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Banneker-Douglass Museum • Volunteer Maryland

FROM: Governor's Office of Crime Prevention, Youth, and Victim Services

February 17, 2022

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

The Honorable William C. "Bill" Ferguson IV
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Adrienne Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401

RE: Report required by Criminal Procedure Article § 11-805(a)(8) (MSAR #11640)

Dear Governor Hogan, President Ferguson, and Speaker Jones:

As required by § 11-805(a)(8) of the Criminal Procedure Article, please find an enclosed copy of the Governor's Office of Crime Prevention, Youth, and Victim Services' report titled, *Criminal Injuries Compensation Board FY 2021 Annual Report*. This report includes information regarding the activities of the Criminal Injuries Compensation Board, as well as the financial assistance it provides to crime victims who have suffered compensable injuries or loss in the aftermath of criminal victimization.

Should you have any questions relating to the information in this report, please feel free to contact my office at (410) 697-9338.

Sincerely,

V. Glenn Fueston, Jr.
Executive Director

cc: Sarah Albert, Department of Legislative Services (5 copies)

GOVERNOR'S COORDINATING OFFICES
100 COMMUNITY PLACE
CROWNSVILLE, MD 21032-2023



**GOVERNOR'S OFFICE OF
CRIME PREVENTION, YOUTH,
AND VICTIM SERVICES**

**Criminal Injuries Compensation Board FY 2021
Annual Report**

*§ 11-805(a)(8) of the Criminal Procedure Article; Chapter 422
of 2018 (House Bill 247)*

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director
Governor's Office of Crime Prevention, Youth, and Victim Services

Submitted by:
Governor's Office of Crime Prevention, Youth, and Victim Services

Contact: Cameron Edsall
410-697-9382 | Cameron.Edsall2@Maryland.gov

MSAR #11640
February 17, 2022

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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.¹ In 1968, the General Assembly enacted the Criminal Injuries Compensation Act to enable innocent victims of certain crimes to receive State-funded compensation for a physical injury sustained as a result of a crime.²

Chapter 224 of 1993 (Senate Bill 262) established an offender-based revenue source to compensate victims of crime.³ It 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.⁴ It also allowed such fines to be split between the Criminal Injuries Compensation Fund and the Maryland Victims of Crime Fund. Senate Bill 118/House Bill 305 (1999) provided more discretion for the Board to determine the victim's eligibility for awards.⁵ The 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.⁶

House Bill 504/Senate Bill 243 (2001) expanded eligibility for compensation to victims of motor vehicle crimes; compensation for mental health counseling to parents, children, or spouses who reside with victims; and crime scene clean-up and repairs.⁷ Chapters 69 and 70 of 2010 (Senate Bill 442/House Bill 138) mandated a hearing upon a victim's request if a victim compensation claim was denied or reduced.⁸ It also required the Board to follow the Administrative Procedures Act to determine a claim.

Chapter 422 of 2018 (House Bill 247) established a Victim Services Unit (VSU) within the Governor's Office of Crime Prevention, Youth, and Victim Services (previously known as the

¹ Leagle. (2017). [*Criminal Injuries Compensation Board v. Remson \[No. 121, September Term, 1977\]*](#).

² FindLaw. [*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."

³ Maryland Crime Victims' Resource Center, Inc. (2021). [*History of Victims' Rights in Maryland*](#).

⁴ Ibid.

⁵ Maryland General Assembly. (1999). [*Senate Bill 118/House Bill 305 \(1999\), Victims' Rights - Criminal Injuries Compensation Board - Claims*](#).

⁶ Department of Legislative Services. (1999). [*The 90 Day Report: A Review of the 1991 Legislative Session*](#).

⁷ Maryland General Assembly. (2001). [*House Bill 504/Senate Bill 243 \(2001\), Criminal Injuries Compensation - Claimants and Awards*](#). Department of Legislative Services. (2001). [*The 90 Day Report: A Review of the 2001 Legislative Session*](#).

⁸ Maryland General Assembly. (2010). [*Chapters 69 and 70 of 2010 \(Senate Bill 442/House Bill 138\), Criminal Injuries Compensation Board - Right to Hearing*](#).

Governor's Office of Crime Control and Prevention⁹), and transferred the Sexual Assault Reimbursement Unit from the Maryland Department of Health to the VSU.¹⁰ The Act also transferred the Board from the Department of Public Safety and Correctional Services to the VSU within the Governor's Office of Crime Prevention, Youth, and Victim Services, effective July 1, 2018.¹¹

In accordance with § 11-805(a) of the Criminal Procedure Article, and subject to the authority of the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services, 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, and to the General Assembly a written report of the activities of the Board.

Chapter 378 of 2019 (House Bill 968) increased the maximum award allowance cap for certain claims, and altered the time frame in which a claimant must file a claim for compensation.¹² Specifically, and beginning January 1, 2020, the Act increased the following claims:¹³

⁹ Maryland General Assembly. (2020). [Chapter 11, Acts of 2020](#). In March 2020, the Governor's Office of Crime Control and Prevention was renamed the Governor's Office of Crime Prevention, Youth, and Victim Services.

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

¹¹ Ibid.

¹² Maryland General Assembly. (2019). [Chapter 378 of 2019 \(House Bill 968\), Criminal Injuries Compensation Board - Compensation to Claimants](#).

¹³ Department of Legislative Services. (2019). [House Bill 968 \(2019\), Criminal Injuries Compensation Board - Compensation to Claimants \(Fiscal and Policy Note\)](#).

- The maximum award for funeral expenses increases from \$5,000 to \$7,500;
- The maximum award for specified psychiatric, psychological, or mental health counseling increases from \$5,000 to \$10,000, with the maximum for each claimant increasing from \$1,000 to \$10,000 and the maximum for each incident increasing from \$5,000 to \$20,000; and
- The maximum amount of an emergency award increases from \$2,000 to \$5,000.

In addition, the Act generally requires a claimant to file a claim within three years after the later of: the discovery of the occurrence of the crime or delinquent act or the death of the victim; or the earlier of (1) the date the claimant discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act or (2) the date the claimant, exercising ordinary diligence, should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act.¹⁴

Criminal Injuries Compensation Board

In accordance with § 11-805(a)(8) of the Criminal Procedure Article, this *Criminal Injuries Compensation Board FY 2021 Annual Report* provides information relating to the Board's activities and its' efforts to provide financial assistance to crime victims who have suffered compensable injuries or loss in the aftermath of a 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"¹⁵ - through the Criminal Injuries Compensation Fund (CICF). CICF includes a state special fund appropriation that is composed of fees levied throughout the criminal justice process and a federal match fund appropriation which is also composed 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 Prevention, Youth, and Victim Services, 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(a) of the Criminal Procedure Article, the Board created several divisions, to include the following positions:

- Leadership Team
 - Director of Compensation Programs
 - Claims Administrator

¹⁴ Ibid.

¹⁵ The Urban Institute. (2003). [*Crime Victims Compensation in Maryland: Accomplishments and Strategies for the Future*](#).

- Victim Services Coordinator
- Claims Examination
 - Claims Examiners
 - Claims Processor
- Victim Services
 - Victim Services Intern
 - Victim Outreach Intern

Claims Examination

The Board is charged to fairly and efficiently process claims according to the laws of Maryland. Through its mission and goal, the Claims Examination unit strives to provide resources for each crime 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 unit 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 Crime Prevention, Youth, and Victim Services.¹⁶

Please see [Appendix A: Financial Summary](#)¹⁷ for a breakdown of Claims Examination efforts during FY 2021.

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. Please see [Appendix A: Financial Summary](#)¹⁸ for a breakdown of Board Determination efforts during FY 2021.

¹⁶ Chapter 11, Acts of 2020 changed the payment process for claim award, from the Governor's Office of Financial Administration to the Governor's Office of Crime Prevention, Youth, and Victim Services.

¹⁷ 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.

¹⁸ Ibid.

Victim Services

To further ensure the financial well-being of crime victims, the Board provides one-on-one assistance through its Victim Services Coordinator (Coordinator). The Coordinator strives to ensure those crime victims are informed of their rights and receive the aid and assistance they are entitled to through the compensation process. To address this, the Coordinator works with the Claims Examination unit to ensure victims are restored financially through CICF or another source of reimbursement and accompanies victims during reconsideration hearings. The Coordinator also provides outreach to the 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 addition, and in FY 2021, the COVID-19 Pandemic halted the ability for CICB to service walk-in claimants. Thus, the Victim Services Coordinator began the process of providing direct services virtually to 46 victims and conducted 18 training/outreach sessions, and their contact information was shared with 992 standard mail-in victims/claimants.

Budgetary Concerns

The Board is aware of the fluctuation of federal Victim of Crime Act funds, which aim to support helping victims of crime. Due to this federal uncertainty, it is our goal to closely monitor our fiscal landscape and utilize every course of action at our disposal to ensure that compensable crime victims continue to have access to the services that we provide.

Conclusion

The Board will continue to provide financial assistance to crime victims who have suffered compensable injuries or losses in the aftermath of criminal victimization. Technological obstacles may be mitigated through the hiring of additional persons in selected job capacities. The search for additional funding is a critical proponent to the advancement of CICB. The Board will also work with the VSU to restructure the restitution process for the State of Maryland.

Appendices

The timeframe for this *Criminal Injuries Compensation Board FY 2021 Annual Report* is consistent with the State's fiscal year, which begins on July 1 and ends on June 30. The timeframe for State recipients of the Victims of Crime Act Victims Compensation Grant Program, however, is based on the federal fiscal year, which begins on October 1 and ends on September 30. Because of this, State recipients of such federal funds must submit an annual performance report to the Office for Victims of Crime by December 30 of the same year to comply with its requirements.

Appendix A: Financial Summary¹⁹

U.S. Department of Justice Office of Justice Programs Office for Victims of Crime Washington, D.C. 20531		VICTIMS OF CRIME ACT VICTIM COMPENSATION GRANT PROGRAM Criminal Injuries Compensation Board																																																				
REPORT TIMEFRAME July 1, 2020 through June 30, 2021 <small>STATES RECEIVING VOCA CRIME VICTIMS COMPENSATION GRANT FUNDS ARE REQUIRED TO SUBMIT AN ANNUAL PERFORMANCE REPORT. THE REPORT COVERS THE FEDERAL FISCAL YEAR ENDING SEPTEMBER 30 AND IS DUE TO OVC BY DECEMBER 30 OF THE SAME YEAR.</small>																																																						
Section I	1. STATE: Criminal Injuries Compensation Board 2. CONTACT NAME: _____																																																					
Section II	CLAIMS DATA <table> <tr> <td>1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD</td> <td></td> <td>1,043</td> </tr> <tr> <td>2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE</td> <td></td> <td>330</td> </tr> <tr> <td> a. Number of State Residents</td> <td>330</td> <td></td> </tr> <tr> <td> b. Number of Non-Residents</td> <td>0</td> <td></td> </tr> <tr> <td> c. Number approved for victims 17 and under</td> <td>26</td> <td></td> </tr> <tr> <td> d. Number approved for victims 18-64</td> <td>283</td> <td></td> </tr> <tr> <td> e. Number approved for victims 65 and older</td> <td>12</td> <td></td> </tr> <tr> <td>3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED</td> <td></td> <td>468</td> </tr> <tr> <td> a. Failed to File Within 3 Years</td> <td>7</td> <td></td> </tr> <tr> <td> b. Failure to Respond to Show Cause Order</td> <td>162</td> <td></td> </tr> <tr> <td> c. Failed to Co-operate</td> <td>1</td> <td></td> </tr> <tr> <td> d. Illegal Conduct</td> <td>22</td> <td></td> </tr> <tr> <td> e. No Compensable Financial Loss</td> <td>230</td> <td></td> </tr> <tr> <td> f. No Crime</td> <td>32</td> <td></td> </tr> <tr> <td> g. Provoked/Failed to Avoid Confrontation</td> <td>10</td> <td></td> </tr> <tr> <td> h. Victim Contributed to Injury</td> <td>4</td> <td></td> </tr> <tr> <td>4. NUMBER OF FORENSIC SEXUAL ASSAULT EXAMINATION CLAIMS RECEIVED DURING THE REPORT PERIOD, IF SUCH CLAIMS ARE HANDLED THROUGH SEPARATE CLAIMS</td> <td></td> <td>0</td> </tr> </table>			1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD		1,043	2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE		330	a. Number of State Residents	330		b. Number of Non-Residents	0		c. Number approved for victims 17 and under	26		d. Number approved for victims 18-64	283		e. Number approved for victims 65 and older	12		3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED		468	a. Failed to File Within 3 Years	7		b. Failure to Respond to Show Cause Order	162		c. Failed to Co-operate	1		d. Illegal Conduct	22		e. No Compensable Financial Loss	230		f. No Crime	32		g. Provoked/Failed to Avoid Confrontation	10		h. Victim Contributed to Injury	4		4. NUMBER OF FORENSIC SEXUAL ASSAULT EXAMINATION CLAIMS RECEIVED DURING THE REPORT PERIOD, IF SUCH CLAIMS ARE HANDLED THROUGH SEPARATE CLAIMS		0
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¹⁹ Claims paid by crime category are unique (i.e. Payment Statistics by Crime Category), whereas claims paid by service (i.e. Expenses Paid by Service) can include payments into multiple service types per claim (i.e., a single claim carrying Mental Health, Funeral/Burial, and Crime Scene Clean-up benefits).

Section III	PAYMENT STATISTICS BY CRIME CATEGORY:			
	TYPE OF CRIME	a. NUMBER OF CLAIMS PAID DURING REPORTING PERIOD (Includes Column b)	b. NUMBER OF DOMESTIC VIOLENCE RELATED CLAIMS PAID DURING REPORTING PERIOD	c. TOTAL AMOUNT PAID BY CATEGORY (Include all supplemental payments)
	1. ASSAULT	203	0	\$ 1,062,066.58
	2. HOMICIDE	176	0	\$ 808,537.98
	3. SEXUAL ASSAULT	8	0	\$ 39,856.49
	4. CHILD ABUSE (including sexual physical abuse)	10		\$ 6,658.80
	5. DWI/DUI	1		\$ 491.65
	6. OTHER VEHICULAR CRIMES	7		\$ 25,455.56
	7. STALKING	0	0	\$ 0.00
	8. ROBBERY	11	0	\$ 71,049.75
	9. TERRORISM	0		\$ 0.00
	10. KIDNAPPING	2	0	\$ 5,251.21
	11. ARSON	0	0	\$ 0.00
	12. OTHER	1	0	\$ 2,713.94
	13. TOTAL:	419	0	\$ 2,022,081.96

INDICATE TOTAL EXPENSES PAID BY SERVICE:				Clms	Pmts	
Section IV	1. MEDICAL/DENTAL (Except Mental Health)	192	579	\$		776,355.17
	2. MENTAL HEALTH (Include Mental Health Related Medications	19	24	\$		24,966.24
	3. ECONOMIC SUPPORT (Lost Wages, Loss of Support)	49	49	\$		428,017.56
	4. FUNERAL/BURIAL (Include all Funeral Related Expenses)	180	187	\$		784,617.79
	5. CRIME SCENE CLEAN-UP	2	2	\$		500.00
	6. FORENSIC SEXUAL ASSAULT EXAMS	0	0	\$		
	7. OTHER (Please specify types of expenses and amounts paid)	8	10	\$		7,625.20
	8. TOTAL:	450	851	\$		2,022,081.96

Appendix B: County Compensation Report

Criminal Injuries Compensation Board

County Compensation Report

All Payments (positive or negative) with Paid Date between 07/01/2020 - 06/30/2021

County	No. Claims	No. Pmts	Total Paid
(Unknown)	1	1	\$4,686.00
Allegany	2	2	\$5,208.00
Anne Arundel	10	11	\$42,740.89
Baltimore	30	102	\$103,876.05
Baltimore City	209	379	\$1,104,170.09
Calvert	2	14	\$9,562.35
Carroll	3	9	\$7,886.74
Cecil	3	7	\$16,363.39
Charles	4	12	\$27,548.32
Dorchester	2	4	\$45,780.93
Frederick	14	25	\$31,223.30
Harford	8	18	\$34,326.31
Howard	9	17	\$51,872.91
Montgomery	45	94	\$257,970.60
Out-of-State	1	1	\$170.00
Prince George's	58	114	\$188,253.04
Saint Mary's	2	3	\$11,000.00
Somerset	1	1	\$959.00
Talbot	1	1	\$416.00
Washington	4	7	\$26,272.44
Wicomico	4	14	\$35,283.99
Worcester	6	15	\$16,511.60
Totals	419	851	\$2,022,081.96