



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

**Criminal Injuries Compensation Board FY 2020
Annual Report**

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

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director

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

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

Contact: Anthony Baranauskas
410-697-9382 | Anthony.Baranauskas@Maryland.gov

MSAR #11640
November 1, 2020

Table of Contents

Table of Contents	1
Background	2
Criminal Injuries Compensation Board	4
Office Administration	4
Claims Examination	5
Board Determination	5
Revenue Recovery	6
Victim Services	6
Activities of the Board	7
Appendices	8
Appendix A: Financial Summary	9
Appendix B: County Compensation Report	10

Background

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

Chapter 224 of 1993 (Senate Bill 262) established an offender-based revenue source to compensate victims of crime.³ Chapter 224 of 1993 also added court costs to the sentence of those convicted of jailable traffic offenses and provided additional funding for the Maryland Victims of Crime Fund to serve crime victims. Chapter 396 of 1995 (Senate Bill 709) created court costs for non-jailable traffic offenses to provide additional revenue to meet the needs of crime victim programs.⁴ It also allowed such fines to be split between the Criminal Injuries Compensation Fund and the Maryland Victims of Crime Fund. Senate Bill 118/House Bill 305 (1999), *Victims' Rights - Criminal Injuries Compensation Board - Claims*, provided more discretion for the Board to determine the victim's eligibility for awards.⁵ The Act also established a study to determine the possible expansion of eligibility, and required the Department of Public Safety and Correctional Services to report to the General Assembly by November 1, 1999, on the results of the study.⁶

House Bill 504/Senate Bill 243 (2001), *Criminal Injuries Compensation Board - Claimants and Awards*, expanded eligibility for compensation to victims of motor vehicle crimes; compensation for mental health counseling to parents, children, or spouses who reside with victims; and crime scene clean-up and repairs.⁷ Chapters 69 and 70 of 2010 (Senate Bill 442/House Bill 138), *Criminal Injuries Compensation Board - Right to Hearing*, mandated a hearing upon a victim's

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

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

³ Maryland Crime Victims Resources Center. (2020). [Maryland](#).

⁴ Maryland Crime Victims Resources Center. (2020). [Maryland](#).

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

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

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

request if a victim compensation claim was denied or reduced.⁸ It also required the Board to follow the Administrative Procedures Act to determine a claim.

Chapter 422 of 2018 (House Bill 247), *Criminal Procedure - Victim Services Unit - Victims' Compensation*, established a Victim Services Unit (VSU) within the Governor's Office of Crime Prevention, Youth, and Victim Services (previously known as the Governor's Office of Crime Control and Prevention⁹), and transferred the Sexual Assault Reimbursement Unit from the Maryland Department of Health to the VSU.¹⁰ The Act also transferred the Board from the Department of Public Safety and Correctional Services to the VSU within the Governor's Office of Crime Prevention, Youth, and Victim Services, effective July 1, 2018.¹¹

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

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

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

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

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

¹¹ Ibid.

8. To submit each year to the Governor, to the Executive Director, and to the General Assembly a written report of the activities of the Board.

Chapter 422 of 2018 also required the Board to maintain an office at its current location in Baltimore City until at least July 1, 2020, for the purpose of accepting claims, providing assistance for filing claims, and holding hearings.¹²

Chapter 378 of 2019 (House Bill 968), *Criminal Injuries Compensation Board - Compensation to Claimants*, increased the maximum award allowance cap for certain claims, and altered the time frame in which a claimant must file a claim for compensation.¹³ Specifically, the Act increases:¹⁴

- The maximum award cap for funeral expenses from up to \$5,000 to up to \$7,500;
- The maximum award cap for specified psychiatric, psychological, or mental health counseling from up to \$5,000 to up to \$10,000, with the maximum award cap for each claimant increasing from up to \$1,000 to up to \$10,000 and the maximum award cap for each incident increasing from up to \$5,000 to up to \$20,000; and
- The maximum amount of an emergency award cap from up to \$2,000 to up 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.¹⁵ Furthermore, and pursuant to Chapter 378 of 2019, the Act shall take effect January 1, 2020.

COVID-19 (Coronavirus Disease 2019 Global Pandemic)

On March 13, 2020, and in response to the Coronavirus Disease 2019 (COVID-19) outbreak that resulted in a global pandemic, Governor Hogan declared a State of Emergency to protect the health and safety of all Marylanders. In accordance with State and federal guidance, the Board closed its publicly accessible office and began a remote-from-home protocol. The functions of the Board adjusted to continue to provide the same level of customer service to Maryland crime

¹² Ibid.

¹³ Maryland General Assembly. (2019). [*Chapter 378 of 2019 \(House Bill 968\), Criminal Injuries Compensation Board - Compensation to Claimants*](#).

¹⁴ Department of Legislative Services. (2019). [*House Bill 968 \(2019\), Criminal Injuries Compensation Board - Compensation to Claimants \(Fiscal and Policy Note\)*](#).

¹⁵ Ibid.

victims while upholding emergency safety protocols. While the Board continues to adhere to the safety protocols, it will also continue to process claims as they are received.

Criminal Injuries Compensation Board

In accordance with § 11-805(a)(8) of the Criminal Procedure Article, this *Criminal Injuries Compensation Board FY 2020 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"¹⁶ - through the Criminal Injuries Compensation Fund (CICF). CICF includes a state special fund appropriation that is composed of fees levied throughout the criminal justice process and a federal match fund appropriation which is also composed of fees levied on offenders in the federal criminal justice system.

Office Administration

Under the authority of the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services, members are appointed to the Board to review disputed claims and to make decisions regarding whether to award or deny a request for compensation. The Board also employs staff to process requests for compensation under the direction of the Board's Executive Director. To fulfill its charge under § 11-805(a) of the Criminal Procedure Article, the Board created four divisions, to include the following positions:

- Leadership Team
 - Director of Compensation Programs¹⁷
 - Claims Administrator
 - Victim Services Coordinator
- Claims Examination
 - Claims Examiners¹⁸
 - Claims Processor
- Revenue Recovery
 - Revenue Recovery Specialist¹⁹
- Victim Services
 - Victim Services Intern

¹⁶ The Urban Institute. (2003). [*Crime Victims Compensation in Maryland: Accomplishments and Strategies for the Future*](#).

¹⁷ The duties of this position currently encompass the duties of the former financial manager who was responsible for oversight of internal controls of the Board and the Revenue Recovery Unit.

¹⁸ Moving into FY 2021, there are six claims examiners positions of which five are filled and one is vacant.

¹⁹ This position was discontinued in FY 2020.

- 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.²⁰

Please see [Appendix A: Financial Summary](#)²¹ for a breakdown of Claims Examination efforts during FY 2020.

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](#)²² for a breakdown of Board Determination efforts during FY 2020.

Revenue Recovery

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

²⁰ 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.

²¹ 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.

²² Ibid.

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

The specialist worked with various legal, criminal justice, and victim service providers to ensure restitution was provided to victims. In particular, the specialist tracked offenders through the criminal justice process and worked with clerks of the court, prosecutors, victim witness coordinators, and victim advocates to request restitution. The specialist also collaborated with several units within the Department of Public Safety and Correctional Services, to include the Department of Corrections and the Division of Parole and Probation, the Central Collection Unit within the Department of Budget and Management, and local detention centers to collect funds from restitution orders. Furthermore, the specialist initiated collection efforts after a restitution judgment and when a restitution judgment was not entered in criminal court yet may be pursued in civil court - in which a CICF award occurred.

In FY 2020, the specialist position was phased out to devote greater attention to the Claims Examination unit, and for VSU to restructure the restitution process for the State of Maryland.

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 community and criminal justice-based allied professionals, assists victims and claimants through the compensation appeals process, and provides continuing education on emerging victim-related issues to the Board. In addition, and in FY 2020, the coordinator provided direct services to 63 walk-in victims, and conducted 39 training/outreach sessions.

Conclusion

The Board will continue to provide financial assistance to crime victims who have suffered compensable injuries or loss in the aftermath of a criminal victimization. The Board will also work with the VSU to restructure the restitution process for the State of Maryland.

Appendices

The timeframe for this *Criminal Injuries Compensation Board FY 2020 Annual Report* is consistent with the State's fiscal year, which begins on July 1 and ends on June 30. The timeframe for State recipients of the Victims of Crime Act Victims Compensation Grant Program, however, is based on the federal fiscal year, which begins on October 1 and ends on September 30. Because of this, State recipients of such federal funds must submit an annual performance report to the Office for Victims of Crime by December 30 of the same year to comply with its requirements.

Appendix A: Financial Summary²³

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, 2019 through June 30, 2020			
<small>STATES RECEIVING VOCA CRIME VICTIMS COMPENSATION GRANT FUNDS ARE REQUIRED TO SUBMIT AN ANNUAL PERFORMANCE REPORT. THE REPORT COVERS THE FEDERAL FISCAL YEAR ENDING SEPTEMBER 30 AND IS DUE TO OVC BY DECEMBER 30 OF THE SAME YEAR.</small>			
Section I	1. STATE: Criminal Injuries Compensation Board		
	2. CONTACT NAME: _____		
Section II	CLAIMS DATA		
	1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD		1,324
	2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE		459
	a. Number of State Residents	459	
	b. Number of Non-Residents	0	
	c. Number approved for victims 17 and under	41	
	d. Number approved for victims 18-64	407	
	e. Number approved for victims 65 and older	8	
	3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED		358
	a. Failed to File Within 3 Years	5	
	b. Failure to Respond to Show Cause Order	82	
	c. Failed to Co-operate	3	
	d. Illegal Conduct	27	
	e. No Compensable Financial Loss	202	
	f. No Crime	29	
	g. Provoked/Failed to Avoid Confrontation	5	
	h. Victim Contributed to Injury	4	
	4. NUMBER OF FORENSIC SEXUAL ASSAULT EXAMINATION CLAIMS RECEIVED DURING THE REPORT PERIOD, IF SUCH CLAIMS ARE HANDLED THROUGH SEPARATE CLAIMS		0

²³ 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).

PAYMENT STATISTICS BY CRIME CATEGORY:				
Section III	TYPE OF CRIME	a.	b.	c.
		NUMBER OF CLAIMS PAID DURING REPORTING PERIOD (Includes Column b)	NUMBER OF DOMESTIC VIOLENCE RELATED CLAIMS PAID DURING REPORTING PERIOD	TOTAL AMOUNT PAID BY CATEGORY (Include all supplemental payments)
	1. ASSAULT	212	0	\$ 1,256,670.88
	2. HOMICIDE	269	0	\$ 1,247,514.58
	3. SEXUAL ASSAULT	13	0	\$ 46,327.07
	4. CHILD ABUSE (including sexual physical abuse)	17		\$ 141,623.26
	5. DWI/DUI	3		\$ 15,116.84
	6. OTHER VEHICULAR CRIMES	5		\$ 9,519.54
	7. STALKING	1	0	\$ 3,935.27
	8. ROBBERY	9	0	\$ 25,680.37
	9. TERRORISM	0		\$ 0.00
	10. KIDNAPPING	0	0	\$ 0.00
	11. ARSON	0	0	\$ 0.00
	12. OTHER	2	0	\$ 3,978.35
	13. TOTAL:	531	0	\$ 2,750,366.16

INDICATE TOTAL EXPENSES PAID BY SERVICE:				Clms	Pmts	
Section IV	1.	MEDICAL/DENTAL (Except Mental Health)	193	537	\$	822,993.68
	2.	MENTAL HEALTH (Include Mental Health Related Medications	22	35	\$	23,903.98
	3.	ECONOMIC SUPPORT (Lost Wages, Loss of Support)	105	112	\$	849,528.52
	4.	FUNERAL/BURIAL (Include all Funeral Related Expenses)	258	274	\$	1,048,150.24
	5.	CRIME SCENE CLEAN-UP	5	5	\$	1,068.74
	6.	FORENSIC SEXUAL ASSAULT EXAMS	0	0	\$	
	7.	OTHER (Please specify types of expenses and amounts paid)	6	6	\$	4,721.00
	8.	TOTAL:	589	969	\$	2,750,366.16

Appendix B: County Compensation Report

Criminal Injuries Compensation Board			
County Compensation Report			
All Payments (positive or negative) with Paid Date between 07/01/2019 - 06/30/2020			
County	No. Claims	No. Pmts	Total Paid
(Unknown)	1	1	\$5,000.00
Allegany	5	7	\$15,589.40
Anne Arundel	16	36	\$99,385.34
Baltimore	31	78	\$226,105.06
Baltimore City	266	410	\$1,297,027.24
Caroline	2	2	\$5,119.95
Carroll	1	5	\$3,361.19
Cecil	5	18	\$58,914.94
Charles	11	16	\$85,503.59
Dorchester	4	4	\$10,785.40
Frederick	15	34	\$98,931.65
Harford	13	27	\$78,909.61
Howard	15	48	\$46,779.87
Montgomery	34	62	\$186,681.71
Prince George's	87	179	\$432,920.69
Queen Anne's	1	4	\$2,130.79
Saint Mary's	1	1	\$101.00
Somerset	1	1	\$3,595.50
Talbot	2	9	\$26,100.41
Washington	6	10	\$32,359.16
Wicomico	9	10	\$21,650.63
Worcester	5	7	\$13,413.03
Totals	531	969	\$2,750,366.16