DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

CRIMINAL INJURIES COMPENSATION BOARD

FY2012 Annual Report

September 28, 2012

Governor Martin O'Malley
Lt. Governor Anthony G. Brown
Secretary Gary D. Maynard
Chairman Sandy A. Roberts
Executive Director D. Scott Beard

Department of Public Safety and Correctional Services

Criminal Injuries Compensation Board
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STATE OF MARYLAND

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

GARY D. MAYNARD
SECRETARY

G. LAWRENCE FRANKLIN
DEPUTY SECRETARY

D. SCOTT BEARD
EXECUTIVE DIRECTOR

September 28, 2012

The Honorable Gary D. Maynard
Secretary, Department of Public Safety and Correctional Services
300 E. Joppa Road, Suite 1000
Towson, Maryland 2186-3020

Re: Criminal Injuries Compensation Board's 2012 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 2012 Annual Report of the Criminal Injuries Compensation Board.

The report details the activities of the Board for Fiscal Year 2012. The Board has made awards in the amount of $4,161,219.75 in claims this fiscal year. The Breakdown for revenue for the year is as follows: Special Fund (Court collections, non-tax) $3,425,908.65, Federal Fund (60% match of state funds spent on previous year claims) $1,882,980.21 and Reimbursable Funds $66,987.82.

If I can be of any further assistance please do not hesitate to contact me.

Sincerely,

D. Scott Beard
Executive Director

cc: CICB Chairman Sandy A. Roberts
Deputy Secretary Larry Franklin, DPSCS
CICB Commissioners

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, under the authority of the Secretary, consists of 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 matching 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.

Financial Overview

Revenue

During Fiscal Year 2012 the Criminal Injuries Compensation Board collected a total of **$3,425,908.65** 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 **$160,548.63** from Circuit Court criminal cases. The Department reimbursed the Department of Justice **$38,000** from previous year overpayments leaving a total of **$122,548.63**. The balance represents **3.5%** 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 **$1,104,489.36** from District Court criminal cases. District Court criminal case revenue represents **32.3%** 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 **$1,588,637.27** from District Court traffic cases. District Court traffic court case revenue represents **46.4%** 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 receives a **$500,000** annual transfer from the Courts which represents **14.6%** of the total revenue collected by the Criminal Injuries Compensation Fund.

- Interest earned on the fund during FY12 on the Criminal Injuries Compensation Fund equaled **$6,883.88** which represents **.2%** 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 **$103,349.51**, which consists of restitution owed by offenders as a result of a restitution order or under CICB's right to subrogation, monies collected from offenders who are requested reimbursement under the CICB statute, and general revenue recovery activities including overpayment of awards. The revenue recovered during Fiscal Year 2012 represents **3%** of the total revenue collected by the Criminal Injuries Compensation Fund.

Expenditures

During Fiscal Year 2012, the Criminal Injuries Compensation Board awarded a total of **$4,161,219.75** to crime victims. These awards to victims were paid out as follows: **$1,891.641.03** in federal matching funds and **$2,269,578.72** in state special funds. Also, **$906,354.12** was used for operating expenses to manage the agency. Operating expenses represent only **17.8%** of the CICB budget, while over **82.2%** of the budget is disbursed directly to crime victims.

Program Overview

The main function of the CICB is to fairly and efficiently process claims according to the laws of the state of Maryland**.** 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 eight full-time claims examiner positions, and two full-time claims processor positions responsible for the claims examination process within CICB.

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 compensation, and processing the claim award for payment through the Department of Public Safety and Financial Services Division of Financial Services.

During Fiscal Year 2012, the claims examination team awarded claims in the following categories of victimization:

- 40.24% of the number of claims and 51.27% of the overall amount of claims paid for compensation as a result of homicide;
- 48.52% of the number of claims and 41.37% of the overall amount of claims paid for compensation as the result of an assault
- 2.22% of the number of claims and .80% of the overall amount of claims paid for compensation as the result of a sexual assault
- 2.96% of the number of claims and 1.36% of the overall amount of claims paid for compensation as the result of domestic violence
- 2.22% of the number of claims and 2.36% of the overall amount of claims paid for compensation as the result of child abuse
- .15% of the number of claims and .16% of the overall amount of claims paid for compensation as the result of drunk driving
- 2.51% of the number of claims and 2.09% of the overall amount of claims paid for compensation as the result of vehicular crimes

- 1.04% of the number of claims and .44% of the overall amount of claims paid for compensation as the result of robbery
- .15% of the number of claims and .13% of the overall amount of claims paid for compensation as a result of terrorism

During Fiscal Year 2012, the agency:

- Received 1,512 claims for compensation from crime victims in Maryland;
- Approved a total of 676 awards for compensation; and
- Awarded a total of **$**4,161,220.00 to crime victims who had compensable injuries as the result of 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 2012, the CICB staff has made an effort to process claims on a priority basis to individual crime victims and small businesses. Because CICB receives more claims than the fund allows to be paid, some claims are in a back log status. This has affected the CICB staff's ability to pay claims in a timely manner. The staff at CICB is working to negotiate medical claims, maximize third party payments on claims, and engage in other cost saving measures in an effort to reduce this back log.

Revenue Recovery

The main purpose of the Revenue Recovery program is to recover revenue owed to victims as the result of a court order for restitution upon a defendant's conviction. When CICB pays for a victim's reimbursable expenses, MD. CODE ANN., CRIM. PROC. §11-817 creates a right of subrogation which allows CICB to recover the costs that may otherwise be paid out 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.

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 $43,927.46 in offender owed restitution. Also, letters are sent to offenders even when no restitution is ordered citing the CICB statute placing CICB in the shoes of the victim. This has resulted in the recovery of $48,543.58. In addition, CICB has received refunds for overpayments on claims in the amount of $10,878.47. The total collected by CICB for FY12 equals $103,349.51.

Victim Services

Another important program of the CICB is the Victim Services program. The purpose of the Victim Services program is to ensure that victims of crime are receiving all of the rights to which they are

entitled throughout the compensation process. The victim services specialist works collaboratively with the claims examination team to help ensure that victims are restored financially, whether through CICB compensation or other sources. The victim services specialist also works 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 specialist provides outreach to community and criminal justice-based allied professionals, assists victims and claimants through the compensation process, and provides continuing education on emerging victim-related issues to the CICB team.

Conclusions

The legislation that creates the Special Fund appropriation dedicated to CICB was last amended in 1997 and is no longer sufficient to meet the needs of Maryland's crime victims. Currently CICB is working to meet its obligations through a variety of measures but is experiencing a financial crisis. CICB is working with the Department of Public Safety and Correctional Services to address the financial shortfall to ensure that the State of Maryland is able to continue providing competent compensation services to crime victims in Maryland.