



VIRGINIA VICTIMS FUND

Helping Innocent Victims of Crime

OFFICIALLY CRIMINAL INJURIES COMPENSATION FUND

The Road to Comprehensive, Trauma-Informed Victim Compensation and Services



NOVA is Established

In 1975, the National Organization for Victim Assistance (NOVA) is established to consolidate the purpose and goals of the rising victims' movement. In 1976, grassroots organizations mobilize around domestic violence concerns.



First Victim Compensation and Victim Assistance Programs are Established

The first victim compensation program is established in 1965, (CA) and the first three victim assistance programs are created in 1972. The first victim witness programs are funded in 1974. The first victim impact statement is shared in 1976.



The Victims' Movement Begins

With rising concern about crime in American, the importance of addressing the needs and rights of victims becomes a grassroots, legislative and academic interest as part of the larger civil rights and feminism movements.

1960's
-1976



The Virginia Victims of Crime Act is Enacted on July 1, 1977

The Virginia Victims of Crime Act is enacted on July 1, 1977, "such that aid, care and support be provided by the Commonwealth as a matter of moral responsibility for such victims of crime." The Criminal Injuries Compensation Fund (CICF, or the Fund) is established by House Bill 1093 with patron Delegate John L. Melnick. Virginia is one of the first 22 states in the nation to legislate crime victim compensation.



The National Association of Crime Victim Compensation Boards is Established

Twenty-two existing state victim compensation programs come together to create a nationwide network of compensation programs, including Virginia.

1977



State Initiatives Advance

Virginia increases offender assessment fees apportioned to the Fund and the Fund increases funeral benefits to claimants. The residency requirement is modified to include a claimant from a state that will compensate a Virginia resident. The first "Crime Victims Bill of Rights" passes (WI).



Federal Initiatives Waiver

1979 sees the establishment of the Office of Domestic Violence by the U.S. Department of Health and Human Services but it later closes in 1981. Congress fails to enact the Federal Law Enforcement Assistance Administration (1979) and many victims' programs phase out. The year 1981, witnesses a turn to support victims at the federal level with President Reagan's proclamation of "National Victims Rights Week" in April and the Attorney General's Office calling for a task force on victims' issues.



Grassroots Movements Hold Firm

The National Coalition Against Domestic Violence and the National Coalition Against Sexual Assault are formed. In 1979, Frank G. Carrington founds the Crime Victims' Legal Advocacy Institute. Mothers Against Drunk Driving is founded in 1980.

1978-
1981



Virginia Makes Ground-Breaking Advances in Victims' Compensation and Services

During this time period, CICF increases the maximum award to \$12,500 and funeral benefits to \$1,500. Also, claimants are no longer required to prove financial hardship. The Fund installs a toll free number to improve claimant access and definitions of eligible family members are expanded by the Legislature. The first victim impact statement is submitted by a Commonwealth's Attorney to a Virginia court. Appeals of the Commission's decisions are now made to Court of Appeals rather than the Supreme Court of Virginia.



Federal Legislation Advances

The Federal Victim and Witness Protection Act of 1982 passes, establishing comprehensive federal action on behalf of victims. The Office for Victims of Crime (OVC) is created (1983), establishing a national resource and training center, as well as developing model legislation. The federal Victims of Crime Act (VOCA) passes in 1984, establishing the Crime Victims Fund from federal criminal fines, penalties and bond forfeitures, to support state victim compensation and service programs. The U.S. Congress passes the Family Violence Prevention and Services Act (1984), dedicating federal funding for programs serving victims of domestic violence. A victim/witness notification system is established within the Federal Bureau of Prisons. Federal level victim witness coordinator positions are established.

1982-
1984



Virginia Prioritizes Victims' Needs

The Fund's maximum award limit increases to \$15,000 and the emergency award cap raises to \$2,000. The time limit to report a crime increases from 48 to 120 hours and the definition of eligible family members is expanded for a second time. Fund collections become immediately available for payment. The Virginia residency requirement is removed. The two-year statute of limitations does not apply to minors until 180 days after their 18th birthday. Mandatory reporting by law enforcement is implemented and the Fund is eligible to receive federal grant dollars.



Federal Milestones

In 1985, the U.S. Surgeon General identifies domestic violence as a major public health problem. OVC awards the first grants to support state victim compensation and assistance programs (1986). The U.S. Supreme Court ruled that victim impact statements are unconstitutional when applied to the penalty phase of capital trials (1987).



The Movement for Victims Rights Grows

New contributors include The National Center for Victims of Crime and the Victims Assistance Legal Organization. The United Nations General Assembly adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The National Victims' Constitutional Amendment Network (NVCAN) is formed, among other advocacy organizations.

1985-
1987



CICF Authority Expands

Victims of drunk driving, domestic violence, marital rape, and out-of-state residents become eligible to file with the Fund. Claims with a value greater than \$100 are fully covered in concert with Fund guidelines. Funeral benefits increase to \$2,000. Offender assessments increase to \$30 on felony charges and \$20 on misdemeanor charges, including DUI convictions. The 20-day appeal time for a Fund decision is extended to two (2) years, with good cause shown. The Fund is to have access to police records of the offender to determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim was responsible for their own injury. The Son of Sam law is enacted in Virginia. Victim's rights constitutional amendments are introduced in several states, with amendments passing in Florida and Michigan.



Legislative Changes at the Federal Level Expand Support and Reach

VOCA amendments legislatively establish the Office for Victims of Crime, making Senate Confirmation necessary for the position of Director and charging OVC with administration of the Crime Victims Fund. State compensation programs are induced to cover domestic violence, homicide and drunk driving. Victims assistance programs are funded for "on reservation" programs in Indian Country. The Hate Crime Statistics Act, Students Right-to-Know and Campus Security Act, and the Victims' Rights and Restitution Act all pass.



Virginia Code Continues to Expand Fund Authority

CICF is to have access to juvenile court disposition records of the offender to determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim was responsible for their own injury. The Son of Sam law is modified, allowing the Fund to accept an application for a cold case that is reopened because of newly discovered evidence. The Commission has access to claimant or victim's juvenile court records. Hearings of juvenile victim claims are closed and juvenile victim claims are confidential except the amount of award and non-identifying information of claimant or victim. Grief counselling becomes compensable with a cap of \$1000. Several states advance to ratify victims' rights constitutional amendments and by 1993, the total number of states with anti-stalking laws reaches 50, plus the District of Columbia.



Historic Progress is Made

The U.S. Supreme Court reverses earlier decisions regarding victim impact and character statements violating a defendant's constitutional rights in capital cases (1991). The U.S. Attorney General issues new comprehensive guidelines for responding to the needs of victims (1991). The Battered Women's Testimony Act is signed into law (1992). Congress passes the Child Sexual Abuse Registry Act. The Violent Crime Control and Law Enforcement Act passes. OVC establishes the Community Crisis Response program.



Virginia Passes Victims' Rights Amendment

A state Constitutional Amendment for Victims' Rights passes in 1996 and grandparents and siblings of homicide victims become eligible for Fund awards. It is codified that healthcare providers must provide documentation to the Fund upon request (1997). The definition of "crime" is expanded in Virginia law to include causing serious bodily injury to another person while intoxicated, under Driving Under the Influence (DUI) (1997). The total number of states that ratify the passage of victims' rights constitutional amendments rises to 33 nationwide (1998).



Legislation Continues to Drive Change

The National Victim Assistance Academy graduates its first class and the U.S. Department of Justice issues Attorney General Guidelines for victim witness assistance (1995). Megan's Law provides for community notification of convicted sex offender locations (1996). The Antiterrorism and Effective Death Penalty Act makes restitution mandatory in violent crime cases and expands compensation and assistance services for victims of terrorism, both at home and abroad, including military. The Act also allows federal courts to award public harm restitution directly to state VOCA victim assistance programs (1996). The Drug-Induced Rape Prevention and Church Arson Prevention Acts pass (1996). The Victims Rights Clarification Act of 1997 passes. Congress enacts a federal anti-stalking law (1997). A Federal victims' rights constitutional amendment is re-introduced to Congress with strong bi-partisan support (1997).



CICF Makes Landmark Changes

The year 1998, sees many advances in Virginia law and Fund Administration. Victims of foreign terrorism and a larger class of violent felony offenses became eligible to make a claim with the Fund. The Crime Victims' Ombudsman position is codified. The statute of limitations for filing claims with the Fund increases from 180 days to one year and the length of time to perfect a Fund claim increases from 90 days to 180 days. Several compensation benefits are increased, including funeral benefits, crime scene clean up and moving expenses. Payment to minor or incapacitated persons without a legal guardian increases from \$300 to \$10,000. The Fund no longer considers AFDC, Food Stamps and vacation leave as collateral resources. The Fund also modifies what may be deducted from a survivor's award. The Commission grants the Director the authority to make emergency awards up to \$2,000 for medical expenses. The granting or denial of an emergency award is not appealable. The Commission takes intentional steps toward a trauma-informed approach, communicating Fund decisions to claimants.



Support Expands to Citizens Abroad

Higher Education Amendments of 1998 pass, with part of this legislation focusing on "Grants to Combat Violent Crimes Against Women on Campus." Congress enacts the Child Protection and Sexual Predator Punishment Act of 1998, and passes the Crime Victims with Disabilities Act of 1998. OVC funds the Department of State to support U.S. citizens victimized abroad.



The Fund Advances Trauma-Informed Practices & Policies

Fund awards now apply to acts of terrorism committed in foreign countries in which Virginia citizens are impacted. Life insurance benefits as a collateral resource are modified. The Commission supports the Fund in moving to cease collection activity on claimant's and also determines claimants are able to offer proof of legal dependency, expanding eligibility. The Fund begins to determine zero awards to accommodate for the submission of supporting documents. Legal custodians may now file claims on behalf of a minor, as well as file claims themselves. Compensable funeral and mental health expenditures increase and the length of the appeal window is extended to 45 days. The Commission strengthens a trauma-informed approach by accepting mental health letter summaries rather than session notes, preserving the dignity, respect and privacy of claimants.



The Criminal Landscape Begins to Change

Congress tightens drunk driving limits and the Violence Against Women Act of 2000 is signed into law. Fraud and cyber crimes are of increasing concern. Congress passes the Trafficking Victims Protection Act of 2000. For the first time, the full Senate addresses the federal victims' rights constitutional amendment but without success.



Advocacy on the Hill

Advocacy continues to focus on the victims' rights constitutional amendment, victim restitution, drunk driving, and violence against women. The National Crime Victim Bar Association is formed by the National Center for Victims of Crime.

1988-1990

1991-1994

1995-1997

1998

1999-2000



Victim Compensation Transforms in Virginia

CICF continues to make significant changes to support victims of crime in the Commonwealth, while supporting 9-11 claimants. The one-year deadline for filing with the Fund is extended indefinitely, with good cause shown. Victims sexually assaulted as minors now have ten years after their 18th birthday to file claims, including reconsidering claims denied prior to July 1, 2001, due to untimely filing. The two-year deadline for review by the Fund is extended indefinitely, with good cause shown. Commission leadership moves to operate in concert with the language in the Crime Victim and Witness Rights Act, including the term stalking. Further, the Commission supports the adoption of several other proposals to provide aid, care and support to victims, including: moving to direct payment to funeral homes and medical providers, increasing the cap on moving expenses, broadening the definition of eligible victims, protecting victims from the activities of collections agencies while a claim is pending, and improving aid for lost wages to parent or guardians due to support of a minor victim.



Legislative Changes for Unprecedented Times

Congress responds to the terrorists acts of 9-11 with myriad new laws providing funding for victim assistance, tax relief for victims and other accommodations. A federal victim compensation program is enacted specifically for 9-11 victims and survivors. OVC augments state victim compensation funding to aid 9-11 victims in New York, Virginia and Pennsylvania. Human trafficking regulations are adopted, promoting milestone changes in the way the federal government responds to a class of crime victims.



25th Anniversary of CICF

As the Fund celebrates 25 years of service, the definition of "persons eligible for awards" in the code is expanded to include the parent or guardians of minor victims. Also, non-relatives who assume responsibility for funeral bills are eligible to file a claim. Commonwealth Attorneys' Offices are now required to ask for restitution. Compensation increases for wage loss, loss of earnings for a parent of a minor victim and moving expenses. Commission leadership advances crime victim support to the victim/parent of a child victim if the offender is jailed or not allowed into the household per a protective order and the victim/parent loses support payments. The Commission operates consistent with VOCA, which does not allow the replacement of property except for safety concerns, such as locks and windows. Property loss related to evidence collection, such as bedding or clothing, may also be awarded when supported by a police report and store receipt. By year's end, all 50 states, the District of Columbia, U.S. Virgin Islands, Puerto Rico and Guam have established crime victim compensation programs.



Strengthening Victim Services

OVC establishes programs and initiatives to advance victims services at home and abroad, including the Antiterrorism and Emergency Assistance Program for Terrorism and Mass Violence Crimes, sponsoring a national public awareness campaign, hosting regional roundtables giving voice to victims, and expanding grants to grassroots, nonprofit, community-based organizations. Congress appropriates \$20 million to fund services to trafficking victims,



Virginia Law Strengthens Aid, Care and Support

Law enforcement are required to release investigative reports regarding minors to the Fund. CICF is not precluded from exercising subrogation rights by the lack of a restitution order and healthcare providers are prohibited from putting victims with pending Fund claims in collections (2005). Funeral benefits increase to \$5,000 and the maximum award increases to \$25,000. In 2008, victims of stalking become eligible for the Fund and CICF takes over the physical evidence recovery kit (PERK) payment program from the Virginia Supreme Court. E-filing of claims becomes available to Fund-certified victim witness advocates, expediting claims processing and strengthening advocacy.



Justice For All

Congress makes the Office of Violence Against Women a permanent independent office within the U.S. Department of Justice (DOJ) (2003). The U.S. Department of Defense Task Force on Care for Victims of Sexual Assault releases its report and recommendations for preventing sexual assault in the military and providing a sensitive response to victims (2004). Congress passes the "Amber Alert" law (PROTECT Act of 2003), the Prison Rape Elimination Act of 2003, the Fair and Accurate Credit Transactions Act (2003), the Justice for All Act of 2004, (including Title I, the Victims' Rights Act), the Violence Against Women DOJ Reauthorization Act of 2005, the Trafficking Victims Protection Reauthorization Act of 2005, and the Adam Walsh Child Protection and Safety Act (2006). The DOJ establishes an online national sex-offender registry (2005). The Attorney General's Office issues revised guidelines for victim/witness assistance, incorporating provisions in the Justice for All Act (2005). The Department of Justice implements the International Terrorism Victim Expense Reimbursement Program (2006). President Bush signs the Older Americans Act Reauthorization (OAA) (2006).



Virginia General Assembly Expands CICF Service Role

House Bill 2612 is enacted (2009) to require school safety audits and school crisis, emergency management, and medical emergency response plans to "include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both." Healthcare providers are now required to negotiate rates with the Fund (2010). In 2012, the codified definition of "crime" expands to include felony hit and run. Restitution funds are redirected to the Fund once an award has been made to a claimant (2013).



Needs of Marginalized Groups Addressed

Congress passes the Fraud Enforcement and Recovery Act of 2009, and the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (2009). President Obama signs the American Recovery and Reinvestment Act of 2009, and the Cruise Vessel Security and Safety Act of 2010, both of which impact supports for crime victims. President Obama also signs the Tribal Law and Order Act, designed to increase tribal law enforcement agencies' power to combat crime on reservations and to increase the accountability of federal agencies responsible for public safety (2010). He further signs the Elder Justice Act, the first comprehensive legislation to address the exploitation of older adults. The Attorney General, again, revises and reissues the Guidelines for Victim and Witness Assistance. OVC releases the final report of its Vision 21: Transforming Victim Services initiative (2013). Congress passes, and President Obama signs, the reauthorization of the Violence Against Women Act (VAWA 2013).



The Fund Embarks on Rebranding

2014, sees CICF launch a new branding campaign, changing the name of the Fund in the public domain to the Virginia Victims Fund in order to develop a cohesive program meeting the spirit and requirements of the Code. However, the Fund remains officially known as the Criminal Injuries Compensation Fund (CICF) and this is included in all tag lines. Compensation increases, to include moving expenses (\$2000), grief counselling (\$3,500), and the emergency award (\$3,000). The time for filing with the Fund is extended (2014). The SAFE program begins to pay the medical fees for a physical evidence recovery kit (PERK) exam for non-military personnel who are sexually assaulted on military establishments (2015).



President Obama Advances Crime Victim Support

President Obama signs the fiscal year 2015 Omnibus Appropriations Act, which releases \$2.36 billion from VOCA, almost quadruple the amount of funding released in 2014. The Justice for Victims of Trafficking Act passes in 2015. President Obama signs the Consolidated Appropriations Act, reauthorizing the James Zadroga 9/11 Health and Compensation Act, which provides benefits and compensation to individuals who were injured or killed in 9/11 rescue and recovery efforts and includes the September 11th Victim Compensation Fund as well (2015).

2001

2002

2003-2006

2007-2013

2014-2015



Virginia Victims Fund Advances Efficiencies and Restitution

The Fund's Provider Portal launches in 2017, and expands in 2018, to non-medical providers, improving claims processing efficiencies to the benefit of both providers and claimants. Effective July 1, 2018, House Bill 483 added to the power and duties of CICF "to identify and locate victims of crime for whom restitution owed to such victims has been deposited into the Criminal Injuries Compensation Fund pursuant to subsection 1 of § 19.2-305.1."



Legislative Advancements Gain Presidential Support

In 2016, President Obama signs the Native American Children's Safety Act, providing protections for Native American children in foster care. He also signs the Survivors' Bill of Rights, which ensures that sexual assault survivors who fall under federal jurisdiction have access to forensic exams. The law allows survivors to request that their kits be stored until the statute of limitations expires. He further signs the Justice for All Reauthorization Act of 2016. This wide-reaching legislation increases access to restitution, reauthorizes victim notification grants, reduces the rape-kit backlog and defrays costs associated with DNA testing after conviction. In 2017, OVC releases the Vicarious Trauma Toolkit to help victim service providers and first responders build resilient staff, a growing priority. Congress passes, and the President signs, the Elder Abuse Prevention and Prosecution Act (2017). In 2018, Congress passes, and President Trump signs, the Ashlyne Mike AMBER Alert in Indian Country Act, which permits tribal AMBER Alert systems to be integrated into statewide systems and makes Native American tribes eligible for AMBER Alert grants.



Fund Eligibility and Compensation Expands

Effective July 1, 2019, House Bill 988 amends and reenacts § 19.2-368.4 of the Code of Virginia, relating to compensating victims of crime; persons eligible for award now include grandchildren. 2019, also sees the maximum award increase to \$35,000 and funeral benefits increase to \$10,000. The \$600 cap on loss of wages is removed. Restitution services expand, resulting in an exponential increase in payments to victims. In 2020, the SAFE program expands transportation coverage, increasing service access.



Focus on the Needs of Native Americans and Human Trafficking Victims Continues

President Trump proclaims the first Missing and Murdered American Indians and Alaska Natives Awareness Day (May 3, 2019), to draw attention to acts of violence against American Indian and Alaska Native people, particularly women and children. In 2020, the President signs an Executive Order on Combating Human Trafficking and Online Child Exploitation in the United States, expanding prevention and education programs, promoting housing opportunities, making removing child sexual abuse material from the Internet a priority, and expanding resources for studying human trafficking. This year also sees Congress authorize a tribal set-aside from the Crime Victims Fund to provide funding to improve services for victims of crime in tribal communities. Congress passes, and the President signs into law, Savanna's Act, which directs DOJ to review, revise, and develop law enforcement and justice protocols to address the crisis of missing and murdered Native Americans. The Not Invisible Act of 2019, which promotes the coordination of efforts to reduce violent crime within Indian Country and against Native Americans, passes in 2020, and is signed by the President.



The Way Forward: Strengthening Systems and Resources

The Virginia Victims Fund continues to shape valuable trauma-informed compensation aid, care and support for crime victims, serving over 83,500 claimants since its enactment. Effective July 1, 2021, House Bill 1867 was introduced to amend and reenact § 19.2-368.10 of the Code of Virginia, relating to removing the reporting requirement of 120 hours for claimants of sexual abuse filing with the Fund. In August 2021, the Fund embarks upon CICF Vision 2021, to include an operational restructuring to strengthen services and response to claimants. Positions are realigned to implement a focus on Eligibility and Compliance. The Virginia Victims Fund is further strengthened by access to ongoing investigative reports and the Commonwealth is empowered to issue judgments against offenders for restitution on behalf of victims. Virginia is one of seven states to receive a 3-year Victims Compensation Assessment Grant. In 2022, reimbursement rates for sexual assault evidence collection increase through a general fund appropriation of \$6,593,576 for FY23 and FY24.



Crime Victims Fund Stabilization

In a historic effort to stabilize the Crime Victims Fund, Congress passes, and President Biden signs in to law, the VOCA Fix to Sustain the Crime Victims Fund Act of 2021. The bill requires, in part, that all fines and penalties collected by the federal government under deferred and non-prosecution agreements be deposited into the Crime Victims Fund. National focus continues to work to resolve equity and access disparities for marginalized communities.



References

- Code of Virginia (2022) § 19.2-368.1-§ 19.2-368.18 law.lis.virginia.gov click [here](#)
- Office for Victims of Crime (2022) *Landmark's in Victims' Rights and Services* ovc.ojp.gov click [here](#)
- Young, Marlene and Stein, John (2004) *The History of the Crime Victims' Movement in the United States* www.ojp.gov click [here](#)



Contact Us

Virginia Victims Fund
(Officially the Criminal Injuries Compensation Fund)
PO Box 26927
Richmond VA 23261

1-800-552-4007
email: info@virginiavictimsfund.org
virginiavictimsfund.org



2016-2018

2019-2020

2021-2022

