



# **Criminal Injuries Compensation Board Annual Report**

CP § 11-805(a)(8); HB 247/Ch. 422 (2018)

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## Background

In 1957, Maryland Code Art. 26A, §§ 1-17 codified the Criminal Injuries Compensation Act to create a Criminal Injuries Compensation Board (Board) to determine the eligibility of the claimant for an award under this Act.<sup>1</sup> In 1968, the General Assembly enacted the Criminal Injuries Compensation Act to enable innocent victims of certain crimes to receive State-funded compensation for physical injury sustained as a result of a crime.<sup>2</sup>

Chapter 224 of 1993 (Senate Bill 262) established an offender-based revenue source to compensate victims of crime.<sup>3</sup> Chapter 224 of 1993 also added court costs to the sentence of those convicted of jailable traffic offenses and provided additional funding for the Maryland Victims of Crime Fund to serve crime victims. Chapter 396 of 1995 (Senate Bill 709) created court costs for non-jailable traffic offenses to provide additional revenue to meet the needs of crime victim programs.<sup>4</sup> It also allowed such fines to be split between the Criminal Injuries Compensation Fund (CICF) and the Maryland Victims of Crime Fund.<sup>5</sup> Chapter 622 of 1999 (House Bill 305), *Victims' Rights - Criminal Injuries Compensation Board - Claims*, provided more discretion for the Board to determine victim's eligibility for awards.<sup>6</sup> This Act also established a study to determine the possible expansion of eligibility, and required the Department of Public Safety and Correctional Services to report to the General Assembly by November 1, 1999, on the results of the study.<sup>7</sup>

Chapter 483 of 2001 (House Bill 504), *Criminal Injuries Compensation Board - Claimants and Awards*, expanded eligibility for compensation to victims of motor vehicle crimes, compensation for counseling to family members of victims, and crime scene clean-up and repairs.<sup>8</sup> Chapter 70 of 2010 (House Bill 138), *Criminal Injuries Compensation Board - Right to Hearing*, mandated a

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<sup>1</sup> [Criminal Injuries Compensation Board v. Remson \[No. 121, September Term, 1977\]](#).

<sup>2</sup> [Marks v. Criminal Injuries Compensation Board \[No. 0921, September Term, 2009\]](#). “Originally codified at Md. Code (1968 Supp.), Art. 26A, §§ 1-17, the Criminal Injuries Compensation Act was transferred without substantive changes to Md. Code (1996 Repl. Vol.), Art. 27 §§ 815-32, see 1996 Laws of Maryland, Chap. 585, and in 2001 was recodified and placed in the Criminal Procedure Article. Md. Code (2001 & 2008 Repl. Vol.), §§ 11-801 - 11-819 of the Criminal Procedure Article. See 2001 Laws of Maryland, Chap. 10.”

<sup>3</sup> Maryland Crime Victims Resources Center. (2018). [Maryland](#); §§ 11-819 and 11-917 of the Criminal Procedure Article.

<sup>4</sup> Maryland Crime Victims Resources Center. (2018). [Maryland](#); § 7-405 of the Criminal Procedure Article.

<sup>5</sup> Maryland Crime Victims Resources Center. (2018). [Maryland](#).

<sup>6</sup> Maryland General Assembly. (1999). [Chapter 622 of 1999 \(House Bill 305\), Victims' Rights - Criminal Injuries Compensation Board - Claims](#); §§ 11-801 - 11-810 of the Criminal Procedure Article; Maryland Crime Victims Resources Center. (2018). [Maryland](#).

<sup>7</sup> Department of Legislative Services. (1999). [The 90 Day Report: A Review of the 1991 Legislative Session](#).

<sup>8</sup> Maryland General Assembly. (2001). [Chapter 483 of 2001 \(House Bill 504\), Criminal Injuries Compensation - Claimants and Awards](#); Maryland Crime Victims Resources Center. (2018). [Maryland](#); §§ 11-801 - 11-810 of the Criminal Procedure Article.

hearing upon a victim's request if a victim compensation claim was denied or reduced.<sup>9</sup> It also required the Board to follow the Administrative Procedures Act to determine a claim.

Chapter 422 of 2018 (House Bill 247), *Criminal Procedure - Victim Services Unit - Victims' Compensation*, established a Victim Services Unit (Unit) within the Governor's Office of Crime Control and Prevention, and transferred the Sexual Assault Reimbursement Unit from the Maryland Department of Health to this Unit.<sup>10</sup> This Act also transferred the Board from the Department of Public Safety and Correctional Services to the Unit within the Governor's Office of Crime Control and Prevention, effective July 1, 2018.<sup>11</sup>

In accordance with § 11-805 of the Criminal Procedure Article, and subject to the authority of the Executive Director of the Governor's Office of Crime Control and Prevention, the Board is charged with the following powers and duties:

1. To establish and maintain an office and to appoint and prescribe the duties of a claims examiner, a secretary, clerks, and any other employees and agents as may be necessary;
2. To adopt regulations to carry out the provisions and purposes of this subtitle, including procedures for the review and evaluation of claims and regulations for the approval of attorneys' fees for representation before the Board or before the court on judicial review;
3. To request from the State's Attorney, the Department of State Police, or county or municipal police departments any investigation and information that will help the Board to determine:
  - a. Whether a crime or a delinquent act was committed or attempted; and
  - b. Whether and to what extent the victim or claimant was responsible for the victim's or claimant's own injury;
4. To hear and determine each claim for an award filed with the Board under this subtitle and to reinvestigate or reopen a case as the Board determines to be necessary;
5. To direct medical examination of victims;
6. To hold hearings, administer oaths, examine any person under oath, and issue subpoenas requiring the attendance and testimony of witnesses or requiring the production of documents of other evidence;
7. To take or cause to be taken affidavits or depositions within or outside the State; and
8. To submit each year to the Governor, to the Executive Director of the Governor's Office of Crime Control and Prevention, and to the General Assembly a written report of the activities of the Board.

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<sup>9</sup> Maryland General Assembly. (2010). [Chapter 70 of 2010 \(House Bill 138\), Criminal Injuries Compensation Board - Right to Hearing](#); Maryland Crime Victims Resources Center. (2018). [Maryland](#).

<sup>10</sup> Maryland General Assembly. (2018). [Chapter 422 of 2018 \(House Bill 247\), Criminal Procedure - Victim Services Unit - Victims' Compensation](#).

<sup>11</sup> Ibid.

# Criminal Injuries Compensation Board

In accordance with §§ 11-801 through 11-819 of the Criminal Procedure Article, the Criminal Injuries Compensation Board (Board) is charged to provide financial assistance to crime victims who have suffered compensable injuries or loss in the aftermath of the criminal victimization. Through its mission, the Board serves to provide compensation to “victims and survivors of violent crime with offender-based revenues - not tax dollars”<sup>12</sup> - through the Criminal Injuries Compensation Fund (CICF). CICF includes a state special fund appropriation that is comprised of fees levied throughout the criminal justice process and a federal match fund appropriation which is also comprised of fees levied on offenders in the federal criminal justice system.

## Office Administration

Under the authority of the Executive Director of the Governor’s Office of Crime Control and Prevention, members are appointed to the Board to review disputed claims and to make decisions regarding whether to award or deny a request for compensation. The Board also employs staff to process requests for compensation under the direction of the Board’s Executive Director.

To fulfill its charge under § 11-805 of the Criminal Procedure Article, the Board created four divisions to include the following:

- Leadership Team (executive director; financial manager; and claims administrator)
- Claims Examination Team (claims examiners, seven)<sup>13</sup>
- Revenue Recovery Specialist
- Victim Services Coordinator

Pursuant to Chapter 422 of 2018, the Board shall maintain an office at its current location in Baltimore City until at least July 1, 2020, for the purpose of accepting claims, providing assistance for filing claims, and holding hearings.<sup>14</sup>

## Claims Examination

In accordance with §§ 11-801 through 11-819 of the Criminal Procedure Article, the Board is charged to fairly and efficiently process claims according to the laws of Maryland. Through its mission and goal, the Claims Examination Team strives to provide resources for each crime

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<sup>12</sup> The Urban Institute. (2003). [\*Crime Victims Compensation in Maryland: Accomplishments and Strategies for the Future.\*](#)

<sup>13</sup> In FY 2018, there were only five claim examiners due to retirement and turnover.

<sup>14</sup> Maryland General Assembly. (2018). [\*Chapter 422 of 2018 \(House Bill 247\), Criminal Procedure - Victim Services Unit - Victims' Compensation.\*](#)

victim. Resources may include awarding CICF funds to eligible victims or a referral to other resources for those who do not meet the CICF eligibility requirements.

In order to provide the most appropriate resource to crime victims, the Claims Examination Team conducts a thorough review of each claim, based on the following process:

- Receive applications for compensation;
- Communicate with the victim and claimant about the claims process;
- Efficiently process the claim for compensation so that the claimant receives the compensation award in the most expedient manner possible;
- Provide referrals to other programs for financial reimbursement if they are found ineligible for compensations through CICF; and
- Process the claim award for payment through the Governor's Office of Financial Administration.

In FY 2018, the Claims Examination Team received **1,136** claims (*as illustrated in [Appendix A: Financial Summary](#)*).<sup>15</sup>

## Board Determination

The Board strives to expeditiously process all claims. The Board also enforces its statutory position as 'payer of last resort'. As a result, claimants are asked to provide documentation of denial from other reimbursable sources before the Board begins the claims examination process. Additionally, the Board awards claims on a priority basis to individual crime victims, as well as small businesses. The financial manager also negotiates medical claims, maximizes third party payments on claims, and engages in other cost saving measures in an effort to ensure funding availability for future victims of crime.

In FY 2018, the Board approved and paid **681** awards for compensation, awarded **\$2,839,253** to crime victims, and denied **535** claims as ineligible or administratively closed (*as illustrated in [Appendix A: Financial Summary](#) and [Appendix B: County Compensation Report](#)*).<sup>16</sup>

## Revenue Recovery

The revenue recovery specialist (specialist) serves to recover revenue owed to victims as the result of court ordered restitution. Similar to the compensation program which allows CICF funds to be allocated to eligible victims for reimbursable expenses, § 11-817 of the Criminal

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<sup>15</sup> The number of received claims differs from the number of awarded and denied claims because claims may be received in one fiscal year and decided in another fiscal year.

<sup>16</sup> Ibid.

Procedure Article, created a right of subrogation which allows the Board to recover the costs that may otherwise be paid out to a victim or a claimant.

The specialist works with various legal, criminal justice, and victim service providers to ensure restitution is provided to victims. In particular, the specialist tracks offenders through the criminal justice process and works with clerks of the court, prosecutors, victim witness coordinators, and victim advocates to request restitution. The specialist also collaborates with several units within the Department of Public Safety and Correctional Services, to include the Department of Corrections and the Division of Parole and Probation, the Central Collections Unit within the Department of Budget and Management and local detention centers to collect funds from restitution orders. Furthermore, the specialist initiates collection efforts after a restitution judgment and when a restitution judgment was not entered in criminal court yet may be pursued in civil court - in which a CICF award occurred. In FY18 the specialist collected 276 offender payments totalling \$60,360 including both court ordered and non court ordered restitution.

## Victim Services

To further ensure the financial well-being of crime victims, the Board also provides one-on-one assistance through its victim services coordinator (coordinator). The coordinator strives to ensure that crime victims are informed of all of their rights and receive the aid and assistance they are entitled to through the compensation process. To address this, the coordinator works collaboratively with the Claims Examination Team to ensure victims are restored financially through the CICF or another source of reimbursement. The coordinator also provides outreach to community and criminal justice-based allied professionals, assists victims and claimants through the compensation appeals process, and provides continuing education on emerging victim-related issues to the Board. In FY18 the coordinator served 1,054 victims of crime and conducted 22 training sessions.

## Activities of the Board

Pursuant to Chapter 422 of 2018, and in accordance with § 11-805 of the Criminal Procedure Article, the Board is required to submit a report as it relates to its activities. As previously mentioned in this *Criminal Injuries Compensation Board Annual Report*, and as illustrated in [Appendix A: Financial Summary](#) and [Appendix B: County Compensation Report](#) of this report, the Board strives to provide financial assistance to crime victims who have suffered compensable injuries or loss in the aftermath of the criminal victimization.

# **Appendices**



## Appendix A: Financial Summary

Report Timeframe (July 1, 2017 - June 30, 2018) <sup>17</sup>				
<b>Section I</b>				
STATE: Criminal Injuries Compensation Board				
CONTACT NAME: Alec J Wheaden Jr				
CLAIMS DATA <sup>18</sup>				
1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD				1,136
2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE				665
a. Number of State Residents				665
b. Number of Non-Residents				0
c. Number approved for victims 17 and under				63
d. Number approved for victims 18-64				585
e. Number approved for victims 65 and older				14
3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED				535
4. NUMBER OF FORENSIC SEXUAL ASSAULT EXAMINATION CLAIMS RECEIVED DURING THE REPORTING PERIOD, IF SUCH CLAIMS ARE HANDLED THROUGH SEPARATE CLAIMS				0
PAYMENT STATISTICS BY CRIME CATEGORY				
	TYPE OF CRIME	a. CLAIMS PAID (include column b)	b. DOMESTIC VIOLENCE RELATED CLAIMS PAID	c. TOTAL PAID BY CATEGORY (includes all suppl. payments)
	1. ASSAULT	289	0	\$1,117,208.66
	2. HOMICIDE	325	0	\$1,522,968.28
	3. SEXUAL ASSAULT	23	0	\$66,712.17
<b>Section III</b>	4. CHILD ABUSE (includes sexual and physical abuse)	31	0	\$62,128.99
	5. DWI/DUI	1	0	\$40.00
	6. OTHER VEHICULAR CRIMES	5	0	\$19,052.04
	7. STALKING	0	0	\$0.00
	8. ROBBERY	3	0	\$19,324.00
	9. TERRORISM	0	0	\$0.00
	10. KIDNAPPING	1	0	\$20,793.50
	11. ARSON	1	0	\$1,025.00
	12. OTHER	2	0	\$10,000.00
	13. TOTAL	681	0	\$2,839,252.64

<sup>17</sup> States receiving VOCA Crime Victims Compensation grant funds must submit an annual performance report. The report covers the federal fiscal year ending September 30 which is due to OVC by December 30 of the same year.

<sup>18</sup> Received claims differs from those awarded and denied because claims may be received/decided in different years.

## Appendix B: County Compensation Report

<b>County Compensation Report (July 1, 2017 - June 30, 2018)<sup>19</sup></b>			
<b>County</b>	<b>No. Claims</b>	<b>No. Payments</b>	<b>Total Paid<sup>20</sup></b>
(Unknown)	3	3	\$2,649.29
Allegany	2	4	\$635.00
Anne Arundel	22	52	\$65,518.49
Baltimore	40	118	\$167,791.14
Baltimore City	368	616	\$1,568,183.90
Calvert	1	1	\$939.00
Carroll	4	18	\$11,619.28
Cecil	6	11	\$29,589.00
Charles	7	10	\$24,092.56
Dorchester	2	2	\$6,550.00
Frederick	11	35	\$53,075.25
Garrett	2	7	\$2,001.23
Harford	12	29	\$36,853.48
Howard	9	21	\$59,118.71
Kent	2	2	\$5,360.00
Montgomery	41	93	\$143,097.98
Prince George's	116	216	\$565,793.85
Queen Anne's	1	4	\$1,845.13
Saint Mary's	3	5	\$3,157.16
Somerset	7	10	\$25,138.75
Washington	8	23	\$30,668.84
Wicomico	9	32	\$23,985.54
Worcester	5	8	\$11,588.98
<b>Total</b>	<b>681</b>	<b>1,320</b>	<b>\$2,839,252.56</b>

<sup>19</sup> This chart represents all payments (positive or negative) that were paid between July 1, 2017 and June 30, 2018.

<sup>20</sup> The current CICB database utilizes an intricate calculation system with numerous decimal places and a complex rounding mechanism. There may be minor differences between the results of large data sets which are totaled collectively and narrowly defined data sets that produce categorical summaries which are then totaled, secondarily.