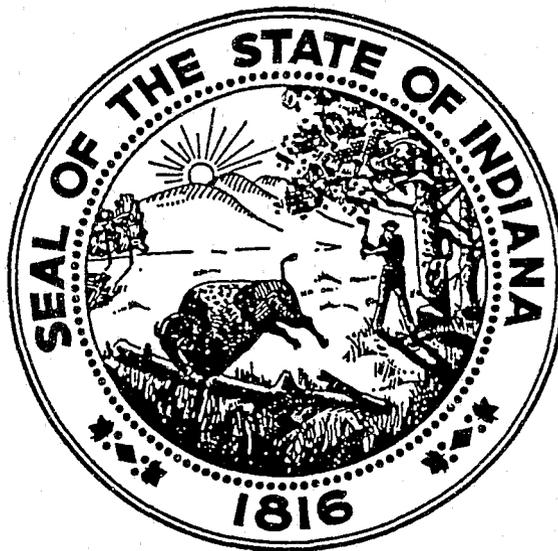


WORKER'S COMPENSATION BOARD
VIOLENT CRIME COMPENSATION DIVISION
AND
SEX CRIME VICTIM SERVICES FUND
ANNUAL REPORT
CALENDAR 1990



11-21-91 MFI
130832

Evan Bayh
Governor

Rogelio Dominguez
Director

W196 Indiana Government Center-South
402 West Washington St.
Indianapolis, IN 46204

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Fellow Hoosiers:

On behalf of the Worker's Compensation Board it gives me great pleasure to present the 1990 Violent Crime Compensation Division Annual Report.

1990 was a challenging year for the Division. As mentioned last year, a new computer equipment was acquired and a new automated system was also developed. This system went into effect at the start of the 1991 calendar year and will allow the Division to provide assistance to victims more quickly and efficiently.

The total number of claims filed and amounts awarded continue to rise dramatically. On July 1, 1990 Senate Bill 15 went into effect, this law mandates notification be given to every crime victim in the state of the Division and it's services. We have received claims from most of Indiana's counties and we look forward to providing assistance to all ninety-two.

However, trying to meet this increased demand will strain our limited financial resources. Since the Division's funding mechanism is statutorily fixed there is an effort under way to address any potential funding problems.

We are excited about our recent move into the new Indiana Government Center-South and invite all interested parties to visit us at their convenience. We will continue, with Governor Bayh, our commitment to serving the needs and protecting the rights of victims.

Rogelio "Roy" Dominguez, Director
Violent Crime Compensation Division

WORKER'S COMPENSATION BOARD

MEMBERS

Rogelio Dominguez, Chairman

Janet Bell	Richard Noel
G. Terrance Coriden	John Rader
Willie Harris	Anne Thomas

VIOLENT CRIME COMPENSATION DIVISION

Rogelio Dominguez, Director 232-3809

Ray Johnson, Deputy Director 232-7103

Hearing Officer

Darren Dye 232-3808

Claims Analysts

Candace Barker 232-7101

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Dawn Lewis 232-6603

Angel Rodriguez 232-3420

Unit Assistants

Jacquie Blankenship 232-7103

Janice Todd 232-5922

Sex Crime Victim Services Fund

Shelly Chesser, Claims Analyst 232-0157

Janet Wadsworth, Unit Assistant 232-3492

HISTORY

In 1978 the Indiana General Assembly enacted into law the first program of direct financial assistance to victims of violent crimes.

The program was first administered by the Department of Human Services before it was designated by the 1981 Session of the General Assembly to become a division of the Indiana Worker's Compensation Board. The Chairman of the Worker's Compensation Board is designated Director of the Violent Crimes Compensation Division.

Indiana is one of the forty-eight states that recognizes their responsibility to victims of violent crimes. The Indiana program compensates victims or their dependents for lost wages, medical expenses, psychological counseling and funeral expenses. The total award, per victim, cannot exceed \$10,000.00. As the States experience in this area grows the division will be even more responsive to the needs of victims and to their families.

The Sex Crime Victim Services Fund was created September 1, 1985 by the Indiana General Assembly. The program was created to ensure that sex crimes victims would not bear the burden of paying for the emergency hospital treatment costs made necessary by a sex crime.

VOCA GRANT

In November of 1989, the Violent Crime Compensation Division received it's first grant from the United States Department of Justice Victims of Crime Act (VOCA) program. Passed by the United States Congress and signed into law in 1984 the act was the first significant federal legislation that recognized victims and their rights. The act gave victims specific legal guarantees and provided funding for victim assistance programs and compensation programs.

Eligibility requirements for VOCA funding include: making application to the Department of Justice, having an established program, maintenance of supporting statistical information and documentation and supplying the Department of Justice with this information on a quarterly and annual basis. Once found to be eligible a program can receive either a single or an annual grant. To receive an annual grant a program must apply every year.

In November 1989 a grant in the amount of \$434,000.00 was made to this agency. This grant was followed by another in March of 1990 in the amount of \$734,000.00. This will be a total of \$1,168,000.00 that this Division has procured to assist victims of crime. Without this funding we would not have been able to pay victims in as timely a fashion. Grant amounts are based on a percentage of the benefits paid during previous federal fiscal years. Indiana was eligible from the beginning of the VOCA program however, last year was the first year the State has applied.

This funding has become essential to the Division and will become more so in the near future. Funds are used to pay regular claim expenses. No VOCA money is spent on program administration. All money goes directly to victims and their related expenses. Other funding sources are inadequate for meeting the Division's ever increasing caseload, so the annual VOCA grant is vitally important to the Division. However, even VOCA funding may not be sufficient to meet all future needs and, other funding sources are being examined by the Division.

ELIGIBILITY

The Indiana Code (16-7-3.6-1) defines a violent crime as a felony or misdemeanor that results in the bodily injury or death to the victim.

Persons eligible for assistance are:

- 1) Victims of a violent crime.
- 2) Surviving spouse or dependent children of a violent crime victim, who dies as a result of crime.
- 3) Any other person legally dependent for principal support from a victim of a violent crime.
- 4) A person injured or killed trying to prevent a violent crime.

All applications for compensation must be filed within two years of the victimization. If the application is not filed in the allotted time, it can be closed or denied.

Prompt reporting of the crime and cooperation with law enforcement personnel is required. The division may not award compensation unless the violent crime was reported to a law enforcement officer within forty eight hours after its occurrence and the victim/claimant has cooperated fully with law enforcement personnel.

An award may not be made unless the victim/claimant has incurred an out-of-pocket loss of at least \$100.00. Out-of-pocket loss is defined as expenses of indebtedness reasonably incurred for medical care or other services resulting from the bodily injury or death upon which the application is based.

To process a claim the Division collects and analyzes police reports, medical or dental expenses, loss of income statements and counseling fees. Claimants are often asked to help secure these documents.

The division reviews all applications and verifies all bills to insure their validity. If the application is not properly completed, it is returned to the applicant with a brief statement explaining the additional information needed. If a claim is not complete within thirty days of filing it can be denied.

When a victim's application is considered complete by the division analyst, all bills are verified and totaled. An award has a maximum of \$10,000.00. There is currently, a \$5,000.00 maximum on payments for funeral expenses.

When dispersing an award, the division will apply the proceeds of the award in the following order of priority:

- 1) reasonable attorney fees.
- 2) outstanding medical and funeral expenses.
- 3) reimbursement of compensable out-of-pocket expenses.
- 4) loss of income due to the victimization.
- 5) loss of financial support that the victim would have supplied to legal dependents had the victim not died.

In the event that expenses exceed the maximum available for an award, the division will prorate the award amongst the providers. Prorating is only done if the victim has not met the \$100.00 out-of-pocket or the providers bills exceed the maximum amount of \$10,000.00. If in the event the fund balance drops below its statutory minimum of \$250,000.00 all awarded claims would be prorated.

Prorating is the process of totaling all bills and dividing each bill by the total to calculate a percentage. The percentage is subtracted from each bill to determine the payment amount.

EMERGENCY AWARDS

An emergency award of not more than \$500.00 may be made by the director or deputy director of the division if it is determined that a severe hardship exists. A claim must be filed with the division in order to receive an emergency award. The amount of the emergency award will be deducted from any final award. If no final award is made or the amount of the emergency award exceeds the amount of the final award, that amount is to be returned to the Violent Crime Compensation Division.

SUPPLEMENTAL AWARDS

Supplemental awards are made for additional expenses incurred resulting from the victimization after an initial award has been paid. Supplement awards are paid if the total payout of the award has not reached the \$10,000.00 maximum.

DENIALS

A claim can be denied if: there is evidence of contributory conduct; no police report is filed within forty eight hours of the crime; no cooperation with law enforcement or with the violent crime division; the claim is not filed within the two year eligibility period; or no out-of-pocket expenses.

The funds for Violent Crime Compensation Fund is capitalized by a percentage of all court fees collected statewide, work release monies, restitution and trust funds from investments. No amount of tax dollars are involved in these funds. The state is currently considering ways to augment the fund in the future.

SEX CRIMES VICTIM SERVICES FUND

Sex crimes are rape, child molest, or any other forced sexual deviate conduct. Compensation is made to either female or male victims.

The victim shall be treated by an Indiana hospital which provides general medicine, surgical and emergency services. Law enforcement officials must be contacted within forty eight hours after the sex crime. The victim must cooperate with law enforcement in order to solve the crime. Also, the victim must consent in writing to allow the hospital to apply to the Sex Crimes Fund for release of the medical records. The hospital, not the victim applies to the Fund for payment of services. If a victim refuses to allow the hospital to apply to the Fund, the victim or the insurance may be billed for the cost of the medical services.

The hospital costs that are paid by the Fund are outpatient emergency services directly related to the sex crime. If the victim is admitted as an inpatient they must apply to Violent Crime Compensation Division. The Sex Crimes program does not pay for non-hospital physicians and independent medical facilities unless they are associated with an Indiana hospital.

The Fund also pays for some limited counseling services. A victim may receive assistance for up to five counseling sessions rendered within a year after the sex crime. The counseling must be provided by a hospital or facility which is adjunct to, operated by, or associated with a Indiana hospital.

Assistance is limited to the amount the facility would have charged the victim according to the victim's income. In order for the facility to be eligible for reimbursement of follow up treatment or counseling services, the Fund must have approved payment for the original emergency hospital expenses.

VIOLENT CRIME COMPENSATION DIVISION
ANNUAL STATISTICAL REPORT
1990

Summary of Claims

Total Claims Filed	1497
Total Claims Awarded	879*
Average Amount of Award	\$3,066.31
Total Amount of Claims Awarded	\$2,695,285.01
Total Supplemental Awards	406
Average Amount of Supplemental	\$1,053.40
Total Cost of Supplemental	427,679.43
Total Dollar Amount Awarded	\$3,122,964.44

Type of Awards

Medical Expenses	685
Funeral/Burial Expenses	149
Wage/Economic Support	303
Mental Health	126
Attorney Fees	23
Other	25

CLAIMS DENIED

Injury does not constitute a "violent crime"	53
Crime did not occur in the state of Indiana	4
Crime not reported within forty-eight hours	37
Failed to cooperate with law enforcement or prosecution	64
Claim not filed within two years of date of crime	13
Victim engaged in contributory misconduct	48
V/C failed to incur \$100.00 in expenses	203
V/C failed to cooperate with Division	31
Other	<u>75</u>
Total	528*

*Due to the ongoing nature of claims filed with the Division many of the claims determined, both awarded and denied, represent claims that were filed in 1990, 1989 or even before.

CLAIMS FILED BY COUNTY

Allen	86	Kosciusko	2
Bartholomew	9	Lagrange	5
Blackford	4	Lake	191
Boone	7	LaPorte	22
Brown	2	Lawrence	7
Carroll	1	Madison	19
Cass	4	Marion	516
Clark	10	Marshall	5
Clay	3	Monroe	14
Clinton	5	Montgomery	15
Crawford	2	Morgan	7
Daviess	4	Orange	1
Dearborn	3	Owen	1
Decatur	3	Parke	5
Dekalb	2	Perry	2
Delaware	18	Porter	20
Dubois	3	Posey	3
Elkhart	73	Putnam	5
Fayette	6	Randolph	2
Floyd	9	Rush	1
Fountain	2	Saint Joseph	72
Fulton	2	Scott	3
Grant	37	Shelby	5
Greene	3	Spencer	1
Hamilton	6	Starke	2
Hancock	1	Steuben	2
Harrison	3	Sullivan	2
Hendricks	4	Switzerland	2
Henry	5	Tippecanoe	35
Howard	8	Union	6
Huntington	4	Vanderburgh	58
Jackson	3	Vermillion	1
Jasper	1	Vigo	32
Jay	2	Wabash	3
Jefferson	2	Warren	2
Jennings	2	Warrick	1
Johnson	21	Washington	2
Knox	8	Wayne	12
		Wells	1
		Whitley	4
		Out of State	4

NO FILED CLAIMS

Adams	Martin	Ohio	Tipton
Benton	Miami	Pike	White
Franklin	Newton	Pulaski	
Gibson	Noble	Ripley	

SEX CRIME VICTIM SERVICES FUND

Annual Statistical Report

1990

Total Claims Filed	2333
Total Claims Awarded	1596*
Average Amount of Award	\$387.33
Total Cost of Claims Awarded	\$618,176.48
Total Supplemental Award	355
Average Amount of Supplementals	\$129.07
Total Cost of Supplementals Awarded	\$45,818.11
Total Amount Awarded	\$663,994.59

TYPE OF SEX CRIME

Rape	699
Child Molestation	1217
Criminal Deviate Conduct	68
Rape/Criminal Deviate Conduct	314
Adult Molestation	35

Reasons for Denials

No Report w/i 48 Hours	327
No Sex Crime or False Report	120
No Cooperation/Law Enforcement	382
Hospital Failed to Submit Information	109
Bill paid by Another Source	3
Victim is in Ineligible Category	12
Other	5
Total Denials	958*
End of Year Pending	291*

* Due to the ongoing nature of our claims the awarded, denied and pending do not reflect just the claims actually filed in 1990, but reflect claims potentially filed in 1989 or even before. This would account for the total processed not adding up to the number of filings for the year.

SEX CRIMES

CLAIMS FILED BY COUNTY

Allen	116	Lawrence	8
Bartholomew	28	Madison	44
Benton	1	Marion	974
Blackford	1	Marshall	6
Boone	15	Martin	2
Brown	3	Miami	3
Carroll	1	Monroe	24
Cass	1	Montgomery	27
Clark	25	Morgan	22
Clay	10	Newton	1
Clinton	4	Orange	1
Daviess	6	Owen	4
Dearborn	6	Parke	1
Decatur	4	Pike	1
Dekalb	4	Porter	25
Delaware	27	Posey	2
Dubois	2	Pulaski	1
Elkhart	81	Putnam	21
Fayette	11	Rush	5
Floyd	2	Saint Joseph	210
Fountain	3	Scott	5
Franklin	3	Shelby	12
Gibson	5	Spencer	2
Grant	35	Starke	5
Greene	1	Steuben	3
Hamilton	17	Switzerland	1
Hancock	7	Tippecanoe	44
Harrison	3	Tipton	3
Hendricks	25	Union	1
Henry	19	Vanderburgh	36
Howard	15	Vigo	46
Huntington	7	Wabash	1
Jackson	8	Warren	1
Jasper	2	Washington	1
Jefferson	6	Wayne	31
Jennings	5	Wells	1
Johnson	35	White	4
Knox	19	Whitley	2
Kosciusko	13	Out of State	26
Lagrange	2		
Lake	131		
LaPorte	15		

NO FILED CLAIMS

Adams	Jay	Ripley	Sullivan
Crawford	Noble	Randolph	Vermillion
Fulton	Ohio	Noble	Warrick