

VIRGINIA WORKERS' COMPENSATION COMMISSION



CRIMINAL INJURIES COMPENSATION FUND

2017 ANNUAL REPORT

JULY 1, 2016 – JUNE 30, 2017

W. JACKSON RITCHIE, DIRECTOR

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COMMONWEALTH of VIRGINIA

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Chairman

R. FERRELL NEWMAN
Commissioner

ROBERT RAPAPORT
Commissioner

VIRGINIA WORKERS' COMPENSATION COMMISSION

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Clerk

September 11, 2017

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 2017. This report details the activities of the Fund from July 1, 2016 through June 30, 2017.

In 2016, the Criminal Injuries Compensation Fund processed **3,881** new claims for crime victim compensation and forensic evidence collection, awarding just under **\$5.2 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** (the Fund), 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) 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 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, 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. 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. The Fund 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. The Fund'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 eligibility. Under the policies and guidelines of the SAFE Program, the Fund 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 2017 in Review

Fiscal year 2017 represented another busy year for the agency. The Fund provided nearly **\$2.7 million dollars** in compensation awards to crime victims and their families, in addition to paying over **\$2.5 million dollars** for forensic evidence collection in sexual assault cases. Additionally, the Fund continued its' marketing and rebranding efforts, and in **December 2016 the Fund began marketing the program as the Virginia Victims Fund (VVF)**. Trainings, brochures and all communications now refer to the Fund as the Virginia Victims Fund, while noting that the agency is still officially the Criminal Injuries Compensation Fund.

The Sexual Assault Forensic Examination Payment Program (SAFE) saw an increase in both the number of claims (+15%) and payouts (+34%). The rise in SAFE payouts is due in part to the increase in **prescription payouts, which increased by 168%** over the previous fiscal year. Prescription payouts have seen an increase as more forensic programs and pharmacies establish payment procedures with SAFE. The establishment of these payment procedures are essential, as the medication regimen recommended by the CDC is very expensive and often prohibits many sexual assault victims from obtaining this potentially life-saving medication. Therefore, SAFE has partnered with forensic nursing programs and pharmacies to establish a direct billing system, allowing patients to obtain the medication while pharmacies direct-bill SAFE. **The SAFE Payment Program is working with pharmacy leaders to both expand access to sexual assault victims across the state and reduce costs.**

The Fund saw a slight increase (+1%) in the number of compensation claims received in FY 2017. Trends in payouts for compensation claims were similar to previous years as **funeral expenses** for homicide cases, which have a \$5,000 cap per victim, continue to be the largest expense payout (30%), followed by physician expenses (21%) and hospital expenses (14%). When comparing the number of claims submitted by crime types, there was a notable decrease among claims for breaking and entering (-43%) and adult sexual assaults (-27%).

It is important to note that the Fund'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 the Fund assists Virginia's victims of crime with these ongoing health needs. In addition to issuing 1,035 initial awards for victims' crime-related expenses, **the Fund also issued 567 supplemental awards.** Supplemental awards are issued when an eligible victim documents the need for additional benefits after the initial award has been entered. Supplemental awards can continue 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).

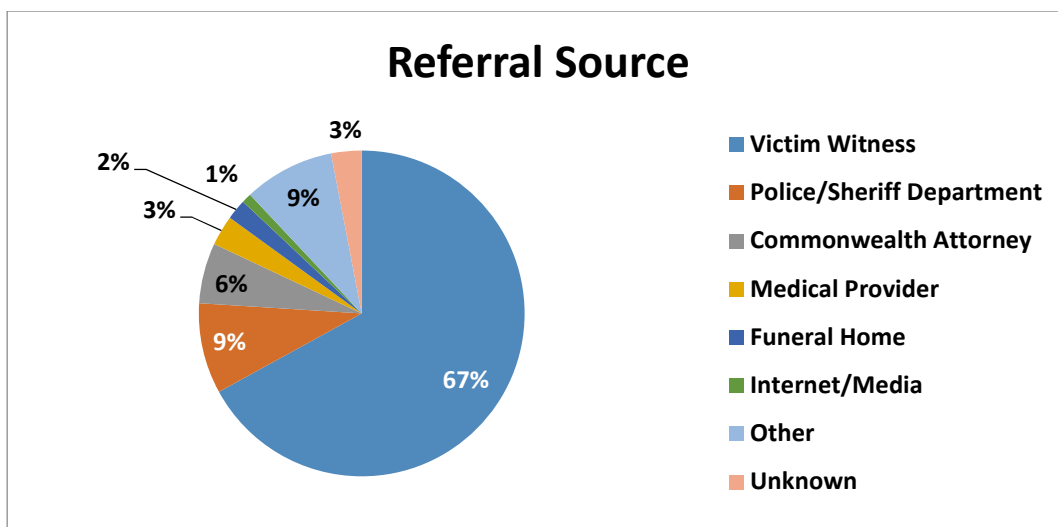
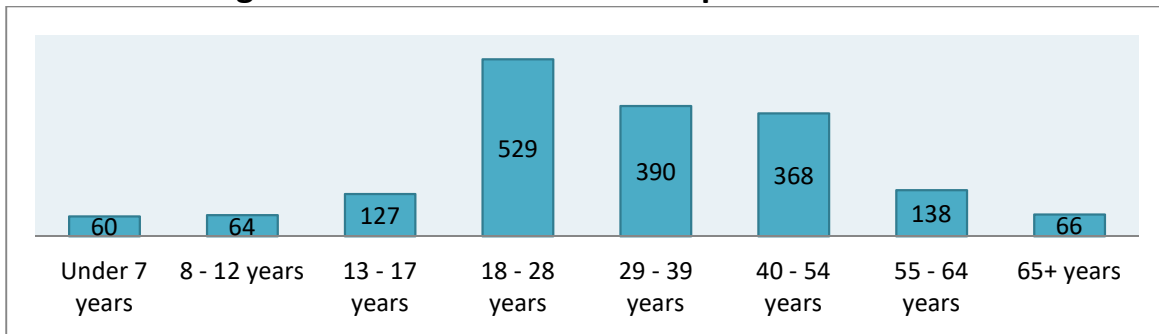
As in years past, staff continue to take steps to ensure that awards were able to address as many compensable expenses as possible. This is done through negotiating bills with medical providers on behalf of claimants, with continued efforts to establish prospective negotiation agreements with the Fund for payment of claims. These memoranda of agreement, as required by a 2010 amendment to §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. **The Fund has established standing negotiation agreements with over 1700 medical providers.** Additionally, the SAFE program has separate memoranda of agreement on file with all hospitals that have forensic programs and some pharmacies.

Summary of FY 2017 Compensation Claims

Most Frequent Crime Types	
Assault (Non-Domestic)	36%
Assault (Domestic)	19%
Homicide	16%
Child Sexual Assault	7%
Robbery	4%

Largest Expense Outlays (by Dollar Amount)	
Funeral Expenses	30%
Physicians Expenses	21%
Hospital Expenses	14%
Wage Loss	9%
Transportation	8%

Age of Victims in FY 2017 - Compensation claims



Summary of FY 2017 Compensation Claims - continued-

Fiscal Year Comparisons – Compensation Claims				
	FY 2014	FY 2015	FY 2016	FY 2017
New Claims Received	1,654	1,795	1,718	1,742
Claims Awarded	898	1,049	1,071	1,035
Claims Denied	422	330	400	352
Expenses Awarded	2,577	2,293	2,617	2,640
Total Amount Awarded	\$2,357,384	\$2,116,550	\$2,874,898	\$2,627,595

FY 2017 Comparison of the Dollar Amount Paid for Expenses (Compensation Claims)					
	Funeral Expenses	Hospital Expenses	Physician Expenses	Wage Loss	Transportation
Compared to FY 2014	↑ 20%	↓ 33%	↑ 33%	↑ 24%	↑ 118%
Compared to FY 2015	↑ 20%	↑ 16%	↑ 61%	↑ 40%	↑ 27%
Compared to FY 2016	↓ 3%	↓ 24%	↑ 19 %	↓ 38%	↓ 17%

FY 2017 Comparison of the Crime Types for Newly Submitted Compensation Claims					
	Assault (non-domestic)	Assault (domestic)	Homicide	Child Sexual Assault	Robbery
Compared to FY 2014	↓ 2%	↑ 29%	↑ 34%	↓ 28%	↓ 10%
Compared to FY 2015	↓ 6%	↑ 6%	↑ 19%	↓ 24%	↓ 15%
Compared to FY 2016	↑ 2 %	↑ 2%	↑ 16%	↓ 1%	0%

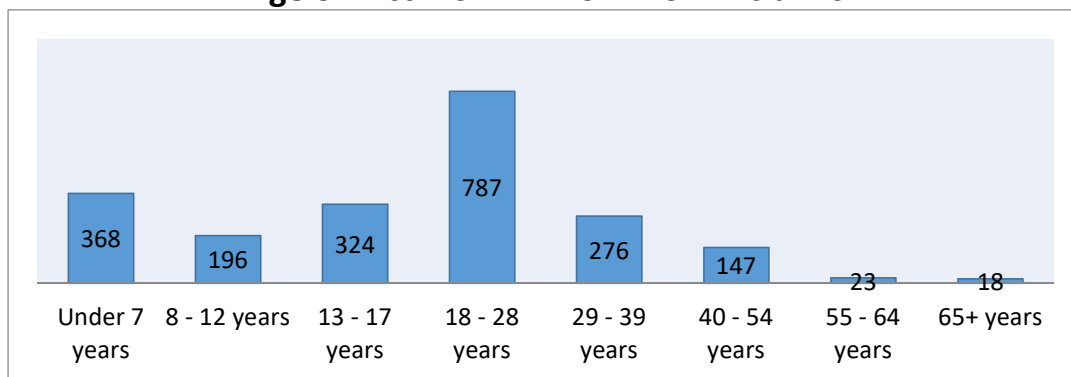
FY 2017 Comparison of the Dollar Amount Paid by Crime Type (Compensation Claims)					
	Assault (non-domestic)	Assault (domestic)	Homicide	Child Sexual Assault	Robbery
Compared to FY 2014	↑ 12%	↑ 40%	↑ 18%	↑ 42%	↓ 40%
Compared to FY 2015	↑ 31%	↑ 30%	↑ 23%	↑ 5%	↑ 67%
Compared to FY 2016	↓ 9%	↑ 19%	↓ 6%	↓ 31%	↓ 20%

Summary of FY 2017 SAFE claims

Most Frequent Crime Types	
Adult Sexual Assault	59%
Child Sexual Assault	41%

Largest Expense Outlays (by Dollar Amount)	
Hospital Expenses	58%
Prescription Expenses	23%
Physician Expenses	18%
Transportation	>1%

Age of Victims in FY 2017 - SAFE claims

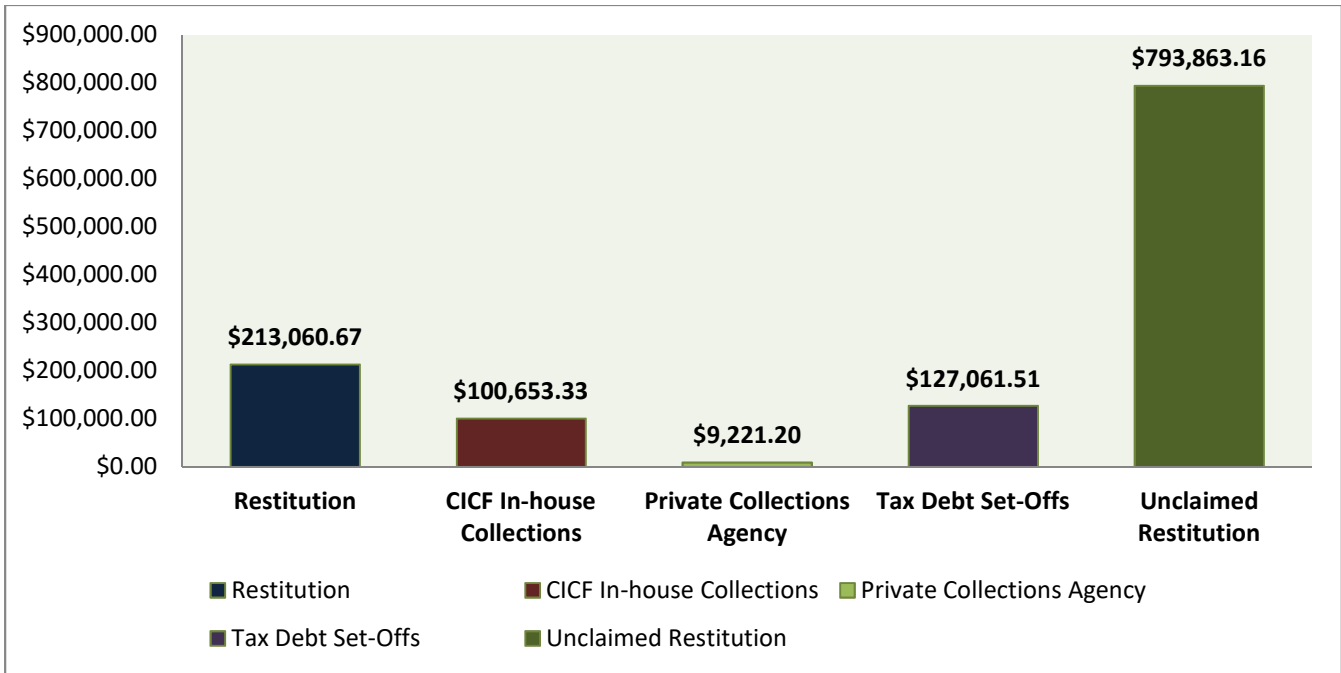


Fiscal Year Comparisons – SAFE Claims				
	FY 2014	FY 2015	FY 2016	FY 2017
New Claims Received	1,441	1,965	1,816	2,139
Total Amount Awarded	\$1,330,716	\$1,790,055	\$1,912,759	\$2,554,204

Comparison of Dollar Amount Paid for Expenses (SAFE Claims)				
	Hospital Expenses	Physician Expenses	Prescription Expenses*	Transportation
Compared to FY 2014	↑ 50%	↑ 58 %	↑ 1391%	↑ 380%
Compared to FY 2015	↑ 15%	↑ 33%	↑ 322%	↑ 291%
Compared to FY 2016	↑ 14 %	↑ 24%	↑ 168%	↓ 11%

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

COLLECTIONS ACTIVITY FOR FY 2017



FISCAL YEAR COMPARISONS – RESTITUTION AND COLLECTIONS		
	Incoming Payments on Compensation Claims	Unclaimed Restitution
FY 2014	\$515,237.62	\$764,840.62
FY 2015	\$520,114.36	\$624,020.96
FY 2016	\$536,309.61	\$757,045.18
FY 2017	\$449,996.71	\$793,863.16

FY 2017 Highlights and Accomplishments

Sexual Assault Forensic Exam (SAFE) program

- SAFE has simplified the process for forensic programs to ship Physical Evidence Recovery Kits (PERKs) for anonymous cases wherein evidence is collected but an investigation with a law enforcement agency has not been initiated. Executive Order 92 of 2009 established SAFE as the payer for shipping costs to send anonymous PERKs to the Division of Consolidated Laboratory Services (DCLS) for limited storage. SAFE is now able to provide a prepaid shipping label to forensic programs, eliminating a previously cumbersome and difficult reimbursement process.

Fund Development

- Processed over **4,000** incoming payments and tax set offs.
- Began working with a private collections agency to strengthen collection efforts against offenders. The collections agency received 179 payments from delinquent debtors in FY 2017.

Collaboration

- 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, The Virginia Association of Chiefs of Police and the Virginia Victim Assistance Network (with staff active in the Programs and Compensation Committees of the Network).
- Staff was involved with the Central Virginia Start by Believing Taskforce, Domestic Violence in Later Life taskforce, *Vision 21: Linking Systems of Care for Children Youth* initiative and the Central Virginia Victim Services Coalition. The Fund also had representatives on the Virginia Supreme Court's Workgroup for Improving the Restitution Process, Department of Criminal Justice Services' Restitution Brochure Workgroup and on the OVC funded *Law Enforcement's Role in Supporting Crime Victims' Access to Compensation* project.
- Provided **sponsorship** for several training events this year, including: *The Intersection of Violence Conference; Enhancing Virginia Courts' Handling of Cases Involving Trauma, Sexual Assault, and Stalking*; Virginia Coalition for the Prevention of Elder Abuse 23rd Annual Conference; Virginia Probation and Parole Association's Annual Conference.
- **Partnered** with Department of Criminal Justice Services (DCJS), the Virginia Victims Assistance Network, Virginia Department of Emergency Management (VDEM) and the FBI to ensure procedures and resources are in place for responding to mass casualty events. Provided sponsorship for training victim advocates and response organizations in responsibilities and response expectations.
- Rolled out training to several medical providers' billing offices across the Commonwealth on using the Fund's **Medical Provider Webfile** (MedWeb) database. MedWeb allows medical providers to check status of their outstanding accounts and submit documentations on pending claims. This has resulted in fewer requests for information and more efficient claims process.

Outreach / Training

- The Fund provided over **100** trainings to over **5,000** allied professionals. These included sessions for law enforcement, prosecutors, judges, court-based victim advocates, rape crisis center and domestic shelter staff, court-appointed special advocates, and many others. We continued our strong partnership with the Department of Criminal Justice Services (DCJS) and the Department of Social Services with several of these events.
- Staff participated in a number of college campus safety events, including the Campus Safety and Violence Prevention Forum, Inter-campus Start by Believing event, Virginia Commonwealth University's Resource Expo and Virginia State University's Campus Safety Day.

Other Items of Note

- Staff handled a total of **12,391** incoming calls from clients and allied professionals.
- CICF presented the thirteenth annual "**Victim/Witness Assistance Program of the Year**" award (as selected by staff) to **Kate Griffin of Henrico County's Victim/Witness Assistance Program** at the Virginia Victim Assistance Network's annual conference in November 2016.

Geographic Distribution of Claims

INCIDENT LOCATION	CICF	SAFE	INCIDENT LOCATION	CICF	SAFE
Accomack County	10	9	Franklin City	3	5
Albemarle County	16	9	Franklin County	4	13
Alexandria	31	34	Frederick County	6	4
Alleghany County	3	3	Fredericksburg	4	18
Amelia County	13	2	Galax	5	5
Amherst County	8	21	Giles County	1	5
Appomattox County	6	12	Gloucester County	16	6
Arlington County	22	52	Goochland County	3	0
Augusta County	14	18	Grayson County	6	1
Bath County	2	0	Greene County	7	4
Bedford County	8	19	Greensville County	2	2
Botetourt County	0	6	Halifax County	7	15
Bristol	3	0	Hampton	55	67
Brunswick County	1	1	Hanover County	23	14
Buchanan County	2	0	Harrisonburg	13	22
Buckingham County	0	2	Henrico County	75	91
Buena Vista	0	1	Henry County	0	4
Campbell County	19	18	Highland County	1	0
Caroline County	9	11	Hopewell	30	10
Carroll County	1	3	Isle of Wight County	3	8
Charles City County	3	1	James City County	9	8
Charlotte County	4	10	King and Queen County	6	4
Charlottesville	12	24	King George County	2	6
Chesapeake	56	58	King William County	2	3
Chesterfield County	53	55	Lancaster County	3	2
Clarke County	4	0	Lee County	7	0
Colonial Heights	8	5	Lexington	1	0
Craig County	0	2	Loudoun County	31	61
Culpeper County	12	9	Louisa County	3	5
Cumberland County	5	4	Lunenburg County	6	4
Danville	32	24	Lynchburg	21	60
Dickenson County	9	0	Madison County	4	1
Dinwiddie County	6	6	Manassas	9	12
Emporia	5	4	Manassas Park	0	2
Essex County	2	1	Martinsville	5	3
Fairfax City	4	14	Mathews County	2	0
Fairfax County	93	187	Mecklenburg County	9	2
Falls Church	1	6	Middlesex County	2	4
Fauquier County	6	4	Montgomery County	11	35
Floyd County	10	6	Nelson County	6	4
Fluvanna County	6	2	New Kent County	10	5

Geographic Distribution of Claims -continued-

INCIDENT LOCATION	CICF	SAFE	INCIDENT LOCATION	CICF	SAFE
Newport News	71	73	Rockingham County	5	9
Norfolk	83	127	Russell County	6	1
Northampton	3	2	Salem	1	5
Northumberland	5	4	Scott County	3	1
Nottoway County	4	8	Shenandoah County	16	4
Orange County	0	2	Smyth County	0	1
Out of Country	3	3	Southampton County	3	5
Out of State	1	21	Spotsylvania County	13	26
Page County	5	3	Stafford County	11	32
Patrick County	5	3	Staunton	3	10
Petersburg	26	7	Suffolk	6	30
Pittsylvania County	18	34	Surry County	2	1
Poquoson	2	1	Sussex County	5	3
Portsmouth	46	48	Tazewell County	13	0
Powhatan County	6	2	Virginia Beach	77	148
Prince Edward County	6	21	Warren County	1	6
Prince George County	11	8	Washington County	14	1
Prince William County	39	40	Waynesboro	4	4
Pulaski County	13	17	Westmoreland County	5	3
Radford	6	22	Williamsburg	5	25
Rappahannock County	1	2	Winchester	17	3
Richmond City	197	126	Wise County	9	0
Richmond County	6	1	Wythe County	2	1
Roanoke City	36	51	York County	8	12
Roanoke County	5	20			
Rockbridge County	3	4			

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 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 5 million dollars in FY 2017 in compensation and SAFE claims**, the Fund 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. The Fund 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 2018, the attention focused on helping victims of domestic violence and sexual assault will continue. The impact of the additional federal funding for victim witness programs and other support organizations will be significant. We will continue our outreach efforts to ensure that new advocates and programs are aware of the Fund and the collaboration and help we can provide. We will also be working with law enforcement, Commonwealth Attorneys and other agencies to stay abreast of new approaches for addressing domestic violence and opportunities to join as partners in these areas.

The 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, the Fund will zealously maintain its tradition of providing assistance to victims of crime with compassion, efficiency, and fairness.**