



Criminal Injuries Compensation Board FY 2019 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 Control and Prevention

Submitted by:
Victims Services Unit, Governor's Office of Crime Control and Prevention

Contact: Alec J. Wheaden, Jr.
410-585-3010 | AlecJ.Wheaden@Maryland.gov

MSAR #11640
November 1, 2019

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.⁵ 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.⁶ 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.⁷

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.⁸ 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. (2018). [Maryland](#).

⁴ Maryland Crime Victims Resources Center. (2018). [Maryland](#).

⁵ Maryland Crime Victims Resources Center. (2018). [Maryland](#).

⁶ Maryland General Assembly. (1999). [Senate Bill 118/House Bill 305 \(1999\), Victims' Rights - Criminal Injuries Compensation Board - Claims](#).

⁷ Department of Legislative Services. (1999). [The 90 Day Report: A Review of the 1991 Legislative Session](#).

⁸ 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.⁹ 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 Control and Prevention, 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 Control and Prevention, 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 Control and Prevention, the Board is charged with the following powers and duties:

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

⁹ Maryland General Assembly. (2010). *Chapters 69 and 70 of 2010 (Senate Bill 442/House Bill 138), Criminal Injuries Compensation Board - Right to Hearing*.

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

¹¹ Ibid.

Furthermore, and pursuant to Chapter 422 of 2018, the Board shall 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

Criminal Injuries Compensation Board

In accordance with §§ 11-801 through 11-819 of the Criminal Procedure Article, the Board is charged to provide financial assistance to crime victims who have suffered compensable injuries or loss in the aftermath of the 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”¹³ - through the Criminal Injuries Compensation Fund (CICF). CICF includes a state special fund appropriation that is comprised of fees levied throughout the criminal justice process and a federal match fund appropriation which is also comprised 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 Control and Prevention, 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 Programs¹⁴
 - Claims Administrator
 - Victim Services Coordinator
- Claims Examination
 - Claims Examiners¹⁵
 - Claims Processor
 - Office Administrator
- Revenue Recovery
 - Revenue Recovery Specialist

¹² Ibid.

¹³ The Urban Institute. (2003). [*Crime Victims Compensation in Maryland: Accomplishments and Strategies for the Future*](#).

¹⁴ The duties of this position currently (and temporarily) encompass the duties of the former financial manager who was responsible for oversight of internal controls of the Board and the Revenue Recovery unit.

¹⁵ In FY 2019, two additional claims examiners were added to the Claims Examination unit for a combined total of seven claims examiners.

- Victim Services
 - Victim Services Intern
 - Victim Outreach Intern

Claims Examination

The Board is charged to fairly and efficiently process claims according to the laws of Maryland. Through its mission and goal, the Claims Examination unit strives to provide resources for each crime victim. Resources may include awarding CICF funds to eligible victims or a referral to other resources for those who do not meet the CICF eligibility requirements. In order to provide the most appropriate resource to crime victims, the Claims Examination unit conducts a thorough review of each claim, based on the following process:

- Receive applications for compensation;
- Communicate with the victim and claimant about the claims process;
- Efficiently process the claim for compensation so that the claimant receives the compensation award in the most expedient manner possible;
- Provide referrals to other programs for financial reimbursement if they are found ineligible for compensations through CICF; and
- Process the claim award for payment through the Governor’s Office of Financial Administration.

In FY 2019, the Claims Examination unit received 1,531 claims (*as illustrated in [Appendix A: Financial Summary](#)*).¹⁶

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.

In FY 2019, the Board awarded funds on 419 awards for compensation, in the amount \$2,169,321.20 to crime victims. The Board also denied 49 claims due to illegal conduct (n = 40) and provoked/failed to avoid confrontation (n = 9) (*as illustrated in [Appendix A: Financial Summary](#)*).¹⁷

¹⁶ 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.

¹⁷ Ibid.

Revenue Recovery

The revenue recovery specialist (specialist) serves 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 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 works with various legal, criminal justice, and victim service providers to ensure restitution is provided to victims. In particular, the specialist tracks offenders through the criminal justice process and works with clerks of the court, prosecutors, victim witness coordinators, and victim advocates to request restitution. The specialist also collaborates 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 initiates 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 2019, the specialist collected restitution and subrogation payments which totaled \$12,706.84. Due to current topics in Maryland's restitution collection, VSU is in the process of evaluating this recovery function. The role of the specialist may be restructured and expanded based on the VSU's findings.

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 collaboratively 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 FY 2019, the Victim Services unit served 1,529 victims by offering additional resources beyond the standard compensation benefits provided by the Board. The coordinator also provided direct services to 63 walk-in victims and conducted 39 training/outreach sessions.

Activities of the Board

In accordance with § 11-805(a)(8) of the Criminal Procedure Article, this *Criminal Injuries Compensation Board FY 2019 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.

Appendices

Appendix A: Financial Summary

As illustrated below, the report timeframe for this *Criminal Injuries Compensation Board FY 2019 Annual Report* is consistent with the State's fiscal year, which begins on July 1 and ends on June 30.¹⁸ The report timeframe for state recipients of VOCA Crime Victims Compensation grant funds, however, is based on the federal fiscal year, which begins on October 1 and ends on September 30. State recipients of VOCA 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.

Report Timeframe (July 1, 2018 - June 30, 2019)				
SECTION I				
State: Criminal Injuries Compensation Board				
Contact Name: Alec J. Wheaden, Jr.				
Claims Data				
	1. Number of new claims received during reporting period			1,531
	2. Number of claims approved as eligible			432
	a. Number of state residents		432	
	b. Number of non-residents		0	
SECTION II	c. Number approved for victims 17 and under			36
	d. Number approved for victims 18-64			374
	e. Number approved for victims 65 and older			18
	3. Number of claims ineligible or closed			610
	a. Failed to file within three years		7	
	b. Failure to respond to show cause order		201	
	c. Failed to co-operate		9	
	d. Illegal conduct		40	
	e. No compensable financial loss		292	
	f. No crime		43	
	g. Provoked/failed to avoid confrontation		9	
	h. Victim contributed to injury		9	
	4. Number of forensic sexual assault examination claims received during the reporting period, if such claims are handled through separate claims			0
Payment Statistics by Crime Category				
	Type of Crime	a. Claims Paid (include column b)	b. Domestic Violence Related Claims	c. Total Paid by Category (includes all suppl. payments)
	Assault	182	0	\$ 864,584.87
	Homicide	193	0	\$ 1,085,882.13
	Sexual assault	13	0	\$ 32,364.03
SECTION III	Child abuse (includes sexual and physical	19	0	\$ 116,082.92
	DWI/DUI	0	0	-
	Other vehicular crimes	2	0	\$ 9,476.00
	Stalking	0	0	-
	Robbery	8	0	\$ 60,621.25
	Terrorism	0	0	-
	Kidnapping	1	0	\$ 150.00
	Arson	0	0	-
	Other	1	1	\$ 160.00
	Total	419	1	\$ 2,169,321.20

¹⁸ It is important to note that received claims differ from decided claims because decided claims may have been received in different years. Also note that claimants are not always the primary victims of a crime. Section II (a) and (b) are *claimant count metrics*. Section II (c), (d), and (e) are *victim count metrics*, a subset metric of claim count.

Appendix B: County Compensation Report

As illustrated below, all payments (positive and negative) were paid between July 1, 2018 and June 30, 2019.

County Compensation Report (July 1, 2018 - June 30, 2019)			
County	No. Claims	No. Payments	Total Paid¹⁹
Allegany	3	13	\$7,659.00
Anne Arundel	15	28	\$63,407.00
Baltimore	33	66	\$180,783.47
Baltimore City	226	327	\$1,206,629.81
Calvert	2	2	\$40,332.00
Caroline	0	0	-
Carroll	4	7	\$33,260.47
Cecil	4	9	\$46,884.10
Charles	2	2	\$6,055.00
Dorchester	2	3	(\$489.00) ²⁰
Frederick	14	28	\$51,381.41
Garrett	1	7	\$1,958.18
Harford	10	14	\$49,103.34
Howard	9	17	\$15,311.79
Kent	0	0	-
Montgomery	32	59	\$147,133.81
Prince George's	51	96	\$251,093.37
Queen Anne's	0	0	-
Saint Mary's	0	0	-
Somerset	2	4	\$28,611.78
Talbot	0	0	-
Washington	4	7	\$38,704.86
Wicomico	5	6	\$1,500.81
Worcester	0	0	-
Total	419	695	\$2,169,321.20

¹⁹ The current CICB database utilizes an intricate calculation system with numerous decimal places and a complex rounding mechanism. Because of this, there may be minor differences between large data sets which are totaled collectively and narrowly defined data sets that produce categorical summaries which are then totaled, secondarily.

²⁰ Received monies as an overpayment from a payment made in a prior fiscal year.