



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

**Criminal Injuries Compensation Board FY 2022  
Annual Report**

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

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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> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> 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

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

<sup>2</sup> 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."

<sup>3</sup> Maryland Crime Victims Resources Center. (2022). [History of Victims' Rights in Maryland](#).

<sup>4</sup> Ibid.

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

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

<sup>7</sup> 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](#).

<sup>8</sup> 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 Prevention<sup>9</sup>), and transferred the Sexual Assault Reimbursement Unit from the Maryland Department of Health to the VSU.<sup>10</sup> The Act also transferred the Board from the Department of Public Safety and Correctional Services to the VSU, effective July 1, 2018.<sup>11</sup>

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.

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<sup>9</sup> 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.

<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.

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.<sup>12</sup> Specifically, the Act increased the following claims:<sup>13</sup>

- The maximum award for funeral expenses increased from \$5,000 to \$7,500;
- The maximum award for specified psychiatric, psychological, or mental health counseling increased from \$5,000 to \$10,000, and the maximum for each claimant increased from \$1,000 to \$10,000 and the maximum for each incident increased from \$5,000 to \$20,000; and
- The maximum amount of an emergency award increased 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.<sup>14</sup>

## Criminal Injuries Compensation Board

In accordance with § 11-805(a)(8) of the Criminal Procedure Article, this *Criminal Injuries Compensation Board FY 2022 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"<sup>15</sup> - 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

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

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

<sup>14</sup> Ibid.

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

also employs staff to process requests for compensation under the direction of the Board's Director of Compensation. 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
  - Deputy Director, VSU
  - Interim Director of Compensation Programs<sup>16</sup>
  - Claims Administrator
  - Financial Manager<sup>17</sup>
  - Victim Services Coordinator
- Claims Examination
  - Claims Examiners
  - Claims Processors
- 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.<sup>18</sup>

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<sup>16</sup> During FY 2022, the Interim Director of Compensation Programs performed the duties charged to the former Financial Manager who was responsible for oversight of internal controls of the Board and the Revenue Recovery Unit.

<sup>17</sup> This position is currently vacant.

<sup>18</sup> 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.

Please see [Appendix A: Financial Summary](#)<sup>19</sup> for a breakdown of Claims Examination efforts during FY 2022.

## **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](#)<sup>20</sup> for a breakdown of Board Determination efforts during FY 2022.

## **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 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 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 FY 2022, the Coordinator provided direct services and written materials pertaining to victims’ rights to 68 walk-in victims with new applications and 60 in-office consultations with active claimants, and conducted 40 training/outreach sessions and 27 reconsideration hearings.

## **Budgetary Concerns**

Several factors have impacted available funding for victims of criminal injury. First, there have been reductions in federal Victim of Crime Act funds, which aim to support victims of crime. Second, less revenue from assigned traffic cameras is being received. Finally, the decriminalization of marijuana has resulted in significantly fewer prosecutions, thereby decreasing the collection of court fines and fees. Additionally, funding has been diverted to aid in providing services and treatment in the substance abuse arena.

The Board is concerned as they annually receive more requests for criminal injury compensation than is available. Further reductions in available funds will limit CICB’s ability to serve victims and update the needed technology to process claims that directly impact victims.

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<sup>19</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>20</sup> Ibid.

## **Conclusion**

The Board will continue to provide financial assistance to crime victims who have suffered compensable injuries or losses in the aftermath of a criminal victimization. The Board has an immediate concern that the decreasing revenues may impact the ability of the Board to compensate crime victims.

The Board and the VSU will continue to search for ways to improve the financial stability of the agency to ensure that all crime victims will continue to be served in the most efficient and effective manner.



# Appendices

The timeframe for this *Criminal Injuries Compensation Board FY 2022 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 Victim 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 Summary<sup>21</sup>

U.S. Department of Justice Office of Justice Programs Office for Victims of Crime Washington, D.C. 20531		<b>VICTIMS OF CRIME ACT VICTIM COMPENSATION GRANT PROGRAM Criminal Injuries Compensation Board</b>	
REPORT TIMEFRAME July 1, 2021 through June 30, 2022			
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.			
Section I	1. STATE: Criminal Injuries Compensation Board 2. CONTACT NAME: _____		
Section II	<b>CLAIMS DATA</b> 1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD <span style="float: right;">855</span> <hr/> 2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE <span style="float: right;">354</span> <hr/> a. Number of State Residents <span style="float: right;">354</span> <hr/> b. Number of Non-Residents <span style="float: right;">0</span> <hr/> c. Number approved for victims 17 and under <span style="float: right;">24</span> <hr/> d. Number approved for victims 18-64 <span style="float: right;">307</span> <hr/> e. Number approved for victims 65 and older <span style="float: right;">12</span> <hr/> 3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED <span style="float: right;">460</span> <hr/> a. Failed to File Within 3 Years <span style="float: right;">7</span> <hr/> b. Failure to Respond to Show Cause Order <span style="float: right;">229</span> <hr/> c. Failed to Co-operate <span style="float: right;">4</span> <hr/> d. Illegal Conduct <span style="float: right;">22</span> <hr/> e. No Compensable Financial Loss <span style="float: right;">142</span> <hr/> f. No Crime <span style="float: right;">19</span> <hr/> g. Provoked/Failed to Avoid Confrontation <span style="float: right;">13</span> <hr/> h. Victim Contributed to Injury <span style="float: right;">24</span> <hr/> 4. NUMBER OF FORENSIC SEXUAL ASSAULT EXAMINATION CLAIMS RECEIVED DURING THE REPORT PERIOD, IF SUCH CLAIMS ARE HANDLED THROUGH SEPARATE CLAIMS <span style="float: right;">0</span> <hr/>		

<sup>21</sup> 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).

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, 2021 through June 30, 2022				
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.				
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	129	0	\$ 888,731.11
	2. HOMICIDE	208	0	\$ 1,121,959.78
	3. SEXUAL ASSAULT	8	0	\$ 18,961.70
	4. CHILD ABUSE (including sexual physical abuse)	5		\$ 23,530.79
	5. DWI/DUI	2		\$ 8,256.84
	6. OTHER VEHICULAR CRIMES	2		\$ 4,926.37
	7. STALKING	0	0	\$ 0.00
	8. ROBBERY	4	0	\$ 14,555.88
	9. TERRORISM	0		\$ 0.00
	10. KIDNAPPING	0	0	\$ 0.00
	11. ARSON	0	0	\$ 0.00
	12. OTHER	0	0	\$ 0.00
13. TOTAL:	358	0	\$ 2,080,922.47	

INDICATE TOTAL EXPENSES PAID BY SERVICE:		Clms	Pmts	
Section IV	1. MEDICAL/DENTAL (Except Mental Health)	99	261	\$ 344,457.28
	2. MENTAL HEALTH (Include Mental Health Related Medications)	17	21	\$ 47,700.68
	3. ECONOMIC SUPPORT (Lost Wages, Loss of Support)	70	71	\$ 603,341.89
	4. FUNERAL/BURIAL (Include all Funeral Related Expenses)	205	235	\$ 1,061,621.84
	5. CRIME SCENE CLEAN-UP	3	3	\$ 693.10
	6. FORENSIC SEXUAL ASSAULT EXAMS	0	0	\$
	7. OTHER (Please specify types of expenses and amounts paid)	19	20	\$ 23,107.68
	8. TOTAL:	413	611	\$ 2,080,922.47

## Appendix B: County Compensation Report

### Criminal Injuries Compensation Board

#### County Compensation Report

All Payments (positive or negative) with Paid Date between 07/01/2021 - 06/30/2022

County	No. Claims	No. Pmts	Total Paid
Allegany	1	1	\$928.00
Anne Arundel	10	14	\$84,687.63
Baltimore	18	33	\$101,277.61
Baltimore City	198	250	\$1,124,545.64
Caroline	1	2	\$1,059.32
Carroll	1	11	\$13,185.67
Cecil	2	3	\$15,218.00
Charles	6	8	\$57,165.73
Dorchester	3	11	\$16,660.97
Frederick	8	13	\$17,522.63
Harford	6	14	\$23,267.29
Howard	10	27	\$50,524.89
Kent	1	1	\$6,850.00
Montgomery	26	93	\$120,058.51
Prince George's	45	82	\$355,802.80
Queen Anne's	2	7	\$10,043.45
Saint Mary's	1	2	\$6,000.00
Somerset	3	4	\$12,807.87
Washington	6	14	\$29,419.49
Wicomico	6	13	\$26,013.62
Worcester	4	8	\$7,883.34
Totals	358	611	\$2,080,922.47