Compared to FY2013	0%	↓ 13%	↓ 28%	↑ 65%	↓ 1%
Compared to FY2014	↑ 23%	↓ 11%	↑ 12%	↑ 102%	↑ 165%
Compared to FY2015	↑ 24%	↑ 53%	↑ 35%	↑ 127%	↑ 54%

FY 2016 Comparison of the Crime Types for Newly Submitted Compensation Claims

	DUI related offenses	Domestic Assault	Homicide	Hit & Run	Child Sexual Assault
Compared to FY2013	↓ 19%	↑ 8%	↓ 3%	↑ 86%	↓ 18%
Compared to FY2014	↓ 39%	↑ 21%	↑ 15%	↑ 100%	↓ 27%
Compared to FY2015	↓ 48%	↑ 3%	↑ 2%	↑ 58%	↓ 23%

SAFE CLAIMS

Fiscal Year Comparisons – SAFE Claims

	FY2013	FY2014	FY2015	FY2016
New Claims Received	1,529	1,441	1,965	1,816
Total Amount Awarded	\$1,454,655	\$1,330,716	\$1,790,055	\$1,912,759

Comparison of Dollar Amount Paid for Expenses (SAFE Claims)

	Hospital Expenses	Physician Expenses	Prescription Expenses*
Compared to FY2013	↑ 17%	↑ 15%	↑ 5031%
Compared to FY2014	↑ 32%	↑ 28%	↑ 457%
Compared to FY2015	↑ 1%	↑ 7%	↑ 58%

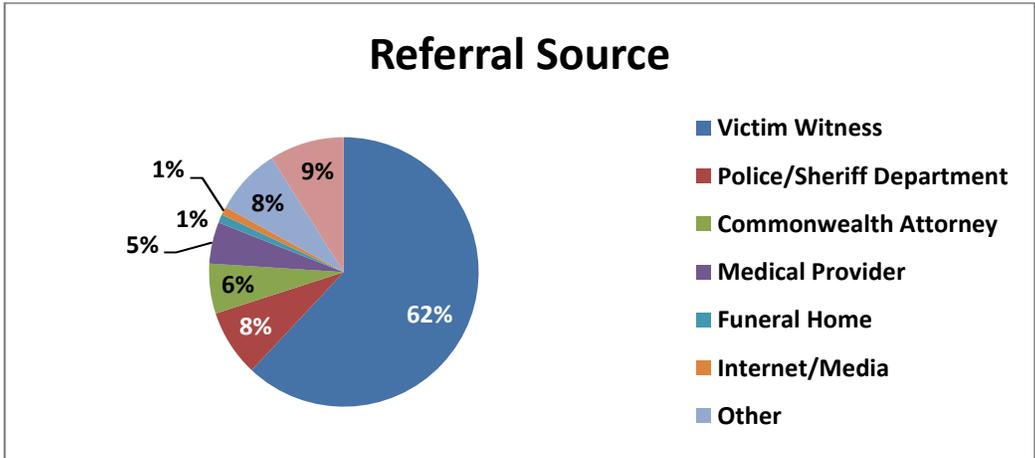
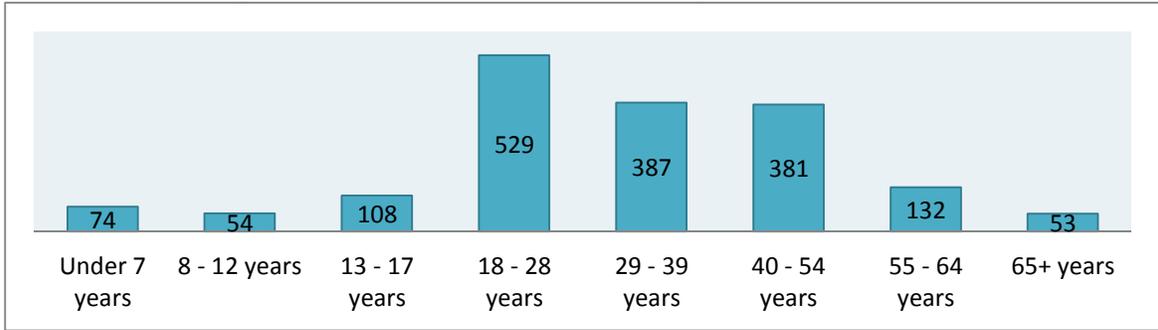
*In 2013 The Safe program began a payment program for HIV prophylaxis

Summary of FY2016 Compensation Claims

Most Frequent Crime Types	
Assault (Non-Domestic)	36%
Assault (Domestic)	20%
Homicide	16%
Child Sexual Assault	7%
Adult Sexual Assault	4%

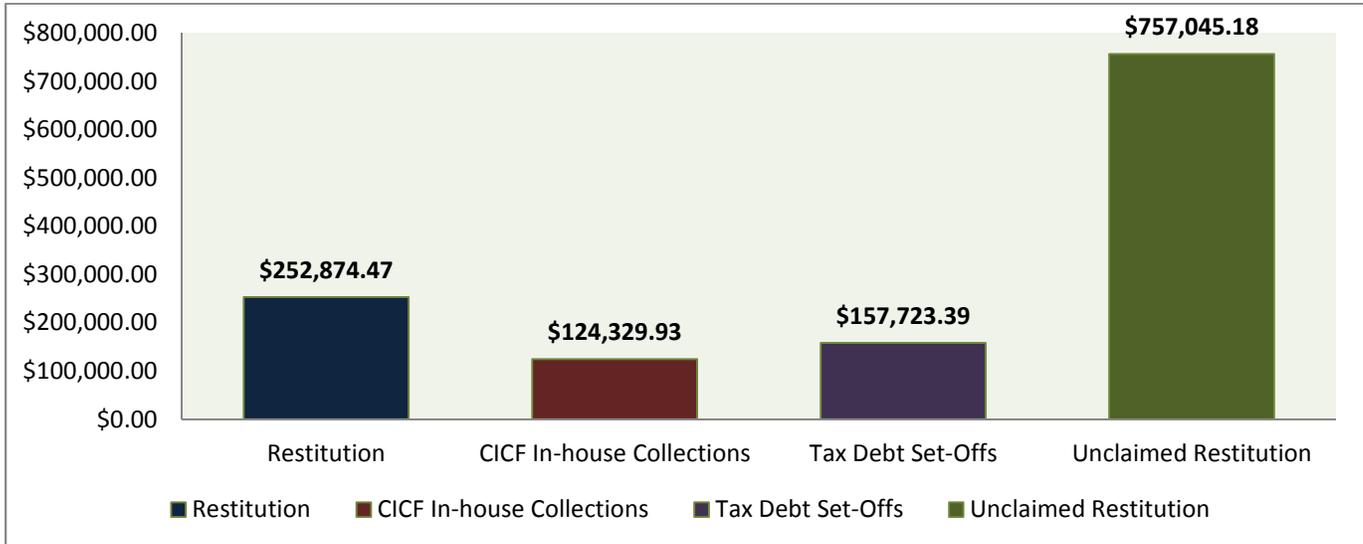
Largest Expense Outlays (by Dollar Amount)	
Funeral Expenses	28%
Hospital Expenses	17%
Physician Expenses	16%
Wage Loss	13%
Transportation	8%

Age of Victims in FY 2016 - Compensation claims



Summary of FY2016 Compensation Claims – continued -

Fund Development – Collections Activity



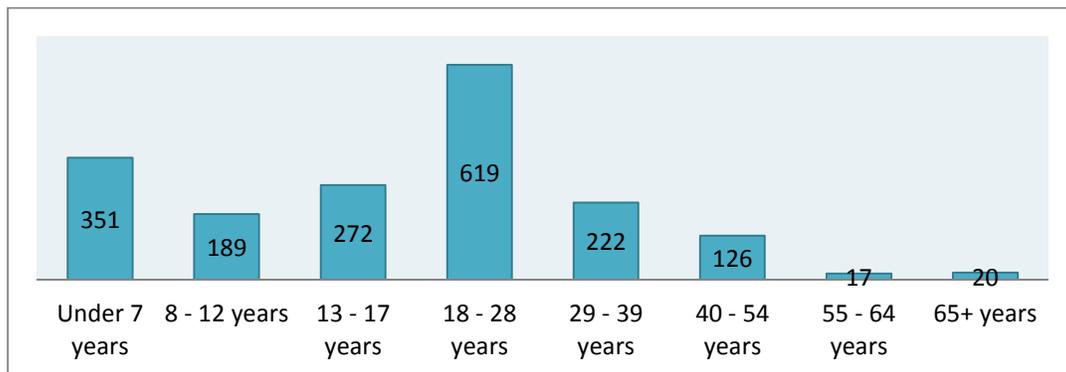
Fiscal Year Comparisons		
	CICF Collections / Restitution / Tax Set offs	Unclaimed Restitution
FY 2013	\$504,318.67	\$618,420.64
FY 2014	\$515,308.77	\$764,840.62
FY 2015	\$533,119.58	\$624,020.96
FY 2016	\$565,652.94	\$757,045.18

Summary of FY2016 SAFE claims

Most Frequent Crime Types	
Adult Sexual Assault	45%
Child Sexual Assault	55%

Largest Expense Outlays (by Dollar Amount)	
Hospital Expenses	68%
Physicians Expenses	20%
Prescription Expenses	12%
Transportation	>1%

Age of Victims in FY 2016 - SAFE claims



Collaboration

- CICF 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 Start by Believing taskforce, the Domestic Violence in Later Life taskforce, and the Central Virginia Victim Services Coalition. CICF was also represented on the Commonwealth of Virginia's Workgroup that evaluated the process for handling and testing Physical Evidence Recovery Kits (PERK).
- CICF co-sponsored several training and outreach programs in FY 2016, including *Responding to Adult Sexual Assault; The Heart is a Muscle: Trauma Informed Approaches to Sexual and Intimate Partner Violence; Enhancing the Criminal Justice Response to Sexual Assault, Domestic Violence, and Stalking; the 22nd Annual Conference of the Virginia Coalition for the Prevention of Elder Abuse; the annual Virginia Probation and Parole Conference.*
- CICF is a partner agency of the *Vision 21: Linking Systems of Care for Children Youth* initiative and supported the program's Regional Mapping events across Virginia.

Outreach / Training

- With our new Training & Outreach Coordinator, CICF and the SAFE Payment Program were able reach more allied professionals than ever before. During this fiscal year over **70** training sessions were provided to over **3,500** allied professionals. They included law enforcement, court-based victim advocates, rape crisis center and domestic shelter staff, court-appointed special advocates, and many others.
- CICF continued to work on expanding its public awareness campaign through its rebranding efforts. Extensive work on brochures, printed materials, the website, and other items highlighting the Virginia Victims' Fund have been completed.

Legislative Changes

- **Code of Virginia §19.2-368.5** was amended to specify that if a criminal case is being investigated as a result of newly discovered evidence for a crime committed between July 1, 1977 and July 1, 2001, and upon receipt of written notification by the Commonwealth Attorney, CICF can only consider expenses and loss of earnings accrued after the date of newly discovered evidence.

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, victim/witness assistance program staff, law enforcement, military personnel and mental health practitioners participated in this 24-hour training in February 2016 in Williamsburg Virginia.

Other Items of Note

- CICF reviewed and formalized its Crisis Response Team Plans
- CICF staff handled a total of **14,306** incoming calls from clients and allied professionals.
- CICF presented the ninth annual “**Victim/Witness Assistance Program of the Year**” award (as selected by CICF staff) **to Donna Mixner of the FBI’s Victim Service Unit** at the annual conference of the Virginia Victim Assistance Network in November 2015.

Geographic Distribution of Claims

In FY 2016, 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	Frederick County	1	2
Albemarle County	9	4	Fredericksburg	8	14
Alexandria	27	62	Galax	2	2
Alleghany County	5	2	Giles County	3	8
Amelia County	1	3	Gloucester County	5	16
Amherst County	8	29	Goochland County	4	5
Appomattox County	9	8	Grayson County	5	0
Arlington County	18	48	Greene County	8	0
Augusta County	13	7	Greensville County	1	1
Bath County	0	1	Halifax County	4	18
Bedford County	12	16	Hampton	40	49
Botetourt County	1	9	Hanover County	10	12
Bristol	4	1	Harrisonburg	5	16
Brunswick County	2	1	Henrico County	66	74
Buchanan County	6	0	Henry County	4	5
Buckingham County	3	1	Hopewell	23	9
Campbell County	17	29	Isle of Wight County	4	11
Caroline County	26	9	James City County	22	16
Carroll County	1	0	King George County	6	2
Charles City County	4	1	King William County	3	1
Charlotte County	1	12	Lancaster County	7	2
Charlottesville	20	6	Lee County	2	0
Chesapeake	68	52	Lexington	0	1
Chesterfield County	58	64	Loudoun County	25	54
Colonial Heights	9	0	Louisa County	12	2
Covington	1	2	Lunenburg County	6	5
Craig County	0	1	Lynchburg	37	54
Culpeper County	11	10	Madison County	0	1
Cumberland County	2	4	Manassas	10	10
Danville	34	20	Martinsville	3	4
Dinwiddie County	8	3	Mathews County	1	0
Emporia	7	1	Mecklenburg County	18	5
Essex County	3	1	Middlesex County	8	7
Fairfax City	2	12	Montgomery County	15	30
Fairfax County	121	167	Nelson County	7	1
Falls Church	2	5	New Kent County	10	3
Fauquier County	4	9	Newport News	48	88
Floyd County	5	2	Norfolk	77	115
Fluvanna County	4	1	Northampton County	7	0
Franklin City	7	2	Northumberland Co.	1	3
Franklin County	4	18	Nottoway County	7	2

Geographic Distribution of Claims -continued-

<u>Incident Location</u>	<u>CICF</u>	<u>SAFE</u>
Orange County	1	4
Out of Country	1	0
Out of State	0	7
Page County	4	0
Patrick County	7	6
Petersburg	53	7
Pittsylvania County	15	22
Poquoson	1	2
Portsmouth	50	44
Powhatan	13	5
Prince Edward County	4	21
Prince George County	5	5
Prince William County	58	63
Pulaski County	6	10
Radford	10	15
Richmond City	205	105
Richmond County	1	3
Roanoke City	44	68
Roanoke County	12	18
Rockbridge County	1	6
Rockingham County	9	8
Russell County	3	2
Salem	7	6
Scott County	3	0
Shenandoah County	10	1
Smyth County	0	1
Southampton County	6	3
Spotsylvania County	10	34
Stafford County	14	31
Staunton	5	3
Suffolk	5	22
Surry County	3	2
Sussex County	3	2
Tazewell County	3	2
Virginia Beach	88	124
Warren County	3	4
Washington County	9	0
Waynesboro	5	0
Westmoreland County	13	5
Williamsburg	3	10
Winchester	10	5
Wise County	5	0
Wythe County	2	0
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 almost \$4.8 million dollars in FY 2016 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 2017, CICF staff hopes to continue with its' Virginia Victims' Fund rebranding efforts along with continued facilitation of training 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's efforts to serve Virginia's victims of violent crime continue unabated as we look toward the future. Our 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.**