



# **CICB**

## **CRIMINAL INJURIES COMPENSATION BOARD**

### **2003 Annual Report**

**July 1, 2002 - June 30, 2003**

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State of Maryland

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**Department of Public Safety and Correctional Services**

Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor  
Mary Ann Saar, Secretary

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## INTRODUCTION

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**A husband and father of a newborn baby was injured during an armed robbery while in a car with a friend. The victim was shot in the head that resulted in total, permanent blindness and paraplegia. CICB provided an emergency award to keep utilities on. CICB will be paying medical expenses not covered by insurance.**

Recognizing that many innocent persons suffer physical and psychological injury or death as a result of criminal acts, the Criminal Injuries Compensation Board (CICB) was created by the Maryland legislature in 1968. Maryland became the fourth state in the nation to establish a program to help victims and their families ease the financial burden of crime.

Individuals who are injured during a crime may be compensated for medical expenses, dependency, loss of earnings, counseling and crime scene clean up. In cases of homicide, funeral expenses and loss of support may be compensated to survivors who qualify. Victims of international terrorism are also eligible. CICB will not compensate for pain and suffering or loss of property.

CICB is, by law, the payer of last resort – all other resources must be used first. Only those expenses directly related to the injury and not covered by insurance or other sources (e.g., worker's compensation, death benefits, civil litigation, restitution and charity) will be considered.

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## HOW CICB IS FUNDED

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***CICB does not use taxpayer's money.*** It is funded through the Criminal Injuries Compensation Fund. Monies paid into the fund come from defendant paid fees assessed by Circuit and District courts. The federal government, through the Victims of Crime Act of 1984 (VOCA), reimburses each state 40% of the amount it awards. Legislation has passed that increases the federal reimbursement to 60%. Money that is not awarded is retained as a reserve



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## FILING A CLAIM

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### *Who may file a claim?*

- An innocent victim of a crime who has suffered a physical injury (includes sexual assault and child abuse) and has at least \$100 in non-reimbursable expenses or has lost at least 14 consecutive days of work.
- A surviving spouse or child of a homicide victim.
- A person who is dependent on support provided by a homicide victim.
- A victim (or the surviving family) of an international terrorist attack.
- A victim (or the surviving family) of a hit-and-run or drunk driver.
- A person who is killed or injured while trying to prevent a crime (also includes the surviving family).
- A person who is killed or injured while giving aid to a law enforcement officer performing his official duties (also applies to a person giving aid to a firefighter being obstructed in the performance of his official duties).
- A person who paid or assumed responsibility for the funeral expenses of a homicide victim.

The crime on which a claim is based must have been reported to police within 48 hours and the claim must be filed within 180 days. The Board, for good cause, may extend the time for filing up to two years. In cases of child abuse, the claim may be filed up to two years after the abuse was discovered.

The Board will deny a claim if the victim caused, provoked or participated in the crime where the injury occurred.

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## AWARD

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*How much may the Board award?*

**The maximum on any claim is \$45,000.**

The following limits apply:

- **Medical expenses — up to \$45,000**
- **Disability — up to \$25,000**
- **Total dependency — up to \$25,000**
- **Partial dependency — up to \$17,500**
- **Funeral expenses — up to \$5,000**
- **Counseling — up to \$5,000**
- **Crime scene clean up — up to \$250**

For crimes committed after October 1, 2003:

- **Up to 30 days lost wages for parents of a minor child injured during a crime.**
- **An additional \$25,000 may be awarded to victims suffering a catastrophic injury.**

Lost wages and loss of support are calculated at 2/3 of the victim's gross weekly earnings, not to exceed \$668 per week.

The Board will consider additional expenses such as wheelchair ramps, prosthetic devices, dental work and eyeglasses if they are documented to be a direct result of the injury on which the claim is based.

Property loss and pain and suffering are not covered by CICB.



**CICB is the payer of last resort.**

Any award will be reduced by the amount of payments received from any other source (worker's compensation, disability insurance, sick leave, medical assistance, etc.) as a result of the injury.

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## AWARDS

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### *What is required?*

In order for the claim to be processed and an award made, the following information must be obtained and verified:

- Complete, signed application – An incomplete application will delay processing. An unsigned application or an application without a police department complaint/control number will be returned.
- Police report – This is necessary to determine that a crime was committed and reported within 48 hours as well as to assure that the victim did not engage in an illegal act. A statement of charges, ex parte order or SAFE (sexual assault forensic exam) is also acceptable.
- Medical records – This is necessary to determine that the injury and treatment are a direct result of the crime.
- Medical bills – To facilitate the processing of the claim, it is very important to provide all bills from all medical service providers.
- Funeral bills – In the event of a homicide, an *itemized* bill from the funeral director must be provided along with a statement detailing what death benefits, if any, may apply.
- Income statements – If a lost wage claim is being made, it is necessary to provide pay stubs, W2 forms and/or tax returns. Likewise, a claim for dependency will require proof of income plus documentation of the support provided by the victim.

The claimant is required to prove the claim and cooperate with the Board and law enforcement agencies.

The claim investigator will review the assembled documents, verify the information, request additional information if necessary and make a recommendation to the Board.



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## AWARDS

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### *The Board*

The Board consists of five members appointed by the Secretary of Public Safety and Correctional Services, approved by the Governor and confirmed by the Senate. An award is made only with the approval of three board members. The Secretary must also approve each award.

### *Emergency awards*

An emergency award of up to \$1000 may be made if a claimant is facing a severe hardship. An emergency is defined by an immediate need such as food, utility payments and rent or relocation expenses. Past due bills do not constitute an emergency. Emergency awards are only considered on those claims where an award will probably be made. The amount of any emergency award will be subtracted from the final award.

### *Supplemental awards*

**After a claim has been filed and paid by CICB, additional bills may be submitted provided that the claimant has not received the maximum payable (\$45,000). Any bills or requests for lost wages must be directly related to the original injury.**

### *What if the claim is denied?*

A claim may be denied if, in the determination of the Board:

- No crime was committed.
- The victim was participating in a crime when the injury occurred.
- The victim provoked the incident or was a contributing cause.
- No police report was provided.
- The minimum loss requirements were not met.
- The victim failed to cooperate with law enforcement or the Board.
- The claim was not received within 180 days (may be waived if the claim is less than two years old).
- The incident was not reported to police within 48 hours (may be waived for good cause).

**If the claimant is dissatisfied with the findings of the Board as presented in its tentative decision, he must write a letter explaining the reasons and send any additional evidence for the Board's review. After reconsideration, if the claimant is still dissatisfied, a hearing may be requested before the Board with witnesses and additional evidence. After receiving the final decision, signed by the Secretary of Public Safety and Correctional Services, the claimant has 30 days in which to file an appeal to the Circuit Court.**

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## LEGISLATIVE CHANGES

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The General Assembly during its 2003 session made changes to the law governing CICB. Effective October 1, 2003:

- Parents of a child injured as a result of a crime may claim up to 30 days of lost wages while they care for the child.
- A crime victim suffering a catastrophic injury (total, permanent disability) may apply for an additional \$25,000 award.



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## ACCOMPLISHMENTS IN FY 2001 AND FY 2003

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The following information illustrates the progress CICB is making toward achieving its goals and objectives.

- New claims tracking system. CICB installed a new computer software system that dramatically improves our capability to process our claims.
- Claims received – up 46%. CICB received 1831 claims in FY 2003 (up from 1355 in FY 2002 and double the number from FY 2001). We project over 2200 new claims in FY 2004.
- Amount paid to victims and providers – up 15%. CICB paid \$5,767,055 in awards to victims and providers in FY 2003.

Claims were received from the state as follows:

	<u>FY 2002</u>	<u>FY 2003</u>
· Allegany	10	7
· Anne Arundel	54	60
· Baltimore City	697	900
· Baltimore County	81	103
· Calvert	2	6
· Caroline	5	4
· Carroll	12	11
· Cecil	5	9
· Charles	20	28
· Dorchester	9	14
· Frederick	21	29
· Garrett	4	3
· Harford	29	34
· Howard	32	27
· Kent	3	1
· Montgomery	57	95
· Prince George's	235	308
· Queen Anne's	6	6
· Somerset	0	4
· St. Mary's	12	15
· Talbot	2	7
· Washington	23	20
· Wicomico	21	30
· Worcester	10	7
	<u>1,355</u>	<u>1,831</u>

CICB paid \$5000 each in funeral expenses for three of the Washington area sniper victims and \$25,000 to the survivors of two of the victims who had no insurance.

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**MARYLAND CRIMINAL INJURIES  
COMPENSATION BOARD**

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Mary Ann Saar, Secretary  
Department of Public Safety and Correctional Services

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**Board Members**

Samuel T. Daniels, Sr.  
Athena M. Groves  
John W. Derr  
Sandy A. Roberts

Robin Woolford, Executive Director

Patrick Cheney, Supervisor

**Claims Investigators**

Kathryn Metalios  
Anita McKoy  
Colleen Griffin  
Norma Solomon

Darlene Alston, Administrative Assistant

