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

April 13, 2021

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 House Bill 247/Chapter 422(10) of 2018 (MSAR #11642)

Dear Governor Hogan, President Ferguson, and Speaker Jones:

Pursuant to House Bill 247/Chapter 422(10) of 2018, please find an enclosed copy of the Governor's Office of Crime Prevention, Youth, and Victim Services' report titled, *Victim Services Unit 2020 Report*. This report includes information on issues relating to the implementation of this Act, including the office locations of the Victim Services Unit, the number of employees at each location, any budgetary concerns, improvements to the restitution collection process, and any significant changes planned for the Victim Services Unit.

Should you have any questions relating to the information provided in this report, please feel free to contact me 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



Victim Services Unit 2020 Report

Chapter 422(10) 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: Anthony Baranauskas 410-697-9382 | <u>Anthony.Baranauskas@Maryland.gov</u>

> December 31, 2020 MSAR #11642

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Executive Summary

Since its inception, the Victim Services Unit (VSU) has sought to provide assistance and support to crime victims that promote safety, self-sufficiency, and awareness of services available to them. Through these efforts, and to support the vision of a safer Maryland, the VSU has successfully accomplished the following:

- The VSU has been instrumental in working with various stakeholders in overhauling the restitution system in Maryland. The Victim Services Policy and Program Administrator researched and composed policy recommendations for the Justice Reinvestment Oversight Board.
- The VSU, along with the Sexual Assault Evidence Kit Policy and Funding Committee (SAEK Committee) spearheaded the efforts to solicit and administer a statewide tracking system to test rape kits through the Sexual Assault Kit Initiative (SAKI) grant program.
- The VSU collaborated extensively with the Department of Public Safety and Correctional Services to implement the Enhanced Victim Information Notification Everyday (VINE) system, designed to provide information to crime victims regarding hearings, offender release, and service provider directory.
- The VSU collaborated with victim service providers in regional listening sessions that were held to discuss and formulate solutions to the extensive Victims of Crime Act (VOCA) funding shortfall.
- The VSU conducted site visits with most of the comprehensive statewide domestic violence and sexual assault programs since its inception.
- The VSU, along with the SAEK Committee, Maryland Coalition Against Sexual Assault, Maryland Hospital Administration, Maryland Department of Health, Terrapin Pharmacy, and other stakeholders, spearheaded the administration of the statewide Pilot Program for victims of rape or sexual assault potentially exposed to HIV. Since November 2018, the VSU has engaged in more than 50 meetings with numerous stakeholders to ensure the efficiency and effectiveness of the program.
- The VSU distributed personal protective equipment (PPE) as acquired by the Maryland Emergency Management Agency to more than 30 victim service providers during the Coronavirus disease 2019 (COVID-19) pandemic, and continues to do so at this time.
- The VSU continues to work with Maryland State's Attorneys' Association, the Baltimore City State's Attorney Office (SAO), the Baltimore Police Department and other SAOs to increase the number of crime victims served.
- The VSU hosts a quarterly conference call with the Office's Programs Unit to provide updates and address concerns from victim service providers that affect victim safety, self-sufficiency, and awareness of available services.
- The VSU has written, co-written, or contributed to the compilation of over 15 legislative and federal reports connected to ensuring the safety, self-sufficiency, and awareness of services for crime victims statewide.

• The VSU, through the Elder and Special Victims Outreach Coordinator, successfully collaborated with the Maryland State Disabilities Agency, along with a host of other State entities to complete the four year state disability plan (also known as the State Plan on Aging).

To build upon the accomplishments made to date, and to further improve victims' safety, self-sufficiency, and awareness of services, the VSU will continue to address the following priorities:

- Increase efforts to address barriers for crime victims' safety, self-sufficiency, and awareness of services, including housing, education, employment, and transportation.
- Increase awareness and overall collaborative efforts with the faith-based community.
- Extend opportunities to collaborate with non-traditional stakeholders.
- Continue to promote and implement all statewide collaborative initiatives.
- Work with all victim service providers, criminal justice entities, and stakeholders to ensure the safety, self-sufficiency and awareness of services for crime victims, especially during the COVID-19 pandemic.

Introduction

Chapter 422 of 2018 (House Bill 247), *Criminal Procedure - Victim Services Unit - Victims' Compensation*, established a Victim Services Unit in the Governor's Office of Crime Prevention, Youth, and Victim Services (Office) - previously known as the Governor's Office of Crime Control and Prevention.¹ The Victim Services Unit consists of the Criminal Injuries Compensation Board, the program for sexual assault forensic examinations, a restitution section, and any program that provides victim services under the Office that the Executive Director determines would benefit from inclusion under the Victim Services Unit.²

Chapter 422 of 2018 also requires the Victim Services Unit to coordinate with the Judiciary, the Department of Public Safety and Correctional Services, the Department of Juvenile Services, the Central Collection Unit, State's Attorney's Offices, and local correctional facilities to:

- Collect data;
- Develop best practices, using data and other evidence to the extent available, for restitution collection;
- Coordinate and improve efforts of State and local entities regarding restitution;
- Ensure the interoperability of justice system databases;

¹ Maryland General Assembly. (2020). <u>*Chapter 11, Acts of 2020*</u>. 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. ² Maryland General Assembly. (2018). <u>*Chapter 422 of 2018 (House Bill 247), Criminal Procedure - Victim Services Unit - Victims' Compensation.*</u>

- Require that each of the databases has a data field to indicate that there are outstanding restitution orders; and
- Coordinate efforts to improve restitution collection.

In addition, the Victim Services Unit must:³

- Monitor and provide guidance to the Executive Director on the adoption of regulations establishing minimum mandatory standards for state and local correctional facilities regarding victim notification, restitution, and administrative record keeping;
- Encourage the use of earnings withholding orders to collect restitution;
- Coordinate with the Central Collection Unit to improve restitution collection;
- Coordinate with the Division of Parole and Probation to modernize and improve collections and collaborate on communication with parole and probation agents on their role in restitution collection;
- Coordinate with the Division of Parole and Probation and the Central Collection Unit on ways to expedite the referral of cases to the Central Collection Unit;
- Develop programs to be presented to the Maryland State's Attorneys' Association to emphasize statutory obligations regarding restitution;
- Promote notification to victims; and
- Examine the current remedies available to enforce restitution orders to determine whether the remedies are being effectively used and make recommendations regarding the need for additional remedies.

Furthermore, and in accordance with Chapter 422(10) of 2018, the Office must submit a report to the Governor and the General Assembly by December 31, 2020, to provide an update on issues relating to the implementation of this Act, including the office locations of the Victim Services Unit, the number of employees at each location, any budgetary concerns, improvements to the restitution collection process, and any significant changes planned for the Victim Services Unit.

Pursuant to Chapter 422 of 2018, this *Victim Services Unit 2020 Report* provides a follow-up to three reports, titled the *2019 Report of the Justice Reinvestment Oversight Board*,⁴ the *Justice Reinvestment Oversight Board One-Time Victim Services Report on Restitution*,⁵ and the *2020 Report of the Justice Reinvestment Oversight Board*, which were submitted at various times in 2019 and 2020.

³ For more information on restitution compliance measures, please refer to the restitution section of this report.

⁴ Governor's Office of Crime Control and Prevention. (2019). <u>2019 Report of the Justice Reinvestment Oversight</u>

<u>Board</u>. For more information, please refer to the <u>Justice Reinvestment Oversight Board</u> section of this report. ⁵ Governor's Office of Crime Prevention, Youth, and Victim Services. (2020). <u>Justice Reinvestment Oversight Board</u> <u>One-Time Victim Services Report on Restitution</u>.

Victim Services Unit

Goals

The Victim Services Unit (VSU) seeks to provide assistance and support to crime victims that will promote safety, self-sufficiency, and awareness of services available to them. These goals support the vision of a safer Maryland.

Composition

The VSU is comprised of the Criminal Injuries Compensation Board and the Sexual Assault Reimbursement Unit which are funded through the Criminal Injuries Compensation Fund, an Elder and Special Victims Outreach Coordinator, the Governor's Family Violence Council, a Violent Crimes and Homicide Victim Services Outreach Coordinator, a Statewide Human Trafficking Response Director, the Justice Reinvestment Oversight Board, the Maryland State Board of Victim Services, and a Victim Services Policy and Program Administrator for restitution efforts.

The VSU operates out of two offices, based on the following:

- The primary office is located at 100 Community Place, Crownsville, Maryland 21032. Seven staff operate out of this location.
- The secondary office is located at 6776 Reisterstown Road, Suite 206, Plaza Office Center, Baltimore, Maryland 21215. The Criminal Injuries Compensation Board operates out of this location, housing 10 staff, of which two positions are in the process of being filled.

Criminal Injuries Compensation Board

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. 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. Chapter 224 of 1993 established an offender-based revenue source to compensate victims of crime. 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 created court costs for non-jailable traffic offenses to provide additional revenue to meet the needs of crime victim programs. 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.

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. Chapters 69 and 70 of 2010 mandated a hearing upon a victim's request if a victim compensation claim was denied or reduced. It also required the Board to follow the Administrative Procedures Act to determine a claim.

Chapter 422 of 2018 transferred the existing functions and operations of the Board - which is also referred to as the CICB⁶ - from the Department of Public Safety and Correctional Services to the VSU, effective July 1, 2018.

Ineligibility

The CICB strives to provide reimbursement to all crime victims of compensable crimes. While it is the goal of CICB to assist with all of the needs of crime victims post victimization, there are elements that render requests legally ineligible, per the Office for Victims of Crime (OVC) at the Department of Justice. These elements include:

- Failure to file an application within three years of the date of discovery of the crime
- Failure to respond to a show cause order
- Failure to cooperate
- Illegal conduct
- No compensable financial loss
- No crime committed
- Provoked/failed to avoid confrontation
- Victim contributed to injury

Whenever possible, the CICB will reach out to all crime victims, stakeholders, and service providers in attempts to clarify the statutory nuances of the above-referenced ineligible classifications. The CICB encourages individuals to reach out via email at <u>cicb.info@maryland.gov</u> for additional information.

Specified Crime Categories

The compensable crime categories for CICB as outlined by the OVC are: assault, homicide, sexual assault, child abuse (including sexual and and physical abuse), DWI/DUI, other vehicular crimes, stalking, robbery, terriorism, kidnapping, arson, and any other related crimes. For more information, please refer to the <u>Criminal Injuries Compensation Board FY 2020 Annual Report</u>.

Payor of Last Resort

The CICB is the payor of last resort with regard to federal or federally financed programs. When a victim is eligible to receive benefits from a federal program such as Veterans' benefits,

⁶ It is important to note that the terms "Board" and "CICB" may be used interchangeably.

Medicare, Social Security Disability, or a federally financed state or local program (e.g., Medicaid), the CICB shall not use Victims of Crime Act funds to pay costs that another federal or federally financed program covers.⁷

Governor Appointed Board

A governor appointed board reviews disputed claims and makes decisions regarding whether to award or deny a request for compensation. The CICB strives to expeditiously process all claims. The CICB balances crime victims' needs with that of its designation as a payor of last resort. This means that all applicants are asked to provide documentation of denial from other reimbursement sources before the CICB begins the claims examination process. Reimbursement may be awarded to crime victims or to vendors to reimburse for services rendered to a crime victim as a result of a compensable criminal act. The legal application of these components result in the appropriate application of the CICB resources. In short, not all applications submitted on behalf of crime victims meet the applicable legal standards for compensation via the CICB.

Victim Services Outreach Coordinator

The CICB Victim Services Outreach Coordinator position is designed to bridge the gap between ineligibility and assistance through appropriate alternative resources. In this role, the Victim Services Outreach Coordinator:

- Provides contact information in the initial applicant's correspondence.
- Addresses all applicants and stakeholders as walk-ins in the Baltimore County location, and on a daily basis there have been over 200 walk-ins served since July 1, 2018.
- Collaborates with victims, victim advocates, law enforcement, courts, state's attorneys' offices, vendors, and other local and state stakeholders on behalf of crime victims.
- Initiates and aids in the officiating of hearings held by the CICB on behalf of victims.
- Disseminates written materials to local and state stakeholders, and community entities to provide information regarding the proper utilization of the CICB.
- Provides referral information to both eligible and ineligible applicants regarding ancillary issues not covered by the CICB.

Budgetary Concerns

The CICB is funded through costs imposed and collected by the Maryland Judiciary in criminal and traffic cases and a federal match of 60 percent of those collections.⁸ In 2017, at the request of the CICB, the Administrative Office of the Courts' (AOC) Research and Analysis staff gathered and analyzed Judiciary filings, case activity, and financial data to determine what portion of total CICF funding came from the Judiciary and to provide context for any changes in Judiciary-collected CICF funds.

⁷ United States Code. <u>42 U.S.C. Section 10602(e)</u>.

⁸ Maryland General Assembly. <u>Criminal Procedure Article § 11-819</u>.

From this request, the Maryland Judiciary - which is also referred to as the AOC - reported that the decrease in the Criminal Injuries Compensation Fund (CICF) revenue was directly related to a decrease in statewide criminal caseloads. Specifically, the AOC identified four major findings in its <u>2019 Analysis of the Maryland Judiciary's Criminal Injuries Compensation Fund</u> <u>Collections and Criminal Filings FY 2012-2019</u>, to include the following:

- 1. Criminal filings have declined statewide.
- 2. The CICF revenue in the circuit courts has increased despite decreased filings.
- 3. Criminal and traffic filings in the District Court have declined steadily since 2012 corresponding with a decline in the CICF from the District Court.
- 4. Despite declines in case filings in the District Court, the collected amount per CICF eligible disposition has increased in more recent years.

The general conclusion is as follows:⁹ "The confluence of the steady statewide reduction in criminal, serious traffic, and DUI filings since 2012 - including a 32% decrease in criminal filings in the circuit courts, a 30% decrease in criminal filings in the District Court, and a 24% decrease in traffic incidents in the District Court - has contributed to a decline in total CICF revenues. The decrease in the number of cases filed in the District Court contributed to a 34% decrease in the number of CICF eligible dispositions from Fiscal Year 2012 to Fiscal Year 2019. Despite these declines in CICF eligible cases, there has been an increase in CICF collection rates in both the circuit courts (measured as CICF collections per criminal filings) and the District Courts (measured as CICF collections per eligible disposition) in recent years." It is important to note that "[o]ne potential factor for the decreased criminal filings in the District *Courts is the 2014 decriminalization of marijuana possession under ten grams. Revenue* collected from the adjudication of marijuana citations averaged more than \$550,000 each year from Fiscal Year 2017-19. By statute, this money is transmitted to the Maryland Department of *Health rather than the [CICB]. When adjusting for this revenue, total combined revenue* collected by the Judiciary for crimes and marijuana citations is down less than 12% from Fiscal Year 2012 compared to a 30% decrease in [c]riminal [f]ilings."

A second trend that has affected the CICB budget is the monetary increase in several major categories of victim compensation. Effective January 1, 2020, the maximum award allowance cap for certain claims was increased, including funeral and counseling expenses. For more information, please refer to the <u>Criminal Injuries Compensation Board FY 2020 Annual Report</u>.

A final trend that has emerged and will adversely affect the CICB revenue collected from court fines and fees is the COVID-19 pandemic. There has been a decrease in the collection of court fines and fees in the District Courts due to court closings during the pandemic.

⁹ Administrative Office of the Courts, Research and Analysis. (2019). 2019 Analysis of the Maryland Judiciary's Criminal Injuries Compensation Fund Collections and Criminal Filings FY 2012-2019.

Goals

The goals of the CICB, like all components of the VSU, focus on fostering victim safety, self-sufficiency, and promoting the awareness of available crime victim resources. There are three components that affect the trajectory that these goals will take, versus the other components of the VSU, to include: (1) specified crime categories, (2) status of payor of last resort, and (3) governor appointed board aiding in the final decision-making process.

- **Safety**: The CICB provides fiscal restoration aftermath of *compensable* criminal activity. Victims are also provided resource information for other ancillary concerns throughout the application process, if needed.
- Self-Sufficiency: Compensation awards allow the victim(s) to pay debts, receive counseling that may be needed after experiencing trauma, obtain new housing, obtain transportation, secure new employment due to purchasing transportation needed to maintain employment, pay funeral expenses owed by the victim, and other ancillary needs related to their crisis. *Victim compensation is a concrete example of restorative justice*.
- Awareness of Services: The CICB Victim Services Outreach Coordinator informs each victim of their rights as it pertains to compensation. Victims are encouraged to come into the office to receive assistance with the application process, if needed. Victims are also provided additional resource information that addresses housing, employment, education, transportation, childcare, counseling, safety planning, and other needs that aid in victim restoration.

Sexual Assault Reimbursement Unit

The Maryland Sexual Assault Reimbursement Unit (SARU) was established under Health -General § 15-127 and is regulated under the Code of Maryland Regulations (COMAR) 10.12.02, Rape and Sexual Offenses – Physician and Hospital Charges. The SARU was created to provide reimbursement for the physical examination, collection of evidence, and emergency treatment of individuals for injuries resulting from alleged rape, sexual assault, or child sexual abuse. The SARU aims to prevent individuals and their families from re-victimization by easing the reimbursement process associated with medical-forensic claims processing.

Chapter 422 of 2018 transferred the SARU from the Maryland Department of Health to the VSU, effective July 1, 2018. The SARU comprises one half of the CICF which promotes linkage of bill payment and reimbursement for all applicable services provided on behalf of crime victims.

Ineligibility

The SARU strives to provide reimbursement to every victim and service provider of rape, sexual assault, or child abuse, but must render some claim submissions legally ineligible if they fall within the following classifications:

- Improper billing (i.e., billing for a charge outside of a rape or sexual assault or pre-existing conditions)
- Claim submission outside of legal guidelines of 90 days (180 days if warranted)
- Multiple requests for proper documentation from vendors never provided
- Not completing the designated SARU forms (SARU will reach out to send appropriate form)
- Submissions outside of mandated testing timeframes
- Other miscellaneous reasons adverse to legal guidelines

Whenever possible, the SARU makes contact with all service providers in attempts to rectify any of the above-referenced ineligible classifications. The SARU will always pay the requisite medical bills for victims of rape and sexual assault, but must adhere to all legal standards. The SARU encourages all hospitals and other vendors to contact the SARU by email and a response will be provided promptly to ensure efficient and effective services are provided for crime victims. The SARU can be contacted by email at saru.claims@maryland.gov.

Goals

- **Safety**: The SARU promotes medical safety to victims by ensuring that medical costs deriving from the rape or assault are covered at no cost to the victim. Victims are tested for various illnesses and potentially life-threatening diseases. The SARU also covers follow-up care for victims for any medical services provided as a result of the sexual criminal act.
- **Self-Sufficiency**: The SARU covers the medical bills of victims of rape or sexual assault, thereby ensuring that there is no medical financial burden placed on the victim.
- Awareness of Services: The SARU is collaborating with victim service providers to increase awareness of the SARU.¹⁰ The SARU is currently reimbursing for HIV prophylaxis for victims who meet the CDC guidelines for receiving HIV prophylaxis medication, treatment, and follow-up care to prevent the contraction of HIV that might have occurred during a rape or sexual assault. The SARU will pay for a full 28-day course of treatment for these victims.

Elder and Special Victims Outreach Coordinator

The purpose of the Elder and Special Victims Outreach Coordinator (Coordinator) is to fill and bridge gaps in services by applying preventive and awareness measures to underserved populations of Maryland. The Coordinator provides information to the elderly and other underserved populations by distributing pertinent information to special populations regarding responses to criminal activity, housing information, transportation information, employment information, and other information as it relates to meeting primary needs.

¹⁰ For a complete list of stakeholders and collaborative partners, please refer to Appendix: Stakeholders and Collaborative Partners.

The Coordinator serves the elderly and populations within the elder arena to include, but not limited to: disabled, veterans, HIV, poly-victimization, LGBTQ+, and tribal. The Coordinator will continue to provide services and resources to other vulnerable and underserved populations as gaps in services are identified in the State of Maryland. The Coordinator has been instrumental in working with numerous state and federal stakeholders to ensure the safety, self-sufficiency, and promotion of available resources for the elderly and related populations. Continuous advocacy will also occur to ensure the rights of older adults and their families are upheld to prevent abuse, neglect, and exploitation.

Goals

- **Safety**: The Coordinator provides preventive and referral information to aid special populations in remaining safe in their existing environments or assist them with referrals to the appropriate agencies.
- **Self-Sufficiency**: The elder and special victims populations are provided with information pertaining to housing, employment, medical assistance, educational opportunities, and other related services that will aid them in becoming and remaining self-sufficient.
- Awareness of Services: The elder and special victims populations are provided with brochures and other documents to aid them in their restoration process. The victims are also provided with referrals for any needs that fall outside of the scope of the Coordinator.

Governor's Family Violence Council

The Governor's Family Violence Council (Council) is charged to provide the Governor with timely and accurate information on family violence with recommendations to reduce and eliminate abusive behaviors. To address its charge, the Council utilizes a framework in which members identify two or three key areas of family violence policy, selected by a majority vote, and championed by one member to be addressed by a workgroup of members over the duration of one year. At the conclusion of each year, the identified workgroup(s) presents its findings and recommendations to the Office for consideration.

In 2020, under the leadership of the Council, three workgroups collaborated with its partners to address the following key areas of family violence:

- The Intimate Partner Violence and Pregnancy Workgroup identified several programmatic and training needs related to pregnant victims of intimate partner violence.
- The Fingerprinting in Domestic Violence Cases Workgroup identified, from a random sample, that a high percentage of reportable events and domestically-related crimes do not have associating fingerprints.

• The Abuse Intervention Program Certification Workgroup began developing guidance for abuse intervention programs on the requirement of letters of support and working relationships with local domestic violence programs.

To build upon these efforts, the Council will continue to pursue these workgroups in FY 2021.

Abuse Intervention Program Certification

The Council serves as the certifying body for abuse intervention programs (AIPs) in Maryland. Specifically, the Council certifies AIPs for inclusion in the Administrative Office of the Courts' *Bench Book for Maryland Judges* to refer abusers to appropriate intervention programs. Through a peer review process, the Council reviews the applications submitted for certification or recertification (*see Maryland Certified Abuse Intervention Programs for a list of the certified AIPs*).

AIP certification is valid for three years from the date of issuance. Once certification has been issued, an audit may be conducted at any time during the three year certification period to ensure programs are compliant with the <u>Operational Guidelines for Abuse Intervention Programs in</u> <u>Maryland</u> set forth by the Council.

Goals

- **Safety**: The Council certifies AIPs in order to hold offenders accountable and ensure outreach services are provided to victims.
- **Self-Sufficiency**: The Council supports the comprehensive domestic violence programs in the state that provide shelter and case management services to victims in order to aid victims in the road to self-sufficiency and recovery.
- Awareness of Services: The Council developed the *Healthy Teen Dating: A Resource Guide for Health Educators and Youth Serving Professionals* which offers information on teen dating violence prevention and provides a list of programs that offer services to victims of teen dating violence.

For more information, please refer to the <u>Governor's Family Violence Council 2020 Annual</u> <u>Report</u>.

Statewide Human Trafficking Response Director

Executive Order 01.01.2018.19 created the Statewide Human Trafficking Response Director (Director) position within the Office. In March 2020, the Director's position became vacant. Due to the COVID-19 pandemic which resulted in a hiring freeze, the Office has been unable to fill the vacancy.

Justice Reinvestment Oversight Board

Chapter 515 of 2016 (also known as the Justice Reinvestment Act) created the Justice Reinvestment Oversight Board (JRA Board) within the Office, and named the Executive Director of the Office as Vice-Chair of the JRA Board. Through its mission, the JRA Board strives to ensure the continued success of the Justice Reinvestment Act and its associated reforms. Chapter 515 of 2016 also prioritized restitution as a key element of restorative justice in which failure to pay restitution would constitute a technical violation. In addition, graduated sanctions are to be utilized to address technical violations as an alternative to the revocation of parole or probation, but with that, the Justice Reinvestment Act dictates that prompt notice of any technical violation be provided to the court. The Justice Reinvestment Act also requires the Division of Correction to establish payment plans under certain circumstances; requires training of Division of Parole and Probation agents regarding restitution and to use programs designed to encourage payment of restitution; makes payment of restitutions to collect 20% of an inmate's wages for restitution; and requires governmental units to collect and report data related to restitution collection.

Chapter 422 of 2018 created the VSU within the Office and required the JRA Board to monitor its formation, and to provide oversight and guidance. It also required the JRA Board to ensure that the data systems developed by the VSU enhance victim services and are user-friendly for persons responsible for the data systems. In addition, the JRA Board must ensure the VSU adopts appropriate outcome measures, reviews outcomes, and recommends any appropriate actions based on the outcomes; and assess whether the current system of collecting restitution should remain within the existing State and local entities. Since its inception, the JRA Board has, and continues to, work closely with the VSU to improve restitution collection.

Restitution Efforts

The Victim Services Policy and Program Administrator (Administrator) position was created within the VSU, and works with the VSU, to coordinate and improve the collection of restitution; and works with crime victim service providers, the courts, and other community resources to ensure victims have the services they need to be safe and self-sufficient.¹¹

In January 2020, the Office reconvened the JRA's Boards Restitution Workgroup - which is staffed by the VSU - to focus on both short- and long-term goals to improve restitution collection statewide. The current priorities of the Restitution Workgroup include researching an electronic payment system, better utilization of the Central Collections Unit for earlier restitution collection efforts, and many other overall improvements. For more information on efforts relating to

¹¹ For a complete list of stakeholders and collaborative partners, please refer to Appendix: Stakeholders and Collaborative Partners.

restitution in Maryland, please refer to the <u>Justice Reinvestment Oversight Board One-Time</u> <u>Victim Services Report on Restitution</u>.

In addition to these efforts, the Administrator completed a comprehensive restitution plan that has been submitted to the Executive Director of the Office, the JRA Board, and the Governor's Executive Staff. The Administrator continues to respond to all inquiries from these requisite parties and meet with all internal and external stakeholders across the State, and to work towards presenting a streamlined strategy for statewide implementation.

Goals

- **Safety**: Money paid back to crime victims often allows them to live more securely without having to rely on others for survival. For victims of violent crimes, it also allows them to seek continuing medical care to promote both health and safety. Victims are often regularly saddled with the emotional burden of financial insecurity as a result of their victimization. Making victims "financially whole" discourages retaliatory reaction on the part of the victim.
- Self-Sufficiency: When victims receive money owed to them from a perpetrator, they are able to address issues of housing, transportation, food, clothes, childcare, and other basic needs.
- Awareness of Services: Victims will become less frustrated by failed restitution collection efforts and will develop a greater sense of faith in the criminal justice process through restitution collection improvements.

Maryland State Board of Victim Services

The mission of the Maryland State Board of Victim Services (Board) is to ensure victims of crime receive justice and are treated with dignity, respect, and compassion through comprehensive victim services. To address its charge, the Board continues to improve the treatment for victims of crime by working with criminal justice agencies and private non-profit organizations, creating and expanding innovative initiatives, and welcoming feedback and suggestions from individuals and communities across the State.

The Board also identified the following recommendations:

- **Recommendation 1**: Support Victim Information and Notification Everyday (VINE) for courts, custody, parole, probation, and sex offender alert line services.
- **Recommendation 2**: Include victim advocates in the planning and implementation of providing services to victims during a mass violence incident.
- **Recommendation 3**: Maryland should be a leader in the effort to assist the underserved population of crime victims, children, persons with disabilities, elder adults, individuals with Limited-English Proficiency (LEP), marginalized communities, and LGBTQ

individuals, through outreach, training, and the encouragement of state and local agency collaboration.

All recommendations support the overall goals of enhancing victims' awareness of services, increasing victims' safety, and increasing victims' self-sufficiency. For more information, please refer to the Justice Reinvestment Oversight Board One-Time Victim Services Report on Restitution.

2021 Priorities

- **Priority 1**: Maryland should be a leader in the effort to assist the underserved population of crime victims, children, persons with disabilities, older adults, individuals with LEP, marginalized communities, and LGBTQ individuals, through outreach, training, and the encouragement of state and local agency collaboration.
- **Priority 2**: Maryland should develop long term strategies to meet the financial needs of crime victims. Provisions should be made to increase the collection of costs imposed on convicted defendants in district and circuit courts that are distributed into the Maryland Victims of Crime Fund and the CICF fund. Increased revenue would address the mounting need that is necessary to continue supporting crime victims through services and compensation, statewide training, federal and state policies, technology, and public awareness and community outreach.

Goals

- **Safety**: The Board works to ensure that victims' rights are upheld during the juvenile and criminal justice system process. The Board disseminates the Crime Victim Notification Request and Demand for Rights Form to all state's attorneys' offices. When this form is completed by victims, it provides victims with notification of all hearing and events related to the case.
- Self-Sufficiency: The Board reviews and approves grant applications for the Maryland Victims of Crime Fund Grant Program and the Legal Services for Crime Victims Fund Grant Program. These grant programs support direct services to victims of crime and direct legal representation for victims of crime to aid in a victim's ability to become self-sufficient.
- Awareness of Services: The Board distributes state mandated victims' rights brochures to law enforcement and state's attorney's offices which are provided to victims. These brochures have information about their rights and services in the state.

Managing For Results

Below are several Managing For Results (MFR) measures that are specific to the VSU. For each measure, a reported response (or quantity) is provided. The dates utilized for this report reflect the date the VSU was officially created via statute, and the end date of the most recent month of

complete data.

MFR Measures and Responses (July 1, 2018 - November 30, 2020)*		
Performance Measures	Quantity (Numbers or Dollars)	
Number of victims who were provided services by victim service providers through the VSU	409,050 crime victims were served by victim service providers funded by the Office	
Number of trainings, meetings, site visits, and other outreach events in which the VSU participated in	8,218 victim-centered training, meetings, site visits, and other outreach events involved VSU staff participation	
Number of eligible claims processed by the CICB	1,000 eligible claims were legally compensable	
Total dollar amount of all eligible claims processed by the CICB	\$5,632,341.89	
Number of eligible claims processed by the SARU	7,942 eligible claims were processed and legally reimbursable	
Total dollar amount of all eligible claims processed by the SARU	\$3,870,455.60	
Number of participants who successfully completed a certified abuse intervention program	3,104 participants successfully completed a certified abuse intervention program	
Number of site visits to comprehensive victim service providers completed annually by the VSU	17 comprehensive victim service site visits	
Total dollar amount spent by the Office by victim services providers	\$184.4 million dollars	
Number of written materials pertaining to victims' rights and services distributed by the VSU to increase awareness of services available to crime victims	450,406 written materials were distributed on behalf of the VSU to promote awareness of victim services and victims' rights	

*It is important to note that these numbers are only reflective for victim services provided during the time period of July 1, 2018 - November 30, 2020.

COVID-19 Operations Guidance and Data

It is important to note that the hours of operation during the COVID-19 pandemic are subject to change based on the directives issued by the Governor due to preservation of public safety. Please consult the Office's website for the most up-to-date information.

Policy Components

The VSU policy staff are currently working remotely per the Governor's mandate, in the interest of public safety. The VSU staff are available Monday through Friday, from 8:30 a.m. to 5:00

p.m. Contact by email is the preferred method due to teleworking status; however, the VSU will also respond via telephone. Please allow additional time for a response via telephone.

Direct Services Components

The direct services staff is working as diligently as possible to serve the needs of crime victims, while also working to remain safe during the COVID-19 pandemic. Between March 13, 2020 and November 30, 2020, the CICB processed 281 claims, and the SARU processed 1,247 claims (*as illustrated below*).

Criminal Injuries Compensation Board: Claims Processed During COVID-19 Period (March 13, 2020 - November 30, 2020)		
Number of Claims Processed	281	
Dollar Amount of Claims Approved	\$832,609.09	

Sexual Assault Reimbursement Unit: Claims Processed During COVID-19 Period (March 13, 2020 - November 30, 2020)		
Number of Claims Processed	1,247	
Dollar Amount of Claims Approved	\$778,308.23	

For more information on hours of operations during the COVID-19 pandemic, please refer to the <u>Criminal Injuries Compensation Board Frequently Asked Questions</u> and the <u>Sexual Assault</u> <u>Reimbursement Unit Frequently Asked Questions During COVID-19 Pandemic</u>.

Internal Collaborative Efforts to Serve Crime Victims

The VSU collaborates with the Office's Children and Youth Division, aimed at preventing youth victimization as it relates to Adverse Childhood Experiences (ACEs) and improving child well-being. This also includes the Handle With Care Initiative that seeks to protect and respond to traumatized youth victims.

The VSU also collaborates with the Office's Law Enforcement Unit, aimed at preventing and eliminating criminal activity and its relationship to crime victims and victim service providers. The VSU is committed to supporting all areas of the criminal justice system to improve relationships with the communities in which they serve so that victims are comfortable contacting law enforcement and related entities.

The VSU works very closely with the Office's Programs Unit to provide policy and grant recommendations for programs, including the Victims of Crime Act (VOCA) and the Violence

Against Women Act (VAWA) grant programs. The VSU assists with conducting and implementing victim needs assessments, addressing gaps in services from the perspective of victims and victim service providers, streamlining grant application and review processes, streamlining notices of funding availability (NOFAs), streamlining grant performance measures, and assessing and responding to trends in federal funding for victim-related grants.

Statewide Collaborative Efforts to Serve Crime Victims

The VSU continues to collaborate with victim services stakeholders to ensure victim safety, self-sufficiency, and awareness of services.

Statewide Disability Plan

Under the requirements of the *Older Americans Act of 1965*, as amended, every four years the Maryland Department of Aging (MDoA) is required to submit a State Plan on Aging (Plan) to the U.S. Department of Health and Human Services, Administration for Community Living (ACL). The Plan is developed in collaboration with Marylanders with disabilities, providers, family and community members, and State agency partners represented on the Interagency Disabilities Board (IADB). The Office is represented by the Elder and Special Victims Outreach Coordinator in this collaborative initiative, who has been instrumental in working through the current objectives of this collaborative initiative, and identifying other populations within the elder classification that have been underserved or have been operating in silos - these efforts contribute to the goal of unifying elder victims through the VSU. Through this collaborative initiative, the Plan outlines the following goals that will direct the MDoA in its efforts to serve the target population between Fiscal Years 2017-2020:

- **Goal 1**: Advocate to ensure the rights of older adults and their families, and to prevent abuse, neglect, and exploitation.
- **Goal 2**: Support and encourage older adults, individuals with disabilities, and their loved ones to easily access, and make informed choices about services that support them in their home or community.
- **Goal 3**: Create opportunities for older adults and their families to lead active and healthy lives.
- **Goal 4**: Finance and coordinate high quality services that support individuals with long term needs in a home or community setting.
- **Goal 5**: Lead efforts to strengthen service delivery and capacity by engaging community partners to increase and leverage resources.

Pilot Program for Preventing HIV Infection for Rape Victims

Chapter 431 of 2019 established the Pilot Program for Preventing Human Immunodeficiency Virus (HIV) Infection for Rape Victims (Pilot Program) to be administered by the Office. Under this Pilot Program, a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse would be provided with a full course of non-occupational post-exposure prophylaxis (nPEP) treatment and follow-up care for the prevention of HIV infection. Pursuant to this Act, the physician, qualified healthcare provider, or hospital is entitled to be paid by the CICB - through the CICF fund; however, the total amount paid may not exceed \$750,000 annually.

Pursuant to this charge, the Office and core stakeholders, created a statewide protocol to provide guidance on the implementation and operation of the Pilot Program, as well as instruction to ensure victims of sexual assault are served in the most efficient and effective manner. The statewide protocol also includes the Centers for Disease Control and Prevention (CDC) <u>Updated Guidelines for Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use, or Other Nonoccupational Exposure to HIV— United States, 2016</u> which will be used for the Pilot Program. The Office and core stakeholders finalized the statewide protocol, which has been approved, and was distributed in December of 2020. Core stakeholders include the Maryland Coalition Against Sexual Assault, Maryland Hospital Association, the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, the Maryland Department of Health, and Maryland SAFE Hospitals. In addition, the Office partnered with Terrapin Pharmacy to assist hospitals that may not be able to stock the full course of medication.

Pilot Program: nPEP Treatment and Follow-up Care (October 1, 2019 - September 30, 2020)		
Number of Patients Qualified to Receive nPEP	295	
Number of Patients Who Chose to Receive nPEP	156	
Total Amount Reimbursed for nPEP	\$165,380.43	
Cost of nPEP and Follow-Up Care	\$165,380.43	

The Office will continue to collaborate quarterly with stakeholders to ensure that all aspects of the statewide protocol are serving victims of sexual assault in the most efficient and effective manner possible.

It is important to note that in any instance in which a victim is unable to receive nPEP screening, medication, or follow-up care, the Office will collaborate with any medical facility, pharmacy, pharmaceutical company, or other related entity to ensure that the victim receives the recommended care. All inquiries should be sent to <u>saru.claims@maryland.gov</u>.

For more information on the Pilot Program, please refer to the <u>Report of the Pilot Program for</u> <u>Preventing HIV Infection for Rape Victims</u>.

Goals

- **Safety**: Sexual assault victims who are at risk for contracting HIV will be provided with nPeP treatment, medication, and follow-up care.
- **Self-Sufficiency**: The Pilot Program removes the financial barrier from sexual assault victims seeking services at medical facilities and allows victims to remain free of stress of paying for medical care resulting from criminal activity.
- Awareness of Services: Since 2018, the VSU has spent a tremendous amount of time gathering information and strategizing to develop an effective statewide protocol for victims of rape or sexual assault who may be at risk for HIV. The VSU continues to collaborate with the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, the Maryland Hospital Association, the Maryland Department of Health, the Maryland Coalition Against Sexual Assault, Terrapin Pharmacy, and other stakeholders to implement the Pilot Program for sexual assault survivors seeking to address medical needs as a result of the traumatic crime.

Council of State Governments Justice Center State Initiative -Restitution Resource Center Project

The Victim Services Policy and Program Administrator has been participating in the leadership group for the National Restitution Resource Center. The U.S. Department of Justice's Office for Victims of Crime awarded the Council of State Governments (CSG) Justice Center and the National Crime Victim Law Institute (NCVLI) funding to create a new resource center designed to help states improve their ability to effectively order, collect, disburse, and fulfill restitution sentences. The goal of the National Restitution Resource Center is to help states improve their restitution systems by providing a centralized resource center for innovative and proven best practices.

Goals

- **Safety**: Offender accountability is a critical component of offender rehabilitation. Victims who are "made whole" during the criminal justice process will have more faith in the system and will feel more secure.
- **Self-Sufficiency**: Victims who receive restitution that is owed to them will have greater financial security and will experience a lesser degree of offender induced financial hardships. This will lead to greater self-sufficiency.
- Awareness of Services: Changes to statewide restitution practices will be promoted through victim services organizations so that victims are aware of their rights and any innovative collection practices that may benefit them.

Sexual Assault Forensic Examination Kit Tracking System

Chapter 429 of 2018 required the Maryland Sexual Assault Evidence Kit Policy and Funding Committee (SAEK Committee) to make recommendations for a statewide sexual assault forensic examination (SAFE) tracking system, and to apply for federal grant funding to support this effort.

Pusuant to this charge, Maryland is seeking funding as it moves forward to: (1) design and implement a plan to inventory the unsubmitted SAEKs; (2) establish and implement a system to prioritize testing of the unsubmitted kits; (3) select and implement a tracking system; (4) develop and implement statewide policies regarding the collection, testing, and retention of medical forensic evidence in sexual assault cases; and (5) develop policies and procedures to improve statewide handling of SAEKs, including case investigation, prosecution, and victim notification.

To date, the VSU has met with the Department of Information Technology (DoIT) on several occasions, and requested their attendance at future SAEK Committee meetings to provide information on systems operability. A contractor has also been assigned to the project, and is working with the SAEK Committee to choose a system. DoIT will work with the approved vendor and designated staff to proceed with implementation of the chosen system. In addition, the VSU has provided requisite information to begin the hiring process to staff this initiative if necessary.

Goals

- **Safety**: The SAFE tracking system will allow victims to follow the status of their sexual assault forensic examination kit to ensure there is no known assailant that would threaten their safety.
- **Self-Sufficiency**: The SAFE tracking system will allow victims to monitor the kit without having to contact law enforcement.
- Awareness of Services: The VSU has been collaborating with the SAEK Committee and other related stakeholders to secure a statewide tracking system for SAFE kits.

Enhanced Victim Information Notification Everyday

The Victim Information and Notification Everyday (VINE) service is Maryland's designated crime victim notification service. This service informs victims of hearings and inmate status changes, whether it is a release, facility transfer, court hearing, escape, death, or re-incarceration. This service is a vital link among government agencies, courts, law enforcement, correctional facilities, and crime victims. VINE provides crime victims with the ability to identify, access, and communicate with criminal justice partners in order to enhance victim safety and self-sufficiency. VINE was created to benefit victims by giving them access to the information they need to stay safe. In August of 2020, the Enhanced VINE service launched, which offers victims an improved user experience with the addition of an offender watch list, contact list, and

Faquick escape button, as well as expanded access to victim services with the addition of the comprehensive <u>Maryland VINE Service Provider Directory</u>. The Office is coordinating with the Department of Public Safety and Correctional Services, who oversees the VINE service, to gather feedback and assess its effectiveness in serving crime victims, and promoting the awareness of the VINE service and its availability to crime victims.

Goals

- **Safety**: VINE informs victims when a perpetrator is released from custody. This is crucial for all crime victims but particularly those involving violent crimes.
- **Self-Sufficiency**: VINE allows victims to follow the status of the case without having to contact victim service professionals. VINE also allows a victim to remotely track their case from its inception to its conclusion.
- Awareness of Services: VINE includes a service provider directory where victims can easily access information on available services.

Victim/Witness Relocation Program

The Victim Services Policy and Program Administrator has been working with the Maryland State's Attorneys' Association (MSAA), the Baltimore City State's Attorney's Office, and the Baltimore Police Department to improve and expand relocation efforts for witnesses who are endangered as a result of being a victim or witness to a crime. The most significant proposed change to current relocation practices would expand relocation efforts to allow witnesses to be relocated prior to an arrest. Currently, witnesses are only afforded an opportunity to relocate once a suspect is identified and an arrest is made. Expanding relocation to include witnesses who are endangered at the time of an incident would allow witnesses, who are reluctant to come forward with information for fear of retaliation, to cooperate with law enforcement. This, in turn, would result in more arrests and a safer environment for Baltimore City residents by removing more violent offenders from city streets.

The VSU continues to collaborate with the MSAA to develop a spending plan to guide the expenditure of these critical financial resources in the most efficient way possible, and to provide fiscal oversight of the spending to ensure effective use of taxpayer dollars. The VSU is also working with the Baltimore Police Department's Homicide Unit to ensure that relocation resources are immediately available for witnesses, and directly after a homicide. This will help improve witness cooperation, and work toward increasing the closure rate for these victims and their families.

During an examination of the witness relocation process in Maryland, the VSU discovered that many counties do not utilize this critical funding to assist victims and witnesses who are endangered as a result of being a victim or witness to a crime. Because this funding can be utilized to relocate witnesses in every type of crime, victims and witnesses in every jurisdiction should have access to relocation services. This funding can be especially beneficial to domestic violence victims who are endangered and cannot utilize the services of a local shelter due to capacity or other barriers. While the VSU's current efforts for the improvement and expansion of witness relocation have focused on Baltimore City, the overall plan is to improve witness relocation statewide to ensure that witnesses in every jurisdiction of the State have access to this critical funding.

Goals

- **Safety**: Relocation services provide safety to victims and witnesses which encourage participation in police investigations and prosecutions that will lead to greater conviction rates for violent offenders and prevention of future criminal activity.
- Self-Sufficiency: Relocation provides housing resources (long- and short-term, temporary, and permanent) to help victims and witnesses flourish in a new, safer environment.
- Awareness of Services: Participation in community education of the available resources, and help to develop a training protocol for Baltimore Police Department's in-service training for police officers and other staff.

Appendix: Stakeholders and Collaborative Partners

Below is a list of stakeholders and collaborative partners of the VSU. It is important to note that a bold font denotes a federal oversight body or stakeholder.

Active Assailant Interdisciplinary Work Group Administrative Office of the Courts Anne Arundel County Sexual Assault Response Team Baltimore City Domestic Violence Coordinating Council Baltimore City Family Assault Supervision Team Baltimore City Human Trafficking Task Force Baltimore City Victim Services Committee Byrne Justice Assistance Grant (BJAG) **Caregiver Coordinating Council Central Collections Unit** Child Advocacy Centers Child Custody Workgroup Commission on Aging Department of Aging Department of Budget and Management Department of Commerce Department of Housing and Community Development Department of Human Services Department of Justice Department of Juvenile Services Department of Juvenile Services Restitution Coordinators Department of Labor Department of Planning Department of Public Safety and Correctional Services Department of Transportation Domestic Violence Statewide Coalition Elder Justice Entities Statewide Elder Task Force Governor's Coordinating Offices Governor's Family Violence Council Governor's Office of the Deaf and Hard of Hearing Governor's Office of Crime Prevention, Youth, and Victim Services' Grants, Law Enforcement and Youth Divisions (Internal Stakeholders) Homicide and Violent Entities Statewide Interagency Committee on Aging Services Interagency Council on Homelessness

Justice Reinvestment Act (JRA) Oversight Board Law Enforcement Entities Statewide Local Correctional Facilities Maryland Abuse Intervention Collaborative Maryland Advisory Council on the Deaf and Hard of Hearing Maryland Aging Network Maryland Association of Victim Services Professionals Maryland Coalition Against Sexual Assault Maryland Coalition on Mental Health and Aging Maryland Crime Victim Resource Center Maryland Department of Health Maryland Department of Housing and Community Development Data Workgroup Maryland Disability Plan Committee Maryland Dual Eligible Workgroup Maryland Elder Justice Task Force Maryland Hospital Association Maryland Human Trafficking Task Force Maryland Network Against Domestic Violence Maryland State Board of Pharmacy Maryland State Board of Victim Services Maryland State Department of Education Maryland State's Attorneys' Association Maryland Survivors of Homicide Network **National Association of Crime Victim Compensation Boards** National Association of VOCA Administrators (NAVAA) National Council on Aging **Office for Victims of Crime (OVC)** Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities Prince George's County Housing Coalition Prince George's County Human Trafficking Task Force Safe Futures Collaborative Sexual Assault Evidence Kit Funding and Policy Committee Sexual Assault Forensic Exams Hospitals State Advisory Council on Quality Care at the End of Life State Coordinating Committee for Human Services Transportation Survivors of Homicide Coalition The Maryland Judiciary Tribal Justice Victim Service Providers and Related Entities Statewide Violence Against Women Act (VAWA)

Vulnerable Populations Statewide Youth Victimization Entities Statewide