



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

CRIMINAL INJURIES COMPENSATION BOARD

FY2011 Annual Report

October 1, 2011

Governor Martin O'Malley
Lt. Governor Anthony G. Brown
Secretary Gary D. Maynard



Department of Public Safety and Correctional Services

Office of the Secretary

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STATE OF MARYLAND

MARTIN O'MALLEY
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ANTHONY G. BROWN
LT. GOVERNOR

GARY D. MAYNARD
SECRETARY

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DEPUTY SECRETARY
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RANDALL P. NERO
ACTING DEPUTY
SECRETARY

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ASSISTANT SECRETARY
CAPITAL PROGRAMS

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DIVISION OF PAROLE AND
PROBATION

DIVISION OF PRETRIAL
DETENTION AND SERVICES

PATUXENT INSTITUTION

MARYLAND COMMISSION
ON CORRECTIONAL
STANDARDS

CORRECTIONAL TRAINING
COMMISSION

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COMMISSION

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COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

October 1, 2011

The Honorable Martin O'Malley
Governor of Maryland
State House, Second Floor
Annapolis, Maryland 21401-1991

Re: MD Criminal Injuries Compensation Board's 2011 Annual Report

Dear Governor O'Malley:

According to Criminal Procedure Article, §11-805(a)(8), Annotated Code of Maryland, the Criminal Injuries Compensation Board is to submit an annual report to you. Please accept this report as the 2011 Annual Report of the Criminal Injuries Compensation Board.

The report details the activities of the Board for Fiscal Year 2011. The Board has made awards in excess of \$8.1 million in claims this fiscal year, but only disbursed \$5,197,159 million. The Board collected only \$3,408,972. Overall, the Board has made great strides towards its goal of ensuring victim satisfaction with the compensation procedure.

I hope that you find the report both meaningful and informative. If I can be of any further assistance please do not hesitate to contact me.

Sincerely,

Gary D. Maynard
Secretary

Enclosure

- c: Senate President Thomas V. Michael Miller Jr.
House Speaker Michael E. Busch
Mr. Matthew Gallagher, Governor's Chief of Staff
Ms. Catherine Motz, Governor's Deputy Chief of Staff
Mr. Joseph Bryce, Governor's Chief Legislative Office
Ms. Shanetta Paskel, Governor's Deputy Legislative Officer
Mr. Christopher Zwicker, Budget Analyst, Dept of Budget & Management
Ms. Rebecca Ruff, Policy Analyst, Department of Legislative Services
Ms. Sarah Albert, Mandated Reports, Department of Legislative Services
Acting Deputy Secretary Randall Nero, Ph.D.



Department of Public Safety and Correctional Services

Criminal Injuries Compensation Board

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STATE OF MARYLAND

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SECRETARY

PROGRAMS AND SERVICES

SANDY A. ROBERTS
CHAIRMAN
CRIMINAL INJURIES
COMPENSATION BOARD

The Honorable Gary D. Maynard
Secretary, Department of Public Safety and Correctional Services
300 E. Joppa Road, Suite 1000
Towson, Maryland 21286-3020

Re: Criminal Injuries Compensation Board's 2011 Annual Report

Dear Secretary Maynard:

According to Criminal Procedure Article, §11-805(a)(8), Annotated Code of Maryland, the Criminal Injuries Compensation Board is to submit an annual report to the Governor and you. Please accept this report as the 2011 Annual Report of the Criminal Injuries Compensation Board. The report details the activities of the Board for Fiscal Year 2011.

The Board has made awards in excess of \$8.1 million in claims this fiscal year, but only disbursed \$5,197,159 million. The Board collected \$3,407,032, which was much less than the projected revenue. As a consequence, several claims that were approved in FY11 could not be paid during the fiscal year, but are being held until funds become available. In order to minimize the impact on crime victims, the Board began prioritizing payments. Top priority is given to payments directly to claimants and victims. As revenues permit, payments are next made to small businesses, e.g. physicians, dentists, therapists and funeral homes. Finally, large health care providers receive payment.

The attached report describes the Criminal Injuries Compensation Board's accomplishments and challenges. I hope that you find the report informative.

Sincerely,

Patrick Cheney
Acting Executive Director

cc: Acting Deputy Secretary Randall Nero, Ph.D.
Chairman Sandy Roberts, CICB

General Program Information

Program Description

Pursuant to the authority granted to it by the Maryland Annotated Code, Criminal Procedure Article, §§11-801 through 11-819 and the Secretary of the Department of Public Safety and Correctional Services, the Maryland Criminal Injuries Compensation Board (CICB) provides financial assistance to crime victims who have suffered compensable injury or loss in the aftermath of victimization. The CICB consists of two equal entities which co-exist under the authority of the Secretary: an appointed Board, which hears disputed claims and makes decisions regarding awards and denials and an employed staff, which processes requests for compensation under the direction of CICB's Executive Director. The Criminal Injuries Compensation Fund (CICF) consists of a state special fund appropriation comprised of fees levied throughout the criminal justice process and a federal fund appropriation also comprised of fees levied on offenders in the federal criminal justice system.

Mission

The Criminal Injuries Compensation Board assists the Department and the Secretary in enhancing services to victims of crime by providing compassionate care and mitigating the impact on crime victims by providing financial assistance in the aftermath of criminal victimization.

Vision

The Maryland Criminal Injuries Compensation Board will be nationally recognized as a leader in the field of crime victim services and rights. We will be known as a compensation authority who values dignity, respect, professionalism, diversity, and competence in our interactions with each other, our colleagues, and our constituency. We strive to meet one of the core rights of crime victims: financial restoration. We will provide compassionate and competent services to crime victims by accurately and efficiently processing claims for compensation to alleviate financial hardship in the aftermath of criminal victimization. We will set the standard for and provide leadership in the field of crime victim services within the Department of Public Safety and Correctional Services. Claimants of the Maryland Criminal Injuries Compensation Board will be presumed eligible for claims and will be heard throughout the claims process, be treated with dignity, respect, and fairness, be informed at all times of their claims status, and will fully afford the right to participate in the claims process.

Financial Overview

Revenue

During Fiscal Year 2011 the Criminal Injuries Compensation Board collected a total of **\$3,407,032** in revenue from Special Funds appropriated by the General Assembly. The breakdown of collection sources is as follows:

- Pursuant to Courts and Judicial Proceedings Article §7-409(b), the Criminal Injuries Compensation Fund received **\$156,877** from Circuit Court criminal cases. Circuit Court criminal case revenue represents **5%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- Pursuant to Courts and Judicial Proceedings Article §7-409(c), the Criminal Injuries Compensation Fund received **\$1,092,921** from District Court criminal cases. District Court criminal case revenue represents **32%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- Pursuant to Courts and Judicial Proceedings Article §7-409(c), the Criminal Injuries Compensation Fund received **\$1,580,898** from District Court traffic cases. District Court traffic court case revenue represents **46%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- Pursuant to Courts and Judicial Proceedings Article §7-409(d), the Criminal Injuries Compensation Fund received a **\$500,000** transfer which represents **15%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- As a result of the Criminal Injuries Compensation Board's revenue recovery program, the Criminal Injuries Compensation Fund received a total of **\$76,336**, all of which was recovered from restitution owed by offenders as a result of a criminal conviction and sentence which included a restitution order or under CICB's right to subrogation. The revenue recovered during Fiscal Year 2011 represents **2%** of the total revenue collected by the Criminal Injuries Compensation Fund.

Expenditures

During Fiscal Year 2011, the Criminal Injuries Compensation Board approved a total of \$8,221,883 in awards. Of this amount, the Criminal Injuries Compensation Board disbursed \$5,197,159 in awards to crime victims and used \$875,434 on operating expenses to manage the agency. Operating expenses represented 13% of the CICB budget, while 87% of the budget is disbursed to or on behalf of crime victims. \$2,583,050 of the total amount disbursed for awards was received from the agency's federal Victim of Crime Act (VOCA) grant; \$2,614,109 of the total amount disbursed for awards was received from the Special Fund appropriation discussed above.

Program Overview

CICB core functions have been divided into three distinct, yet collaborative, internal programs: **claims examination, victim services, and revenue recovery.**

Claims Examination

The claims examination program of CICB serves the Mission of the agency by maintaining responsibility for financial assistance to crime victims. It is the goal of CICB's claims examination process to provide resources for each claimant, whether through an award of CICF money to eligible claimants and victims or through a referral to other resources for claimants and victims who do not meet the CICF eligibility requirements.

There are nine full-time claims examiner positions, two full-time claims processor positions, and one Administrator position responsible for the claims examination process within CICB. All of the claims examiner positions were filled by the end of the Fiscal Year, but remained vacant throughout much of the year. One of the claims processor positions was filled at the end of the fiscal year; one position was vacant.

The claims examination team is responsible for receiving applications for compensation, communicating with the victim and claimant about the claims process, efficiently processing the claim for compensation so that the claimant receives the compensation award in the most expedient manner possible, providing referrals to other programs for financial reimbursement where there is no eligibility for CICF, and processing the claim award for payment through DPSCS' Division of Financial Services.

During Fiscal Year 2011, the claims examination team awarded claims in the following categories of victimization:

- 288 claims for compensation as a result of homicide, for a total of \$1,822,055.53
- 603 claims for compensation as the result of an assault, for a total of \$5,745,755.37
- 31 claims for compensation as the result of a sexual assault, for a total of \$110,671.53
- 33 claims for compensation as the result of domestic violence, for a total of \$162,198.76
- 21 claims for compensation as the result of child abuse, for a total of \$138,521.56
- 29 claims for compensation as the result of drunk driving, for a total of \$242,679.76

During Fiscal Year 2011, the claims examination team:

- Received **1,658** claims for compensation from crime victims in Maryland;
- Of the 1,658 claims received, determined that **1,656** claims initially met the statutory minimum requirements for award consideration;
- Facilitated the Board's approval of **1005** awards for compensation; and
- Awarded a total of **\$8,221,882.51** to crime victims who had compensable injuries as the result of the crime.

In addition to providing awards and/or other financial assistance to each crime victim, it is a key goal of the CICB to provide those awards, and process the claims, in an expedient and efficient manner. During Fiscal Year 2011, the claims examination team had an average processing time of **126 days**, from the date that the claim is received in the CICB office to the day that the claim is presented to the Board for a decision. While there is still work to do to continue decreasing the average number of days that it takes our claims examination team to process the average claim, the 126 day average represents a **decrease of 31 days** on average from the Fiscal Year 2010 average claim processing time. Additionally, by the end of the Fiscal Year 2011, the average processing time had dropped to 91 days, a standard of substantial compliance. For the Fiscal Year, **40%** of all of our claims were processed within 90 days, which is an increase in the percentage of claims resolved within 90 days from Fiscal Year 2010. In Fiscal Year 2010, only 33% of all claims were resolved within 90 days. However, during the final month of the year, after the CICB achieved full staffing, 59% of all claims received were processed within 90 days.

Revenue Recovery

The second function of the CICB is to recover revenue owed to victims as the result of a court order for restitution upon a defendant's conviction. When the CICB pays for a victim's reimbursable expenses, the CICB creates a right of subrogation which allows CICB to recover the costs that have been paid out previously to a victim or a claimant. It is the goal of CICB's revenue recovery program to ensure that the claims examination program is able to function in the best interest of victims by recovering revenue sufficient to supplement the funds generated through the court fee legislation described above.

Throughout Fiscal Year 2010, the CICB employed one full-time revenue recovery specialist. In Fiscal Year 2011, CICB increased the staff on the revenue recovery team to two full-time revenue recovery specialists. The revenue recovery team is responsible for tracking offenders through the criminal justice process, and when relevant, working with the prosecutors to request restitution, initiate collection efforts after a restitution judgment is entered, and work collaboratively with the Division of Parole and Probation to hold offenders accountable to their full court-ordered sentence.

During the last fiscal year, the revenue recovery team recovered \$76,336 in offender owed restitution, requested restitution in 1,007 cases on behalf of CICB, and aggressively pursued 357 offenders under CICB's subrogation rights.

Victim Services

The final function of the CICB is to assist the Department in providing exceptional services to crime victims and to ensure that victims of crime are receiving all of the rights to which they are entitled throughout the compensation process. In the fourth quarter of Fiscal Year 2010, CICB added a victim services team in an effort to prioritize and expand this role of the State's compensation program. It is the responsibility of the victim services team to create the standard for state-based victim services leadership. Through funding provided by the Governor's Office of Crime Control and Prevention, CICB has been able to fully staff a victim services program with three full-time and one part-time victim service providers.

The victim services program within CICB is responsible for ensuring that victims in the compensation program are well-served and are afforded their rights throughout the process. Victim services specialists work collaboratively with the claims examination team to help ensure that victims are restored financially, whether through CICB compensation or other sources. Victim services specialists also work collaboratively with the revenue recovery team to ensure that victims know of and are granted their rights to request and receive restitution from offenders. Additionally, the victim services specialists working within CICB will provide outreach to community and criminal justice-based allied professionals, assist the victim and claimant population through the compensation process, and provide continuing education on emerging victim-related issues to the CICB team. The victim services-compensation collaborative model developed by CICB has been identified as an emerging practice by the National Center for Victims of Crime, and the National VOCA Administrators and Compensation Boards. The “Maryland Model” of compensation was highlighted at the NCVC National Conferences in September 2010 and June 2011 and was highlighted at the National VOCA Conference in September 2011.

During Fiscal Year 2011, the CICB victim services team provided direct victim services to 2181 victims and claimants, and participated in 91 outreach and training events throughout the State of Maryland.

Conclusions

CICB has made tremendous strides toward its goals of ensuring victim satisfaction with the compensation process and efficiently and expediently providing compensation to eligible crime victims. In just one year, CICB has increased its contribution to the Maryland victim service provider community and decreased the average number of days that it takes to process a claim by nearly two months in the last two years. The agency has developed nationally recognized models for providing exceptional services to crime victims, and has increased the number of staff members dedicated to recovering revenue. CICB is on an exciting track throughout the next several years.

However, CICB is not without its challenges, first among them being a funding shortfall. Last amended in 1997, the legislation which creates the Special Fund appropriation dedicated to CICB is no longer sufficient to meet the needs of Maryland’s crime victims. In Fiscal Year 2010 alone, CICB disbursed over twice the funds appropriated by the State Special Fund Appropriation. During Fiscal Year 2011, CICB was forced to engage in cost containment measures, in which awards to crime victims were prioritized for payment on an as received basis. CICB is working with the Department of Public Safety and Correctional Services to address the financial shortfall and ensure that the State of Maryland is able to continue providing exceptional compensation services to the crime victims of Maryland.