



## COMMONWEALTH of VIRGINIA

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WESLEY G. MARSHALL, Commissioner

ROBERT A. RAPAPORT, Commissioner

### WORKERS' COMPENSATION COMMISSION

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Chief Deputy Commissioner

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Executive Director

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September 30, 2020

The Honorable Ralph Northam  
Governor of Virginia  
P.O. Box 1475  
Richmond, VA 23218

Dear Governor Northam:

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 2020. This report details the activities of the Fund from July 1, 2019 through June 30, 2020.

In FY 2020, the Criminal Injuries Compensation Fund processed **3,650** new claims for crime victim compensation and forensic evidence collection, awarding **\$6,124,325**. 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 Virginia Workers' Compensation Commission and the Criminal Injuries Compensation Fund, I thank you for your ongoing support for crime victims in our state.

Sincerely,

A handwritten signature in black ink that reads "R. Ferrell Newman".

R. Ferrell Newman  
Chairman



**VIRGINIA VICTIMS FUND**

*Helping Innocent Victims of Crime*

OFFICIALLY CRIMINAL INJURIES COMPENSATION FUND



# Annual Report 2020

Virginia Victims Fund



A division of the Virginia Workers' Compensation Commission



## Virginia Workers' Compensation Commission

### **Mission**

To serve injured workers, victims of crimes, employers, and related industries by providing exceptional services, resolving disputes, and faithfully executing the duties entrusted to us by the Commonwealth of Virginia.

### **Vision**

Lead the nation as the most effective and innovative state agency.

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The Virginia Victims Fund, officially the Criminal Injuries Compensation Fund, is administered by the Virginia Workers' Compensation Commission. We acknowledge that crime has no boundaries and makes no discriminations. It permeates every community and leaves a lasting impact, regardless of age, national origin, race, religion, gender, sexual orientation, immigration status or economic status.

Each year, thousands of Virginians suffer the shock, indignity, and trauma of criminal victimization. These occurrences, have a profound impact on our mental and physical well-being, as well as one's sense of security. To these survivors and their families, the Virginia Victims Fund affirms its unwavering commitment to provide compassion and understanding during the most vulnerable hours.

This year, Virginia celebrated 25 years since the signing of the Crime Victim and Witness Rights Act. We commend the thousands of victim advocates, Commonwealth Attorneys and public safety professionals who work tirelessly to secure victims' rights and support survivors. This year's National Crime Victims' Rights Week Theme—Honoring our Past, Creating Hope for the Future- so perfectly embodies the commitment, perseverance and energy that launched the Victims' Rights Movement and continues to inspire its progress.

Despite the national and local challenges experienced this year, Virginia continues to persevere. In this year's report, I am pleased to share with you milestone achievements which reflect our commitment to survivors and their families; demonstrates collaboration and coordination of efforts with our partners, and promotes better care, better service, and better results for victims of crime.

The Virginia Victims Fund celebrates and thanks all of our Community Partners, Allied Professionals and everyone else engaged in victim services for their tireless work and commitment to continual progress for crime victims.

We look forward to the next 25 years of progress together in Virginia.

In solidarity and service,

Kassandra Bullock  
Director, Virginia Victims Fund

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# VVF's MISSION

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.

# ABOUT

## THE VIRGINIA VICTIMS FUND

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Citing the Commonwealth's moral responsibility to provide financial assistance to victims of crime, the Criminal Injuries Compensation Fund, working as the Virginia Victims Fund (the Fund), was established by the Virginia General Assembly in 1977 to pay unreimbursed expenses of innocent victims of crime who suffered physical or emotional injury or death (§ 19.2-368.1, Code of Virginia). The Fund is administered by the Virginia Workers' Compensation Commission.

In 2008, the Fund established the Sexual Assault Forensic Exam (SAFE) Payment Program as the result of changes to § 19.2-165.1 of the Code of Virginia, tasking the Fund with with payment of expenses associated with forensic evidence collection for victims of sexual assault in the Commonwealth.

The Fund's SAFE Program receives General Fund monies via dollars designated to the Supreme Court of Virginia to pay for sexual assault evidence collection expenses.

In 2018, House Bill 483 added to the duties of the Fund. As a result the Code of Virginia

§ 19.2-368.3 included the responsibility "to collect and disburse such unclaimed restitution... and to identify and locate victims for whom restitution owed to such victims..."

For 42 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, and other expenditures incurred as a result of the crime. Since its inception the Fund has processed over 53,000 claims.

The Fund is funded by court fees, assessments on offenders and restitution. The monies awarded to victims of crime in conjunction with compensation claims are not funded through state tax dollars. Additionally, the Fund receives federal grant funds from the Victims of Crime Act (VOCA). VOCA funds are generated by court fines at the federal level.

Apprehension and conviction of the offender are not prerequisites for a victim's eligibility.

## THE VIRGINIA WORKERS' COMPENSATION COMMISSION

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The Virginia Workers' Compensation Commission was established in 1918. The Commission is an independent judicial and administrative state agency that oversees the workers' compensation system for the Commonwealth. The Commission is headed by three Commissioners chosen by the General Assembly and serve six-year terms.

Honorable R. Ferrell Newman, Honorable Wesley G. Marshall and Honorable Robert A. Rapaport are the current Commissioners, with Newman serving as Chairman. Ms. Evelyn McGill is the Executive Director and Honorable James J. Szablewicz is the Chief Deputy Commissioner.

## Payers of Last Resort

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By law, the Fund 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. The statutorily designated maximum payout amount is \$35,000 for crimes occurring after July 1, 2019.

To address as many compensable expenses as possible, the Fund negotiates bills with medical providers on behalf of claimants. The Fund has established standing negotiation agreements with over 1,900 medical providers. These memoranda of agreements, as required by a 2010 amendment to Code of Virginia § 19.2-368.3, further require that health care providers accept payment from the Fund as payment in full without billing the patient for any remaining balances. While, the SAFE Program has a separate memoranda of agreement on file with all hospitals that have forensic programs; the Fund will continually work to increase memoranda of agreements with medical, dental, mental health providers and pharmacies across the Commonwealth.

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**Innovative** • Using new or creative methods to better serve customers

**Respectful** • Showing respect or reverence at all times

**Accountable** • Required to explain actions or decisions

**Reliable** • Consistently doing what is needed for the best outcome

**Impartial** • Treating all people and groups equally

**Integrity** • Conduct that is of the highest moral character

**Effective** • Producing a desired or intended result in a prompt manner

# Virginia Victims Fund 2020 Claims Information

Claims  
Received

**1,484**

**\$3,940,976**  
**paid**

to crime victims  
and their families  
FY2020

Expenses  
Approved

**2,858**

Claims  
Approved

**1,216**

Supplemental  
Awards

**559**

Expense  
Awards

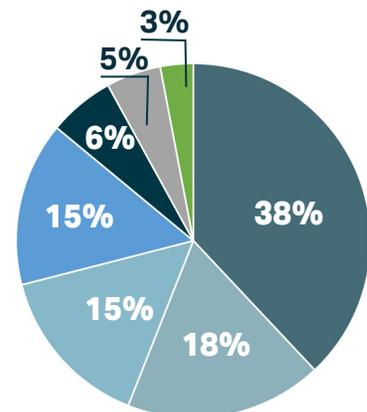
**5,389**

## Top 5 Expenses Awarded Virginia Victims Fund Claims

- 31%** Funeral | \$1,245,397
- 25%** Hospital | \$996,628
- 14%** Physician | \$555,548
- 5%** Moving Expenses | \$191,159
- 5%** Domestic Loss of Support | \$188,980

## Crime Types Virginia Victims Fund Claims

- Assault (non-domestic)
- Assault (domestic)
- Homicide (non-domestic)
- Other
- Child Sexual Assault
- Homicide (domestic)
- Adult Sexual Assault



## Referral Sources

- 64%** Victim Witness
- 36%** \*Other or Unknown

\* Commonwealth Attorney, Funeral Home, Internet/Media,  
Medical Provider, Police or Sheriff Department



# Who Can FILE A CLAIM

In order for a victim to meet the Fund's eligibility requirements for crime victim compensation, the following eligibility requirements must be met:

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- The crime must occur in Virginia or against a Virginia resident in a state, country or territory that does not have 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
- A claim must be a minimum value of \$100
- The victim must fully cooperate with law enforcement and must not be criminally responsible for the crime upon which a claim is based, or be an accomplice or accessory to the crime

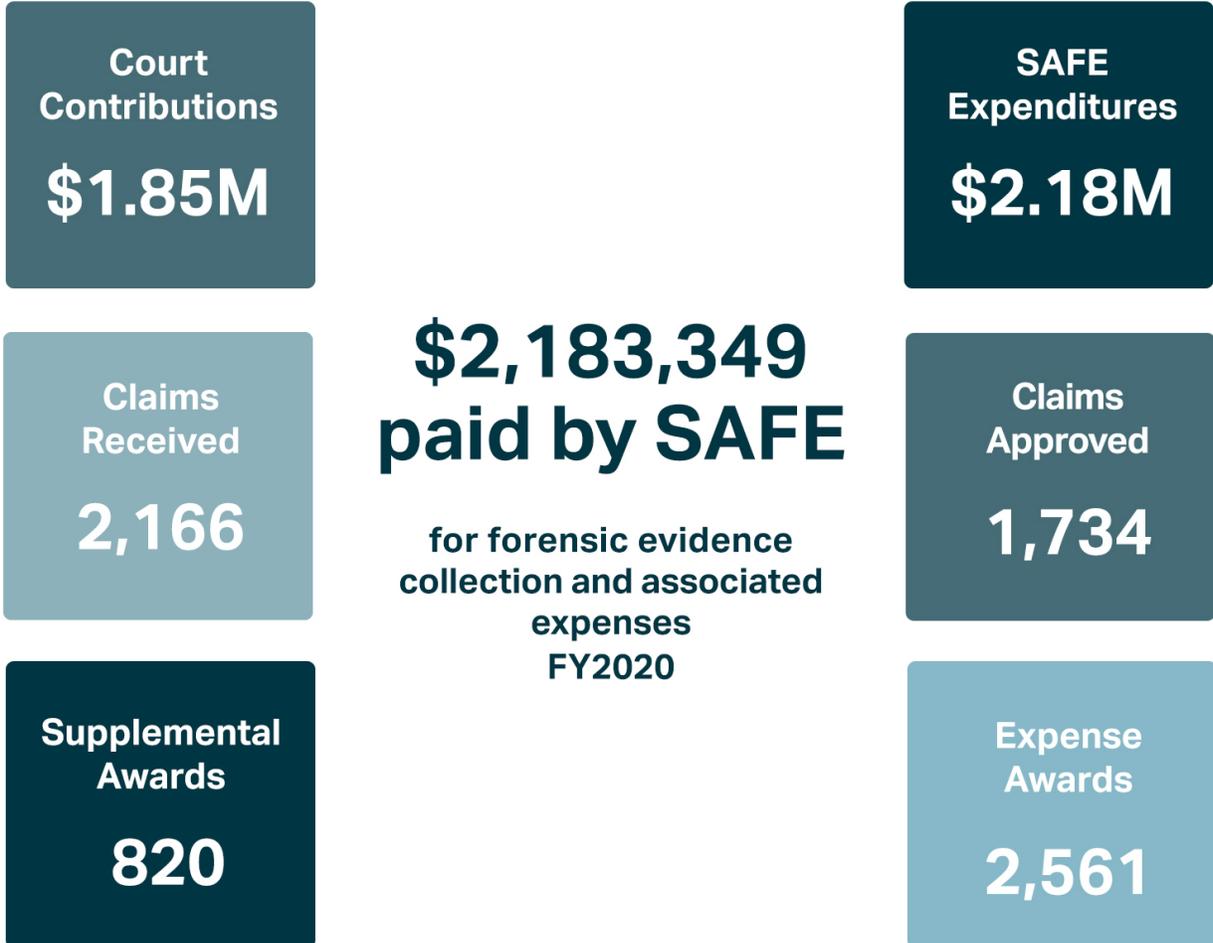
### SEXUAL ASSAULT FORENSIC EXAM (SAFE) Sexual Assault Payment Program

The SAFE Payment Program offers evidence collection at no cost to victims of rape or sexual assault. Healthcare providers bill the SAFE Payment Program directly.

Evidence is collected through a Physical Evidence Recovery Kit (PERK) and does not

require the filing of a police report if the PERK is completed within 120 hours of the incident.

The SAFE Payment Program receives General Fund monies via dollars designated to the Supreme Court of Virginia to reimburse for sexual assault evidence collection expenses.

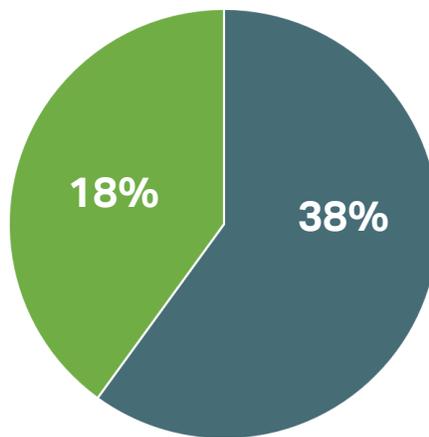


# Breakdown of CRIME TYPES

## SAFE Crimes

### Crime Types- Most Frequent SAFE Claims

- Adult Sexual Assault (1,298 Claims Received)
- Child Sexual Assault (868 Claims Received)



# Expenses PAID BY SAFE

## Expenses Covered by SAFE

- Emergency room physician fees
- Hospital and forensic examiner fees
- Testing for sexually transmitted infections and/or pregnancy
- Medication to prevent sexually transmitted infections and/or pregnancy
- Ambulance transport from a hospital unable to provide evidence collection to one that can provide it
- Follow-up medical forensic examination

## Expenses Awarded by SAFE in FY2020

- 55% Hospital | \$1,244,505
- 26% Physician | \$559,940
- 18% Prescriptions | \$387,210
- 1% Transportation | \$1,536

# FY2020 FINANCIALS

## \$6,514,851

### FY2020 Total Revenue

\$2,012,000	VOCA Grant
\$1,945,090	Fines
\$1,885,000	Court Contributions
\$447,158	Restitution
\$142,521	Tax Debt Set-Offs
\$78,458	Collections
\$4,624	Miscellaneous

## \$6,124,325

### Total Awarded to Victims

\$3,940,976	VVF Claims
\$2,183,349	SAFE Claims

## UNCLAIMED RESTITUTION

Collected and Repaid FY2020:

- Sum of Incoming Payments | \$982,146
- Number of Incoming Payments | 4,794
- Sum of Repayments | \$108,079
- Number of Repayments | 480

Unclaimed restitution repayments  
increased 25% from FY2019

3,443  
Incoming Payments (Claimed)

750  
Tax Debt Set-Offs Processed

## Legislative Updates

**The following legislation and administrative changes were passed during FY2020, directly impacting the Virginia Victims Fund.**

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### **HB 806- Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault.**

Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance.

The bill also directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the SAFE program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide certain recommendations. More recommendation details can be found [here](#).

### **HB 808- Services for survivors of sexual assault.**

Requires every hospital in the Commonwealth to provide treatment or transfer services, as defined in the bill, to survivors of sexual assault pursuant to a plan approved by the Department of Health; establishes specific requirements for providers of services to pediatric survivors of sexual assault; and establishes the Task Force on Services for Survivors of Sexual Assault to facilitate the development of services for survivors of sexual assault. Certain provisions of the bill have a delayed effective date of July 1, 2023.

### **HB 988- Compensating victims of crime; persons eligible for award; grandchildren.**

Includes grandchildren of the victim of a crime, who are alive at the time of the commission of the crime, in the list of persons eligible for compensation as a result of the death of the victim (i) as a direct result of the crime or (ii) due to the victim's trying to prevent a crime or attempted crime from occurring or trying to apprehend a person who had committed a crime in his presence or had committed a felony.

# OUTREACH

Providing multi-disciplinary technical training and outreach services on victim compensation in Virginia

The Fund's Outreach Services team strives to increase awareness, accessibility and quality of service delivery to victims. This is achieved through training and outreach to advocates, law enforcement, medical personnel and service providers through training and technical assistance.

The Fund also manages a Sponsorship Program, which supports victims' services events and partnerships across the Commonwealth. The program promotes the provision of quality

training for victims' service professionals and increases awareness and knowledge of the Virginia Victims Fund programs and services.

The Fund offers both in-person and online trainings for medical personnel, mental health professionals, service providers, victim witness and community-based advocates.

During the ongoing COVID-19 pandemic, the Fund continued outreach events virtually, with 19 events from April 1, 2020-June 30, 2020.

Outreach  
Events

61

**2,364**  
**people reached**  
through various outreach events  
and trainings in FY2020

Sponsorship  
Events

20

Calls  
Received

13,404

Email Inquiries  
Received

2,671

E-Faxes  
Received

3,090

Website  
Visitors

11,864

# The Way Forward

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Celebrating 25 years since the signing of the Victims Rights Act in Virginia, the Fund looks to its core values to guide us into the future of what compensation and the victim's experience will look like. With a focus on trauma, appropriate service delivery, procedural enhancements to the compensation processes and promoting victims' rights throughout the compensation process, the Fund is proud of the work outlined in our 2021 Vision Plan.

Over the next year, procedural changes will be implemented to produce faster and appropriate decisions for claimant eligibility. These changes, derived from a Success Framework, coupled with the innovative technical upgrades made this past year to WebFile and the Provider Portal, will enable our partners to more efficiently initiate claims, provide substantiating documentation, and check the status and disposition of the claims they are associated with. Each of the changes to be implemented have one outcome in mind— to fairly and equitably resolve claims in the most expedient way possible.

We look forward to sharing more of our 2021 Vision Plan and working collaboratively to

improve outcomes for crime victims across the Commonwealth. Additionally, the Fund is proud to be part of the workgroup formed in response to House Bill 806, exploring the most victim-centered practices and best possible way for forensic exam billing to be processed in the Commonwealth.

HB 806 directed a workgroup to be established to evaluate the feasibility of transitioning the responsibilities for the SAFE Program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and also provide certain recommendations. We look forward to collaboration with our state partners and the many advances the outcome will have for survivors of sexual assault and the medical providers that work so hard to provide such critical services that help hold perpetrators accountable.

In 2021, we look forward to advancing Crime Victim Services, providing innovative solutions to move beyond ineffective practices and pushing the bounds on how far Virginia will enhance victim services in the next 25 years!

Ways to  
**CONNECT**

**Online** • [virginiavictimsfund.org](http://virginiavictimsfund.org)

**Phone** • 800-552-4007

**Email VVF** • [info@virginiavictimsfund.org](mailto:info@virginiavictimsfund.org)

**Email SAFE** • [safe@virginiavictimsfund.org](mailto:safe@virginiavictimsfund.org)

**Mail** • P.O. Box 26927, Richmond, VA 23261

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