

ASJ_CSSJ_Support_MD_SB788.pdf

Uploaded by: Andrea Gentile

Position: FAV



CRIME SURVIVORS FOR
SAFETY AND JUSTICE



TESTIMONY ON SB 788

Criminal Procedure - Victim Compensation - Alterations March 9, 2023

Alliance for Safety and Justice and Crime Survivors for Safety and Justice strongly support SB 788, which will remove discriminatory barriers to victim compensation to support more victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary exclusions that have prevented crime survivors from accessing financial relief.

The Alliance for Safety and Justice (ASJ) is a multi-state organization that aims to advance public safety priorities rooted in community health, rehabilitation, and support for crime victims. Through our flagship program, Crime Survivors for Safety and Justice (CSSJ), we represent a growing network of more than 100,000 crime survivors across the country advocating for new safety solutions. Alliance for Safety and Justice and Crime Survivors for Safety and Justice have spent the last decade advocating in states across the country for policies that remove barriers to trauma recovery for survivors, and stop cycles of crime.

Unresolved trauma can lead to someone becoming a victim again and fuel cycles of harm, with costly long-term consequences for individuals, families, and the community. According to a [national poll](#) Alliance for Safety and Justice conducted in 2022, nearly two-thirds of violent crime victims have been victimized more than once in the last 10-years.ⁱ Making sure survivors have what they need to stabilize and heal following victimization is essential to reducing violence and improving safety. Victims often face exorbitant out-of-pocket costs for urgent expenses arising from victimization.ⁱⁱ In some cases, survivors face losing stable housing when their homes become unsafe.ⁱⁱⁱ Without support, survivors may have to scramble to raise funds while traumatized or grieving – or not get the help they need at all.

Victim compensation programs can play a critical role in survivor healing and public safety. Every state has a program, which can cover critical costs like counseling, funeral expenses, and lost wages. The program is the payor of last resort - survivors only receive compensation if they have no other means of covering an expense (e.g. insurance). Coverage can be a lifeline that allows survivors and their loved ones to focus on healing. But Alliance for Safety and Justice's 2022 national survey of survivors found that 96 percent of victims of violent crime did not receive victim compensation to help in their recovery. The situation in Maryland is even more dire – **Maryland denies or closes more than half of all applications for compensation it receives, and has one of the lowest grant rates in the country.**

While people from all walks of life are impacted by crime and violence, its effects are concentrated and unequal. Bureaucratic processes and unfair eligibility regulations currently exclude too many people harmed by violent crime in Maryland from accessing victim compensation in their time of need. And while many victims do not turn to the criminal justice system first to address their victimization, compensation programs typically tie eligibility to it. These structures fracture the trust communities need to prevent and respond to violence effectively. These processes and restrictions have a disproportionate impact on communities of color: despite being significantly more likely to be victimized in violent incidents, people of color and other marginalized survivors face barriers in law, policy, and practice that make it even harder to receive help.^{iv}

SB 788 is designed to address the barriers in Maryland's victim compensation program that are barring survivors from accessing help. The legislation:

- Removes the requirement that a victim must report a crime to law enforcement within 48 hours, and ends denials based on subjective assessments of a survivor's cooperativeness. Less than half (46%) of violent crimes are reported to police.^v Survivors may face very real threats to safety from retaliation, or fear that they might be blamed or not believed. Getting victims help to address trauma increases safety, and restrictive reporting and cooperation requirements keep survivors from getting help, undermining rather than promoting cooperation.^{vi} For these reasons, a number of states including Louisiana, New Mexico, and Illinois have passed legislation in recent years to allow survivors to use other forms of reliable documentation that verify their victimization.^{vii}
- Clarifies and expands which family members are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. Maryland would join a number of states including Michigan, Illinois, Indiana, Kansas, California, Delaware, and Vermont that have changed laws in recent years to recognize the impact of violence on more family members, and to cover more critical costs.^{viii}
- Ends eligibility exclusions that effectively blame the victim for their own victimization. These determinations are often driven by initial impressions, and susceptible to biases based on a survivor's past interactions with the justice system. A look at data on policies which authorize denials based on subjective determinations about a victim's behavior show that Black victims and families are denied significantly more often than White victims.^{ix} Members in the Crime Survivors for Safety and Justice network have shared that these kinds of determinations can send the message to survivors that they are not worthy of help to heal, and compound trauma.
- Reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims.
- Streamlines the claims process to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. It can take many months or even years for survivors to get assistance from the compensation program, during which time survivors may lose housing, lapse on bills, or not be able to access counseling. This legislation would address unnecessary delays and reduce red tape to ensure survivors get help. States including California, Delaware, Illinois, Michigan, Nebraska, New Jersey, and Ohio have all taken legislative steps in recent years to reduce red tape and waiting periods, and increase access to emergency help.^x
- Removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater stability. Relying on fines and fees is inherently unstable, creating challenges to providing survivors with consistent and sufficient help. Onerous fines and fees also trap people in the justice system in cycles of impossible debt, interfering with community safety goals. Maryland would join a number of states that use general funds to fund their compensation programs.^{xi}

For the above stated reasons, Alliance for Safety and Justice and Crime Survivors for Safety and Justice **strongly urge a favorable report on SB 788.**

ⁱ Alliance for Safety and Justice (2022). [Crime Survivors Speak: National Survey of Victims' Views on Safety and Justice.](#)

-
- ⁱⁱ Justice Research and Statistics Association (2018). [Estimating the Financial Costs of Crime Victimization.](#); Amnesty International (2019) Scars of Survival: Gun Violence and Barriers to Reparation in the USA.
- ⁱⁱⁱ Alliance for Safety and Justice (2022). [Crime Survivors Speak: National Survey of Victims' Views on Safety and Justice.](#)
- ^{iv} See Anderson, L. (2022). *In Their Names: The Untold Story of Victims' Rights, Mass Incarceration, and the Future of Public Safety.* The New Press. <https://thenewpress.com/books/their-names>
- ^v Thompson, A. and Tapp, S.N. (2022). Criminal Victimization, 2021. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ^{vi} See Alliance for Safety and Justice & Crime Survivors for Safety and Justice (2022). [Creating a Model Victims' Compensation Policy.](#); San Francisco Trauma Recovery Center Report to the Legislature. (May 2004). Prepared by the California Victim Compensation and Government Claims Board.; Alvidrez, J., Shumway, M., Boccellari, A., Green, J. D., Kelly, V., & Merrill, G. (2008). Reduction of state victim compensation disparities in disadvantaged crime victims through active outreach and assistance: A randomized trial. *American Journal of Public Health*, 98(5), 882–888.
- ^{vii} [Forthcoming] Alliance for Safety and Justice (2023). Victims' Compensation Reform: 2020-2022.
- ^{viii} [Forthcoming] Alliance for Safety and Justice (2023). Victims' Compensation Reform: 2020-2022.
- ^{ix} See Alameda County Grand Jury (2021). Final report: Racial Inequities in Police Responses to Victims' Needs. <http://grandjury.acgov.org/grandjury-assets/docs/2020-2021/Racial%20Disparities.pdf>; Adcock, C. (2019, July 9). Uncompensated Loss: Black families of murder victims more likely to be denied aid from state program. <https://www.readfrontier.org/stories/uncompensated-loss-black-homicide-victims-more-likely-to-be-denied-funds-from-a-state-program-to-help-victims-of-violent-crime-data-shows/>.
- ^x [Forthcoming] Alliance for Safety and Justice (2023). Victims' Compensation Reform: 2020-2022.
- ^{xi} [Forthcoming] Alliance for Safety and Justice (2023). Victims' Compensation Reform: 2020-2022.; Evans, D.N. (2014) Compensating Victims of Crime. Research & Evaluation Center, John Jay College of Criminal Justice.

Written Testimony (Victim Compensation SB).pdf

Uploaded by: Braden Stinar

Position: FAV

TESTIMONY ON SB 788
Criminal Procedure - Victim Compensation - Alterations

March 9, 2023

My name is Braden Stinar and I am a 3rd year law student at the University of Baltimore and Research Fellow with the UB Center for Criminal Justice Reform. I am writing strongly in support of SB 788, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

SB 788 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must “cooperate” with law enforcement. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of the “perfect victim” who may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 861/SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, HB 861/SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

For the above stated reasons, the UB Center for Criminal Justice Reform and I strongly urge a favorable report on SB 788.

SB 788 FAV House of Ruth.pdf

Uploaded by: Dorothy Lennig

Position: FAV



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org

TESTIMONY IN SUPPORT OF SENATE BILL 788

March 9, 2023

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 788 would create a victim compensation process that is accessible to all victims of crime, or their family members left behind, provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for victims of crimes. **We urge the Senate Judicial Proceedings Committee to favorably report on Senate Bill 788.**

The Criminal Injuries Compensation Board (CICB) is designed to provide aid and assistance to victims of crime in Maryland. Its stated statutory authority is to be construed to remedy the harm to the victim and in favor of eligibility for the victim or claimant. For those who are found to qualify, it can be an extremely helpful remedy as it helps pay for expenses incurred as a result of the injuries.

Unfortunately, in current practice it is extremely difficult for victims to qualify for and receive reimbursement from the CICB. The current law has an array of onerous and unrealistic requirements, including: the crime must be reported within 24 hours; the victim must fully cooperate with all law enforcement units; relief is limited to victims of violent crimes; it does not provide relief for domestic partners of victims; and, it does not compensate for psychological injuries.

SB 788 would alleviate many of the above-described barriers. In addition, SB 788 would increase the funds available to victims; include relocation costs as a form of relief; shorten the time the Board has to respond to a claim; extend the filing time for victims; and, increase the money to the Governor's budget for compensation. All of these measures would greatly help victims of crimes, including domestic violence victims.

The House of Ruth urges the Senate Judicial Proceedings Committee to report favorably on SB 788.

In Support of SB 788 HB 861 CCJR.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SB 788 / HB 861:

Criminal Procedure – Victim Compensation – Alterations

TO: Members of the House Judiciary Committee

FROM: **Heather Warnken, Center for Criminal Justice Reform, Univ of Baltimore School of Law**

DATE: March 8, 2023

My name is Heather Warnken and I am the Executive Director of the University of Baltimore School of Law’s Center for Criminal Justice Reform. Prior to my current role, I served for over five years as a Visiting Fellow at the U.S. Department of Justice, in the first-ever position dedicated to bridging the gap between research, policy and practice to improve the response to individuals and communities impacted by crime victimization. Through this role I facilitated collaboration across federal, state and local government partners, practitioners, researchers, and directly impacted communities in the design and implementation of equitable, data-informed policies, programs and funding streams nationwide. A substantial piece of this work included advising and collaborating with DOJ’s Office for Victims of Crime (OVC) and its constituencies of state administering agencies and victim service programs across the country on the administration of the Victims of Crime Act (VOCA) Victim Assistance and Victim Compensation programs at the federal and state level.

Based on this background and experience, I submit this testimony strongly in favor of SB 788 / HB 861.

Financial compensation for the expenses incurred as a result of being a victim of crime is an important aspect of helping to heal and rebuild the lives of those who have been victimized. Across the country, notwithstanding the profound potential of victim compensation to meet the needs of survivors, interrupt cycles of harm, and promote system legitimacy, these programs have notoriously been inaccessible to the majority of victims, especially those most marginalized and in need of this support.

Maryland’s Criminal Injuries Compensation Board (CICB), the entity responsible for this state’s program providing financial assistance for crime victims is no exception; and tragically, is viewed as especially problematic on the continuum of such programs nationwide. CICB disproportionately disqualifies, alienates and denies Black applicants and families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Despite the fact that these groups experience the highest rates of victimization, research affirms that Black male youth living in low-income urban communities are least likely to be seen and served as victims of crime.¹

¹ Warnken, H., & Lauritsen, J. (2019). Who experiences violent victimization and who accesses services? Findings from the National Crime Victimization Survey for expanding our reach. Center for Victim Research, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/who-experiences-violent-victimization-and-who-accesses-service>

Domestic violence victims are also greatly underserved by the current compensation system. In 2019, there were 36,499 total domestic violence incidents, along with 20 female and 14 male domestically related homicide victims. Yet year after year, a small fraction of victims receive compensation, and in 2022, no domestic violence related claims have yet been paid.²

This is not just about supporting the healing and dignity of crime victims; this is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical and mental health care, funeral and burial and lost wages, compensation helps reduce the risk of future victimization and the long-term costs of violence to the state. Research indicates that victims who are able to cover the costs associated with their victimization are less likely to develop post-traumatic stress and related symptoms. Furthermore, the USDOJ’s OVC provides states with matching funds to help victims avoid these outcomes. With these federal matching funds, states reduce the toll and suffering associated with untreated medical and mental health disorders, which contribute to the nation’s and Maryland’s costly overreliance on emergency rooms, prisons and jails.

Victim compensation is a payor of last resort, intended specifically to support victims who are low-income and do not have insurance or other financial resources. This makes it especially troubling that it has long been least accessible to those very groups. There are a range of other deeply problematic aspects of the program currently undermining its effectiveness, including:³

- **A paradoxical reliance on reimbursement.** One of the most challenging structural issues with CICB is that it uses a reimbursement model which requires victims to pay upfront the costs of compensable expenses even though the program is specifically intended for people who lack such resources. This is compounded by the long processing timelines for claims, which even when approved can take several months or more to pay out.
- **Unreasonable and discriminatory attempts to promote victim “cooperation” and reporting.** In its federal enabling statute, VOCA compensation requires that states “promote victim cooperation with the reasonable requests of law enforcement authorities, except if a program determines such cooperation may be impacted due to a victim’s age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim’s wellbeing.” While the VOCA Fix Act recently clarified this longstanding policy that victims need not be coerced in order to be helped,⁴ states like Maryland have continued with strict victim “cooperation” mandates and additional administrative practices that exclude substantial percentages of victims from accessing assistance. As in other states, in

s; A Vision for Equity in Victim Services: What Do the Data Tell Us About the Work Ahead. Warnken (2021) <https://ovc.ojp.gov/media/video/12971>.

² <http://goccp.maryland.gov/wp-content/uploads/FL-%C2%A7-4-516a-GOCPYVS-Domestic-Violence-Program-FY-2020-Annual-Report-MSAR-8611.pdf>.

³ This testimony draws heavily from a forthcoming report coauthored with John Maki in partnership with NYU’s Marron Institute, funded by the Joyce Foundation.

⁴ <https://ovc.ojp.gov/about/crime-victims-fund/voca-fix>.

Maryland this includes an overreliance on law enforcement certifications as a gatekeeping mechanism for who is eligible, and far more strict than many other jurisdictions, a requirement to report the victimization to police within 48 hours. It is clear that the current CICB process alienates victims from applying based on lack of willingness to report and/or “cooperate” with investigation and prosecution once they do. This is especially unjust for those who may fear or distrust police,⁵ or who may have prior involvement with the criminal legal system (for whom this perception of “uncooperative” or “involved” is often furthered by a discriminatory reliance on past criminal arrest or conviction records alone). Research has also consistently shown that about half of all victimization is never reported to law enforcement.⁶ These laws, policies, and practices needlessly shut out many of the most victimized people from accessing one of the primary dedicated victim resources.

- **Blaming the victim.** Relatedly, CICB routinely rejects victims determined to somehow be responsible for their own victimization, operating on a model of only supporting “innocent” victims. This framework is not only fundamentally flawed in its dehumanization of those in need of support, it is often downright inaccurate, basing categorizations of “innocence” and “worthiness” on race or other discriminatory factors described above. A recent citywide assessment which I led while in my prior role at USDOJ detailed the numerous ways that Black and brown victims of gun violence in particular are routinely criminalized in the aftermath of their victimization rather than supported, regardless of the circumstances of the underlying events.⁷ The report also details the ways in which these practices undermine public safety, and offers numerous recommendations for changing this, including an unequivocal need to reform the policy and practices of CICB through legislative action.⁸
- **A harmful reliance on criminal justice system fines and fees.** A significant portion of the funding used to pay claims comes not from a meaningful investment in state general funds toward CICB’s important goals, but rather, from people who are cycling in and out of the criminal legal system who are disproportionately low-income and Black and brown. In this sense, the current structure of compensation functions as a tax on many of the same families and communities it should serve. When individuals who pay into the fund through this mechanism are then violently victimized and should be eligible for these benefits, they are often denied for one or more of the other barriers discussed (including their ongoing criminalization or categorization of someone whose conduct “contributed” to their own victimization). This promotes an unjust and counterproductive false binary between “victims” v. “perpetrators”, and “worthy” v. “unworthy”

⁵ There are many reasons for this distrust, including that Black people are three times more likely to be killed by police, <https://mappingpoliceviolence.us/>.

⁶ Warnken, H., & Lauritsen, J. (2019). Who experiences violent victimization and who accesses services? Findings from the National Crime Victimization Survey for expanding our reach. Center for Victim Research, www.ojp.gov/ncjrs/virtual-library/abstracts/who-experiences-violent-victimization-and-who-accesses-services.

⁷ Warnken et al., *Victim Services Capacity Assessment Report*, USDOJ National Public Safety Partnership, July 2021; <https://www.baltimorepolice.org/sites/default/files/2022-08/PSP%20Victim%20Services%20Assessment%20FINALB.pdf>.

⁸ Id.

applicants, which is often not even based on the facts surrounding the underlying victimization. A program designed to stabilize should not be reliant on a system that often destabilizes.

SB 788 / HB 861 seeks to address these barriers, and clear pathways for all victims to get access to the support and dignity they deserve. After decades of well known challenges, this bill is the product of collaboration by a large and growing coalition of diverse organizations and directly impacted people representing the overlapping constituencies of victims and survivors facing these barriers everyday. Beyond victim services, this includes those working on violence prevention, criminal justice reform, reentry, racial justice and more.

This collaboration is emblematic of the common ground we occupy, especially the desire to see the return on investment to public safety through this bill.

For example, a well functioning victim compensation program plays an important role in community violence intervention efforts; a role we have yet to realize in Maryland. Regarding gun-violence reduction, perhaps the most promising potential is that it could provide ways to help support and stabilize people engaged in behaviors and relationships associated with gun violence.⁹ From their experience working with perpetrators and victims of gun violence, trauma recovery specialists and community-violence interventionists know that people caught up in cycles of violence often want to change their lives, but can also resist, face barriers, and be wary about accepting help. Research shows that this kind of ambivalence is a common feature of desistance from engaging in violence.¹⁰ In the aftermath of violent victimization, this ambivalence can break down, and people can become more open to change and receiving assistance.¹¹

Access to CICB benefits can thus provide community-violence interventionists, trauma-recovery specialists, law enforcement, and others who work with people caught up in cycles of violence, victimization, and trauma an important tool and tangible resources to help meet their needs, connect them to services, and set them on a path of healing and desistance. This is especially powerful from a victim services lens, given that too often Black and brown victims of gun violence are criminalized and unlikely to be seen and served as victims of crime.¹²

⁹ Berg, M. T., & Schreck, C. J. (2022). The meaning of the victim–offender overlap for criminological theory and crime prevention policy. *Annual Review of Criminology*, 5, 277–297. Papachristos AV, Wildeman C, Roberto E. (2015). Tragic, but not random: the social contagion of nonfatal gunshot injuries. *Social Science & Medicine*, 125, 139–150.

¹⁰ Carlsson, C. (2017). The transition to adulthood and the ambivalence of distance. In *The Routledge International Handbook of Life-Course Criminology* (pp. 324–341). Healy, D. (2010). Betwixt and between: The role of psychosocial factors in the early stages of desistance. *Journal of Research in Crime and Delinquency*, 47(4), 419–438.

¹¹ Turanovic, J. J. (2019). Victimization and distance from crime. *Journal of Developmental and Life-Course Criminology*, 5, 86–106.

¹² Warnken et al., *Victim Services Capacity Assessment Report*, USDOJ National Public Safety Partnership, July 2021; <https://www.baltimorepolice.org/sites/default/files/2022-08/PSP%20Victim%20Services%20Assessment%20INALB.pdf>.

As will inevitably be debated regarding this bill, *how do we pay for it?*, our coalition poses what the research tells us is a more apropos question: *how do we not?*

A well functioning CICB program can also help reduce state and local costs of violence and unaddressed trauma. Research indicates that victims who are able to cover the costs associated with their victimization are less likely to develop post-traumatic stress and other related symptoms.¹³ Left untreated, these symptoms can have devastating effects on people’s lives, including loss of employment, substance use, an overreliance on emergency rooms to manage pain and suffering, and, in some cases, justice involvement and cycling through jail and prison. Victim compensation, with supplemental funds from the federal government, supports state efforts to help highly victimized people avoid these outcomes..

These much-needed improvements to the CICB process in Maryland can help foster social trust and legitimacy. Research shows that low levels of social trust and legitimacy have especially strong relationships to high levels of violent crime, particularly homicide.¹⁴ One way in which the trauma of violent victimization perpetuates cycles of violence is wounding the basic trust and capacity to rely on one’s friends and neighbors that all people need to live safe and healthy lives.¹⁵ In disproportionately low-income Black and and brown communities where violent victimization is concentrated, the impact of trauma combines with the legacy of racism, chronic disinvestments, a lack of supportive services, and an overreliance on police, jails, and prisons. These conditions can break down social trust and breed cynicism toward government.¹⁶

A victim compensation program that supports rather than alienates victims in their worst moments has the potential to help interrupt these cycles. By helping victims pay for the financial costs of their victimization, CICB gives state government a different way to respond to violent victimization outside of the criminal legal framework of arrest, prosecution, and incarceration, actions that are often divorced from meeting a victim’s material and emotional needs. In so doing, the program provides an opportunity for

¹³ Alvidrez, J., Shumway, M., Boccellari, A., Green, J. D., Kelly, V., & Merrill, G. (2008). Reduction of state victim compensation disparities in disadvantaged crime victims through active outreach and assistance: A randomized trial. *American Journal of Public Health, 98*(5), 882–888. Ozer, E. J., Best, S. R., Lipsey, T. L., & Weiss, D. S. (2003). Predictors of posttraumatic stress disorder and symptoms in adults: a meta-analysis. *Psychological Bulletin, 129* (1), 52.

¹⁴ Tapio Lappi-Seppälä. (2017). American exceptionalism in comparative perspective: Explaining trends and variations in the use of incarceration. In K. R. Reitz (Ed.). *American Exceptionalism in Crime and Punishment* (pp. 195–271). New York: Oxford University Press; Roth, R. (2012). *American Homicide*. Cambridge, Mass: Harvard University; Roth. (2018). How exceptional is the history of violence and criminal justice in the United States. In K. R. Reitz (Ed.). *American Exceptionalism in Crime and Punishment* (pp. 272–297). New York: Oxford University.

¹⁵ Bell, V., Robinson, B., Katona, C., Fett, A. K., & Shergill, S. (2019). When trust is lost: The impact of interpersonal trauma on social interactions. *Psychological Medicine, 49*(6), 1041–1046.

¹⁶ Kirk, D. S., & Matsuda, M. (2011). Legal cynicism, collective efficacy, and the ecology of arrest. *Criminology, 49*(2), 443–472. Kirk, D. S., & Papachristos, A. V. (2011). Cultural mechanisms and the persistence of neighborhood violence. *American Journal of Sociology, 116*(4), 1190—1233; Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science, 277*(5328), 918–924.



government agencies and community-based organizations to work together and build trusting relationships that are necessary to support underserved victims, reduce violence and solve crime.

This bill provides the opportunity to transform victim compensation in Maryland. It applies sound evidence and lessons learned from other states, while also setting up Maryland to be a leading example for others throughout the country working toward reform.

For these reasons, we urge a favorable report on SB 788/ HB 861.

HPPP Testimony SB 788- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 788
TITLE: Criminal Procedure – Victim Compensation – Alternations
COMMITTEE: Judicial Proceedings
HEARING DATE: March 9, 2023
POSITION: **SUPPORT**

Senate Bill 788 will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. **The Human Trafficking Prevention Project supports this bill because it will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.** For sex workers and survivors of human trafficking, who are some of the victims *least likely* to report their victimization and/or cooperate with law enforcement, this bill removes barriers that have kept the victim compensation process almost entirely inaccessible to them.

By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, and has been particularly unhelpful to survivors of human trafficking and domestic violence. While Maryland has one of the lowest grant rates of victim compensation in the country overall, with over half of all claims denied in FY22, there was only 1 domestic violence-related claim paid in the last five fiscal years, with no reported compensation paid to human trafficking victims.

SB 788 will remove numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that they must “cooperate” with law enforcement. The reporting and cooperation requirements are rooted in archaic notions of how “real” victims behave, uninformed by the impacts of trauma on the brain, and fail to consider how, especially in the context of sexual assault, interpersonal violence, and human trafficking, fear, shame, stigma, and, at times love, combine to keep so many victims silent.¹ These requirements also fail to acknowledge the lack of trust many victims have in the police and/or the criminal legal system,² and that, in many cases, law enforcement has played a role in the victimization.³

¹ See generally, Zita Fontaine, *The Reasons Why Victims Don't Report Abuse* (Nov. 2019), <https://zitafontaine.medium.com/the-reasons-why-victims-dont-report-abuse-9bc6b15a0e5f>; Darlene Hutchinson, *Fewer than Half of Victims Report Violent Crime* (Dec. 2017), <https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/blogs-2017/2017-blog-ncvs.htm>

² See generally, Hyounggon Kwak, Rick Dierenfeldt, & Susan McNeeley, *The Code of the Street and Cooperation with the Police: Do Code of Violence, Procedural Injustice, and Police Ineffectiveness Discourage Reporting Violent Victimization to the Police?* (Jan. 2019), <https://www.sciencedirect.com/science/article/pii/S0047235218303155>; Seokhee Yoon, *Why Do Victims Not Report?: The Influence of Police and Criminal Justice Cynicism on the Dark Figure of Crime* (2015), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2209&context=gc_etds;

³ See generally U.S. Department of Justice, Civil Rights Division, *Investigation of the Baltimore City Police Department* (2016), <https://www.justice.gov/crt/file/883296/download>; Andrea Ritchie, *How Some Cops Use the Badge to Commit Sex Crimes* (Jan. 2018), https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842_story.html.

Of particular relevance to human trafficking survivors is the striking of the language that allows for a claim to be denied if the reviewer believes that the victim may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. For human trafficking victims, who are commonly criminalized as a direct result of their victimization,⁴ this is a significant barrier to submitting and/or successfully receiving compensation.

Victim compensation is about public safety and helping victims heal. This bill will create a non-discriminatory victim compensation process that is accessible to *all* victims of crime, including those who fail to report their victimization to law enforcement or who are judged by society to be less than “the perfect victim.” **For these reasons, the Human Trafficking Prevention Project supports Senate Bill 788 and respectfully urges a favorable report.**

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@ubalt.edu*

⁴ National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* 3 (2016), <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.NSN (citing that 91% of sex and labor trafficking have criminal records).

SB 788_Shock Trauma_Fav.docx.pdf

Uploaded by: Justin Graves

Position: FAV

Written Testimony in SUPPORT of Senate Bill 788
Criminal Procedure - Victim Compensation - Alterations
Judicial Proceedings Committee
March 9, 2023

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Judicial Proceedings Committee

I am Justin Graves, Director of Trauma Programs, which includes the Center for Injury Prevention and Policy at the R Adams Cowley Shock Trauma Center. I am writing today in support of Senate Bill 788 Criminal Procedure – Victim Compensation – Alterations.

This bill will create a non-discriminatory victim compensation process that is accessible to all victims of crime, or their family members left behind, provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for victims of crimes.

The staff of the of the Center for Injury Prevention and Policy work closely with victims of community and intimate partner violence who come through as patients of the University of Maryland Medical Center and the R Adams Cowley Shock Trauma Center. Case managers have assisted many victims of violence with filing their application for the Criminal Injuries Compensation Board funding, but have seen less than a few of those applications approved for financial relief. This is a very frustrating and discouraging experience for anyone, but particularly difficult for a person who is also dealing with the trauma of their victimization. The reasons for denial have varied and include the victim not calling the police and filing a police report within the very narrow window of time that is allowed or the victim not “cooperating” with law enforcement, which is arbitrarily defined by law enforcement. The fact that these

individuals are victims of crimes is no longer acknowledged when they are denied victim compensation because of unnecessarily stringent and arbitrary eligibility guidelines.

The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation. Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state.

It is for these reasons, that I am requesting a **favorable** report.

Justin Graves, MS, MBA, RN

Director of Trauma Programs

R Adams Cowley Shock Trauma Center

Center for Injury Prevention & Policy

www.umm.edu/prevention

2023 SB788_HB861(senate).pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in **Support** of
Criminal Procedure - Victim Compensation - Alterations

SB788/HB861

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

March 9, 2023

Dear Chair Smith, Vice-Chair Waldstreicher, and distinguished members of the Committee,

Marylanders to Prevent Gun Violence (MPGV) is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. We urge the committee for a **FAVORABLE** report on House Bill 861 which seeks to create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

Each year, more than 474 people in Maryland die by gun homicide and nearly 551 people are shot and wounded in firearm assaults. In the aftermath, survivors and families suffer from emotional trauma while managing new financial burdens related to immediate and long-term medical and mental health care, funeral expenses, or even the costs of cleaning a deceased relative's home. Survivors may lose wages while they take time off of work to recover, receive physical therapy, or appear in court. While victim compensation is technically available to survivors of gun crimes and the families of those killed by guns, too often victim compensation can be denied if they or their loved one had a prior criminal conviction, filled out an application incorrectly, failed to file within a certain time frame, or failed to report or cooperate with law enforcement.

In the aftermath of gun violence, survivors and families require physical, emotional, and financial support. Access to this support is complicated by debilitating trauma, limited resources, and in the case of victim compensation, administrative obstacles and restrictions. Survivors and victim advocates have been working for years to incorporate federal and state fixes to victim compensation statutes and administration. As federal fixes to victim compensation funding are under way, states must also take action to increase victims' awareness of compensation, ease the application process, and adequately fund the needs of gun violence survivors. The struggle to cope with short- and long-term effects of a shooting or threat with a gun should not be exacerbated by a fight to navigate and receive victim compensation.

Senate Bill 788 moves to address many of these administrative burdens and restructure the fund to create greater program stability. MPGV urges a favorable report on SB788.

SB_788_JPI_3_7_23.pdf

Uploaded by: Keith Wallington

Position: FAV



**Testimony to the Senate Judicial Proceedings
SB788 Criminal Procedure – Victim Compensation— Alterations**

Keith Wallington

Justice Policy Institute

kwallington@justicepolicy.org

March 9, 2023

The Justice Policy Institute strongly supports Senate Bill 788, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

According to a national [study](#) by the Alliance for Safety and Justice, “unaddressed, trauma can contribute to instability, including mental health or addiction issues, challenges returning to work, maintaining housing or caring for loved ones, and can even lead to someone being revictimized.” According to the same report, “youth and young adults between the ages of 18–24 are particularly vulnerable following victimization and can suffer from the long-term impacts of unaddressed trauma, such as difficulty with school, work, relationships and poor physical health. They are also the most at-risk for later becoming involved in criminal activity if their needs go unmet.”

This bill is very personal to me. As a young college student from a low income family with both parents working 40+ hours a week in factory jobs, after my brother was shot to death, my family did not have the means to bring me or my other brother home from college for the funeral, let alone for the funeral expenses. It was years after he was buried that we were finally able to put a headstone on my brother’s grave. But that was just the tip of the iceberg in what was to come. My mother never received the support or therapy that was needed for her to deal with my brother’s death. His death and my mother’s unmet treatment was the catalyst behind a steady decline in her health that eventually lead to her early grave. She never got over my brother’s death. I can only imagine how our lives, particularly my mother’s life would have been different if we were connected to victim compensation support during that horrible time. Not only do I appreciate the need for this legislation from a practical perspective, but I also believe this bill is a about public safety.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

House Bill 861 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must “cooperate” with law enforcement. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of the “perfect victim” who may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future

victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. House Bill 861 reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

For the above stated reasons stated above, the Justice Policy Institute ask for a favorable report on SB 788.

SB788 Health Alliance for Violence Intervention Le

Uploaded by: Kyle Fischer

Position: FAV



Maryland General Assembly- Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

RE: Letter of support for SB 788 Criminal Procedure – Victim Compensation - Alterations

March 9, 2023

Chair Smith and the Senate Judicial Proceedings Committee,

The Health Alliance for Violence Intervention (HAVI) is pleased to support SB 788 “Criminal Procedure - Victim Compensation - Alterations.” This bill would reform our state’s victim compensation process to ensure it is accessible to all victims of crime. We respectfully ask that your committee provide a favorable report for this important legislation.

The HAVI represents a national network of hospital-based violence intervention programs (HVIPs). HVIPs are victim service providers that use patient-focused strategies to break the cycle of violence and reduce rates of repeat injury. Founded in 2009, the HAVI represents 50 programs across the United States. In fact, the R Adams Cowley Shock Trauma Center Violence Intervention Program was one of our founding members, with UM Capital Region Health, Johns Hopkins Hospital, Lifebridge Health, and Youth Advocate Programs subsequently joining.

As service providers who care for survivors of community violence, our collective experience is that the existing victim compensation system in Maryland is wholly inaccessible for survivors of community violence. Our clients, typically Black and Brown young men who have survived gunshot wounds, are almost universally denied compensation. This both re-traumatizes survivors and adds an unjust financial burden to an already challenging recovery.

This lack of access impedes our ability to promote community safety in the communities hardest hit by gun violence. It means that survivors face challenges accessing medical care, mental health services, and securing basic needs such as food and housing. This has the combined effect of perpetuating the cycle of violence.

Fortunately, this bill addresses the barriers which have locked survivors of gun violence out of the existing system. It removes the requirement that victims must report a crime within 48 hours, an eligibility criterion typically unknown to survivors until after they apply. SB 788 removes requirements that a victim must “cooperate” with law enforcement- a vague term with vastly different meanings between members of law enforcement and the community.

Additionally, it strikes the concept of the "model victim" which is a flawed, outdated, and unjust concept.

In addition to these reforms that directly support victims, the bill has several provisions to improve the overall system. In order to adapt the program to meet an evolving challenge, it reconfigures the Criminal Injuries Compensation Board to include both members with lived experience as well as service providers. The bill removes unnecessary bureaucratic hurdles by streamlining the claims process. Finally, it improves the financial stability of the program by decreasing the reliance on criminal justice fines and fees.

We believe SB 788 is an important step to ensure survivors of community violence have the resources needed to fully recover after their injuries. Although it was not intended this way, in practice, the existing system picks winners and losers by perpetuating a harmful trope of "deserving" and "underserving" victims. This is not only immoral, but perpetuates the cycle of violence.

For these reasons, we ask that the Senate Judicial Proceedings Committee provide a favorable report on SB 788 Criminal Procedure – Victim Compensation - Alterations.

Sincerely,

A handwritten signature in black ink that reads "Kyle Fischer". The signature is written in a cursive, flowing style.

Kyle Fischer, MD, MPH
Policy Director
The Health Alliance for Violence Intervention (HAVI)
KyleF@TheHAVI.org

SB 788 - FAV - Women's Law Center of MD.pdf

Uploaded by: Laure Ruth

Position: FAV

BILL NO.: Senate Bill 788
TITLE: Criminal Procedure - Victim Compensation - Alterations
COMMITTEE: Judicial Proceedings
DATE: March 9, 2023
POSITION: **SUPPORT**

Senate Bill 788 would address our current victim compensation agency to improve the process of what is currently almost completely inaccessible to victims of crime and their families. The Women's Law Center (WLC) supports SB 788 because a major overhaul is long overdue, and the bill will help make the Criminal Injuries Compensation Board (CICB) an accessible, non-discriminatory victim compensation process. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

The WLC operates protection order projects in 3 jurisdictions and has other projects that exclusively serve victims of crime in collateral legal issues. We have found over the decades we have been representing victims that obtaining any benefits from the CICB is virtually impossible for our clients. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claimants were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22, with no victim of domestic violence related crimes awarded compensation.

Senate Bill 788 would remove numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must "cooperate" with law enforcement. It would clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill would also remove the concept of the "perfect victim" who may have "contributed" to their own victimization.

In addition, SB 788 would reconstitute the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process would be streamlined in SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability.

Frankly, although the CICB has existed, we do not give our clients who should receive compensation the false hope that they actually will. It is beyond time to make this an actual workable agency to assist victims and their families in the right circumstances.

For these reasons, the Women's Law Center urges a favorable report on Senate Bill 788.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

VSAB Support Ltr Crime Victim Compensation Board M

Uploaded by: Leslie Frey

Position: FAV



VICTIM SERVICES ADVISORY BOARD

March 9, 2023

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support – SB 788 – Criminal Procedure – Victim Compensation – Alterations

Dear Chairman Smith:

Senate Bill 788 revises Maryland law to alter the composition of the Criminal Injuries Compensation Board and the procedures by which the Board makes awards to crime victims. Specifically, Senate Bill 788 would expand the Criminal Injuries Compensation Board, ensuring that the Board reflects the diversity of Maryland's population, and that crime victims will always have a voice on the Board. This bill would further include, within the range of expenses that would justify an award from the Board, additional expense categories such as relocation costs and the transportation and child care costs associated with seeking mental health services. Finally, Senate Bill 788 would more fulsomely fund the Criminal Injuries Compensation Board, thereby expanding the amount of money available to crime victims.

The Montgomery County Victim Services Advisory Board (VSAB) advises the Montgomery County Council and the Montgomery County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault, and human trafficking. The number and severity of sexual assault and domestic violence cases referred to Montgomery County HHS Trauma Services increased substantially during the COVID-19 pandemic. This finding is consistent with data showing violent crime has risen nationally over the last few years, leading to increased prosecutions.

As crime has risen nationally and in Maryland, there are, unfortunately, more crime victims in need of mental health and other services. This is especially true for victims of sexual assault and child abuse, who are among the most vulnerable members of our community. Senate Bill 788 will ensure that the Criminal Injuries Compensation Board is representative of the State's population, and that victims' advocates are always represented there. This bill will also ensure that victims have access to the financial assistance they need, whether to relocate, or to pay for the medical, mental health, or other expenses that may become necessary when they unfortunately become crime victims. Taken together, the provisions in Senate Bill 788 will improve how our community treats victims and addresses the trauma and after-effects of criminal activity.

Accordingly, VSAB asks the committee to issue a favorable report on Senate Bill 788.

Sincerely,

Brian D. Koosed
VSAB Co-chair

Department of Health and Human Services

Lets Thrive Baltimore Testimony .pdf

Uploaded by: Lisa Molock

Position: FAV

It has been times when I had to take money from my personal account to help victims because no one was able to help or it took so long that the victim experienced major retraumatization due to not being able to address their needs that came on due to no fault of their own. Until we can get violent crime under control, we believe victims should receive financial support to help with the bills listed below; not only will this prevent retraumatization, it will prevent retaliation.

TESTIMONY ON HB 861 / SB 788

Criminal Procedure - Victim Compensation - Alterations

March 7, 2023 / March 9, 2023

Let's Thrive Baltimore strongly supports HB 861/SB 788, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

Trying to provide victim compensation has been very difficult in those critical moment when victims are in need of financial support.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

HB 861/SB 788 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must "cooperate" with law enforcement. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of the "perfect victim" who may have "contributed" to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 861/SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency

and accountability. Finally, HB 861/SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

Being a trusted messenger in the community, we know that victims may not be able to cooperate with law enforcement or report what occurred in a 48-hour time frame. Some may not want to cooperate at all, and I want to refer back to the Dawson family who was murdered in their home; this horrifying killing has placed a barrier between victims and reports they make to law enforcement due to fear of retaliation.

For the above stated reasons, **Let's Thrive Baltimore** strongly urges a favorable report on HB 861/SB 788.

Testimony SB788, Victim Compensation - 3-9-2023.pd

Uploaded by: Lisa Sloyer

Position: FAV

BILL NO: House Bill 861/Senate Bill 788
TITLE: Criminal Procedure – Victim Compensation – Alterations
COMMITTEE: Judiciary/Judicial Proceedings
HEARING DATE: March 9, 2023
POSITION: SUPPORT

Good afternoon, Chairperson, Vice Chairperson and Members of the Committee. My name is Lisa Sloyer, and I am an Advocacy and Resource Program Manager at TurnAround, Inc., a Baltimore-based organization that has been working with victims of intimate partner violence, sexual assault, and human trafficking for more than 40 years. We see firsthand the emotional, physical, and financial trauma that survivors of these crimes experience. We urge the committee to issue a favorable report on SB788.

The current system for compensating victims is not working. Too often, the survivors we work with are left without the financial resources they need to move forward after enduring horrific trauma. For survivors of intimate partner violence, for example, quick financial support is critical to establishing independence and not returning to an abusive partner.

Senate Bill 788 ensures that victims are compensated fairly and quickly. Importantly, the proposed legislation also reflects the reality of how trauma can affect a victim's behavior. Victims often choose not to report their victimization to law enforcement, so the proposed legislation no longer requires a police report to prove a crime happened. Victims often need time to heal from their trauma before telling their story and the proposed legislation allows victims to apply for compensation at any time.

These changes in the law would have made a huge difference to one of my clients. As a survivor of intimate partner violence, she needed compensation funds after leaving her abuser. Filling out the application was painful, requiring her to recount what had happened to her in detail. Six months passed before she received a response, and even then, there was no compensation, just a retraumatizing demand for additional proof of her abuse.

Happily, my client found work and became financially stable. But for others, this kind of delayed response can be dangerous. Victims deserve a compassionate compensation process and swift financial help so they can build safe lives for themselves and their families.

For these reasons I urge a favorable report on SB788. Thank you.

CICBTestimonySenate.DRAFT.3.2.23.pdf

Uploaded by: Lydia Watts

Position: FAV

BILL NO: Senate Bill 788
TITLE: Criminal Injuries Compensation Board Reform Act
COMMITTEE: Judicial Proceedings
HEARING DATE: March 9 at 1 pm
POSITION: **SUPPORT**

I am here as the Executive Director of The Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore, representing the interests of the nearly 600 crime victims from Baltimore City that ROAR has assisted since our inception in June 2019. ROAR is a “one-stop-shop” in Baltimore City where survivors of crime can access a full range of wraparound legal, mental health, case management and nurse care management services in one place, which research has shown provides the best outcomes for survivors who are often managing myriad and complex needs. ROAR aims to co-create with survivors a community in which people who experience crime or systemic injustice are empowered to achieve their own sense of justice, healing, and well-being. ROAR’s mission is to engage with individuals and communities in Baltimore City by providing holistic, client-driven services to survivors of crime and influencing efforts to reform systemic responses to crime. **ROAR urges the House Judiciary Committee to issue a favorable report on HB 861.**

At ROAR we assist victims of all types of crime, abuse, and harm who live in or were harmed in Baltimore City, about 60% of whom are survivors of gun violence – family members of homicide victims and survivors of non-fatal gunshots. Most of the victims who have come to ROAR have not called the police due to myriad reasons, including: fear for their own safety or of the person who is harming them due to their race or ethnicity and sadly all to regular acts of police violence against Black and brown communities; fear of deportation; fear the police will minimize the harm or not do anything and then the violence may escalate once they leave; or fear that they may be ridiculed and outed as LGBTQIA+. ROAR intentionally seeks to serve those exact communities that are the least likely to engage with law enforcement since there are so few resources and supports to those who choose not to call the police.

I have been a practicing attorney for over 26 years, for most of that time in Washington, DC though for 6 of those years in MA and the 4 most recent years in Baltimore City. For over 30 years I have been working directly with survivors of crime and harm, which was the motivating reason for me to go to law school. I share this background with you because I have personally walked alongside hundreds – even thousands - of survivors of intimate partner violence, sexual assault, human trafficking, home invasions, fraud and cybercrimes, very serious assaults, homicides, and gunshot survivors as they have journeyed from the earliest days following the victimization of shock, immobilization, and fear through to a place of acceptance and healing. That journey can be long and is always arduous. Our systems of response and care are deeply, deeply flawed and inadequate in how we – as a society – respond to the needs of those who have

been harmed and are instead put into precarious situations – sometimes even more frightening and uncertain that the environment they may have just left when victimized.

The victims' compensation scheme that dates to the 1980s as part of the Victims of Crime Act Bill that was passed during the Reagan era was intended to offset the financial impact of being victimized. As I am sure you can imagine – and may have heard from constituents – the reality of mounting medical bills, repairs or replacement of property that was damaged, feeling unsafe in your home and wanting to stay elsewhere can be not only overwhelming but infuriating. “Why do I have to pay for all of this? I am the victim” is what ROAR staff members and I hear from survivors time after time. Financial compensation for expenses incurred because of being a victim of a crime is an important part of rebuilding the lives of those who are been victimized. As it currently stands, Maryland's Criminal Injuries Compensation Board (CICB) statute includes ill-informed policies that disproportionately disqualify Black individuals and families, and especially young Black men, from receiving compensation, even though those communities experience violent crime at the highest rates.

CURRENT CICB POLICIES AND WHY LEGISLATION IS NEEDED:

TO QUALIFY FOR CICB ASSISTANCE, VICTIMS OF CRIME MUST REPORT THE CRIME AND COOPERATE WITH POLICE WITHIN 48 HOURS OF THE CRIME AND MUST BE DEEMED – BY POLICE – TO “COOPERATE” WITH THE INVESTIGATION

Many survivors of crime do not call the police. This is true nationally. There are many reasons for this – some of which I noted earlier. The main reason I hear is because survivors do not believe the police will do anything to help them. This is at least in part because the *role of law enforcement* is to investigate and arrest a suspect as a result of that investigation, it is NOT to “make the victim whole.” The requirement to report to the police renders the vast majority of survivors ineligible for this fund. The requirement that they then “cooperate” with the police, as defined by the police, leads to another level of disqualification under current law.

What ROAR hears from survivors of gun violence in Baltimore City is that the police ask at the time of admission to the trauma center or emergency room, “Who shot you?” It does not matter whether they are being rushed into life-saving surgery, suffering from excruciating pain, under the influence of pain killers, they are asked this question. If they do not answer or do not know, they are deemed to be non-cooperative. Most of these survivors report never seeing the police again, which rings true when we see the closure rates of non-fatal shootings being somewhere between 10-30% in Baltimore City. What is important to note, however, is that once survivors receive support – with emotions and trauma, with financial support, with empathy and assistance in finding what they need be that a safe place to stay or an advocate by their side – they are much more likely to report to police and cooperate with an on-going investigation. This reform could lead to more closure of cases because victims will be able to cooperate without fear of additional harm and financial hardship.

VICTIMS CANNOT HAVE CONTRIBUTED TO THEIR VICTIMIZATION

This requirement ignores the reality that regardless of a victim's involvement in a crime when victimized (e.g., purchasing illegal drugs when being shot or engaging in survival sex-for-money and being raped), they may still need compensation to rebuild their life and address the trauma they have endured. Changing this section to fall in line with a trauma-informed, strength-based approach that affirms a trauma survivor's human dignity and need for healing would be more productive and would better serve Maryland's crime survivors.

Currently the determination of whether a victim is culpable is made by the police, who are required to fill out a form to verify cooperation and whether the victim was complicit in their victimization for the claim to proceed. However, given that the closure rates of homicides and non-fatal shootings is so low, that determination is based on what appears to the victims to be a cursory investigation and often based on racial stereotypes and assumptions about where they were shot or how they respond to questioning at the time of the shooting – a time fraught with trauma and fear.

Finally, this disenfranchisement can be multi-generational. The denial of victim compensation impacts the family members and children of victims. If a father of three children is murdered and the police determine (without the requirement of a full investigation) that he was culpable in his own murder, his children will not be eligible for lost support from that family member, therapy costs, or even funeral expenses. The process to apply for victim compensation is not trauma-informed and can exacerbate the trauma victims and their families experience.

How these Reforms will Beneficially Impact Communities of Color: Violent crime disproportionately impacts communities of color. Yet, the existing barriers to victim compensation are more extreme for communities of color as it relates to the subjective requirements including cooperating with law enforcement and contributing to one's own victimization. By improving the Criminal Injuries Compensation Board and victim compensation eligibility and process survivors of color will now be able to access a benefit that can be critical to restoring their lives following the victimization. The current data required to be reported by CICB regarding victim compensation claims and which are granted, and which are denied does not include demographic information including gender, race, and primary language. This legislation will require that information be collected and reported.

Disenfranchising any victim of crime is doing an enormous injustice not only to that individual survivor, but also to the General Assembly's priority of securing and ensuring the public safety of all Marylanders. When someone is victimized and is not able to access the support they need, it places them at much greater risk of perpetrating a later crime – if only to meet financial needs, though even more so because of the often-unaddressed trauma caused by that earlier victimization. The adage “hurt people hurt people” is very true. Until Maryland truly embraces the reality that public safety must include much more than a singular focus on and investment in a carceral response toward the offender and instead must encompass all aspects of health and wellness, we will not see the reduction in crime rates that we all wish for. A comparable investment in and attention to meeting the needs of victims of crime – often seen as secondary prevention since a crime is already occurred – must be seen as an essential investment in crime

prevention. Victims of all types of crime must be treated with dignity, respect and as a full human being with needs and flaws, not only because it is the moral and right thing to do, but also because it is the only way we will abate the heretofore endless cycle of violence that plagues our most vulnerable communities.

For the above stated reasons, **ROAR urges a favorable report on SB 788.**

SB 788_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 788
TITLE: Criminal Procedure - Victim Compensation – Alterations
COMMITTEE: Judicial Proceedings
HEARING DATE: March 9, 2023
POSITION: **Favorable**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceeding Committee to issue a favorable report on SB 788.**

Maryland’s Criminal Injuries Compensation Board and victim compensation process is onerous and results in the routine denial of countless claims by victims of crime. The process to apply for victim compensation is not trauma-informed and many victims choose not to even apply for compensation because it is so cumbersome, traumatic, and frequently results in an ultimate denial of compensation.

The barriers to victim compensation impact all victims of crime including victims of domestic violence. Despite the thousands of domestic violence victims in Maryland in 2022, no domestic violence related claims for victim compensation were paid to victims of domestic violence.¹ Domestic violence is vastly underreported with an estimated half of all victims not reporting the violence to law enforcement.²

Victims of domestic violence do not report their abuse to law enforcement for numerous reasons including distrust between victims of domestic violence and law enforcement. In a 2015 survey, 88% of victims of domestic violence or sexual assault reported that police “sometimes” or “often” do not believe victims or blamed victims for the violence.³ In that same survey, 83% of the those surveyed thought police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously. Over 80% believed that police-community relations with marginalized communities influenced survivors’ willingness to call the police. Victims of domestic violence who do not report their abuse to law enforcement are barred from receiving any victim compensation. Those same victims of domestic violence often cannot leave the violence because they lack the financial resources to do so.

¹ [https://dlslibrary.state.md.us/publications/Exec/GOCPYVS/CP11-805\(a\)\(8\)_2022.pdf](https://dlslibrary.state.md.us/publications/Exec/GOCPYVS/CP11-805(a)(8)_2022.pdf)

² <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>

³ https://www.aclu.org/sites/default/files/field_document/2015.10.20_report_-_responses_from_the_field_0.pdf

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ mshapiro@mnadv.org



Senate Bill 788 addresses the numerous obstacles victims face to receive victim compensation in Maryland including the eligibility requirements such as reporting the crime to law enforcement within 48 hours, fully cooperating with law enforcement, and an arbitrary determination that an individual did not contribute to their victimization. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The claims process is streamlined in SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

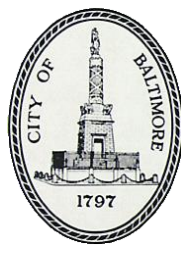
By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 788.**

SB0788-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 788

March 9, 2023

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: Senate Bill 788 – Criminal Procedure – Victim Compensation – Alterations

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 788.

SB 788 expands eligibility for awards from the Criminal Injuries Compensation Board (CICB) and establishes a mandated annual appropriation of \$7 million to the Criminal Injuries Compensation Fund (CICF). It addresses important gaps in the existing compensation process by expanding eligibility to allow awards to deserving victim categories including a victim who is a relative of the offender or was living with the offender as a family member or household member at the time of injury or death; and domestic partners or the dependent of a victim under specified circumstances. By expanding applicability of CICB and CICF, the legislation will make victim compensation more inclusive and better meet the needs of victims across the state.

The CICB is designed to provide support to victims, families of victims, and survivors of violent crimes. Recipients of this fund are able to pay for funeral expenses, afford alternative means of housing in instances of intimate partner violence, and generally reset and support feelings of safety in the world. Additionally, in an effort to be more equitable, the Board should reflect the breadth of diversity present in the residents of this State.

This good sense bill is a good step in the right direction to protect vulnerable Marylanders from being further victimized and instead presenting them with opportunities towards stabilization.

For these reasons, the BCA respectfully requests a **favorable** report on SB 788.

MD CBIS SB788 & HB861.docx.pdf

Uploaded by: Priya Jones

Position: FAV



**FINES & FEES
JUSTICE
CENTER**

www.finesandfeejusticecenter.org

psjones@ffjc.us

1325 G St NW

Suite #500

Washington, DC 20005

TESTIMONY IN SUPPORT OF Senate Bill/HB861

Criminal Procedure - Victim Compensation - Alterations

TO: Hon. William C. Smith, Jr. , and Members of the Senate Judiciary Committee

FROM: Priya Sarathy Jones, Deputy Executive Director, Fines and Fees Justice Center

DATE: Wednesday, March 8, 2023

The Fines and Fees Justice Center (FFJC) thanks the Maryland House of Delegates' Judiciary Committee for scheduling this important hearing and **urges a favorable report on Senate Bill 788/HB861**. This bill will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

Fines and Fees Justice Center

The Fines and Fees Justice Center is a national hub for information, advocacy and collaboration for the reform of fines and fees. Our mission is to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Working with directly impacted communities, FFJC is building broad-based coalitions from across the political spectrum including grassroots organizations, judges, public defenders, prosecutors, legislators, law enforcement, and faith-based and advocacy organizations, all of which are focused on ending the harms inflicted by fines and fees. Fines and fees in the justice system hurt millions of Americans – entrenching poverty, exacerbating racial disparities, diminishing trust in our courts and police, and trapping people in perpetual cycles of punishment. Across the country, people convicted of felonies, misdemeanors, and minor traffic and municipal code violations are charged a fine as punishment and then taxed with fees that are used to fund the justice system and other government services. Millions of people who cannot afford to immediately pay the full amount charged face additional fees, license suspensions, and, far too frequently, arrest and jail.



**FINES & FEES
JUSTICE
CENTER**

www.finesandfeejusticecenter.org

psiones@ffjc.us

1325 G St NW

Suite #500

Washington, DC 20005

The National State of Victims Compensation Fees

In 32 states and DC, universal assessments or surcharges are imposed to raise revenue for funds dedicated to compensating victims of crimes. Victims deserve to be made as whole as possible when they experience a loss due to a crime, and it is laudable that state governments have created programs to compensate such victims. However, funding these programs by imposing a flat fee on anyone convicted of an offense—even those convicted of charges in which there was no victim, is an inequitable and ineffective way of raising money for victims. In Maryland a significant portion of the funding used to pay claims to the Criminal Injuries Compensation Board (CBIS) comes from people who are cycling in and out of the criminal legal system who are disproportionately Black, brown and low-income. This process of using fees in the criminal legal system to fund victims compensation funds is a form of regressive taxation, primarily focused on the same communities victim compensation funds are seeking to serve. The narrative that victims and offenders, their families and communities are all separate entities is a false one. More often the case is that a persona may have been both “victim” and “offender” at some point. A 2022 survey of New Mexicans’ experiences with court debt found that in New Mexico, most people who are struggling with court debt have also been victims of crime. More than two thirds of the 511 respondents had been a victim of crime at some point in their lives.

Maryland SB788/HB861

Passage of **Senate Bill 788/HB861** would be a positive move toward a more equitable and just system. A system that reflects the understanding that crime, victims and perpetrators are too often overlapping and the understanding that a system that is funded by perpetrators is also one funded by victims. Maryland can be a model to other states demonstrating that the government can provide services and essential government functions, without using regressive taxation models such as fees to fund victim compensation.

Conclusion

Maryland’s pursuit to address the unjust nature of its CBIS, with an eye towards reform, is inline with the national direction on this issue. More and more states are taking on this issue of fees in the justice system, and are in pursuit of more stable and reliable sources of funding for essential government functions.

The Fines and Fees Justice Center will continue to work for a more just and equitable system. We know this Committee will, too. We look forward to doing it together.



**FINES & FEES
JUSTICE
CENTER**

www.finesandfeejusticecenter.org

psjones@ffjc.us

1325 G St NW

Suite #500

Washington, DC 20005

Thank you for the opportunity to submit this testimony. **We respectfully urge a favorable report on SB788/HB861.**

Priya Sarathy Jones
Deputy Executive Director
Fines and Fees Justice Center

Victim Compensation - SB788.pdf

Uploaded by: Psalms Rojas

Position: FAV



TESTIMONY IN SUPPORT OF SB788
Criminal Procedure – Victim Compensation - Alterations

March 9, 2023

Senator William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, MD 21401

Testimony of Marian House in Support of SB788

**Dear Chair Smith, Vice-Chair Waldstreicher,
and members of the Judicial Proceedings Committee,**

Marian House is a holistic, healing community for women and their children who are in need of housing and support services. Marian House provides comprehensive support services to assist women with experiences of trauma, including poverty, substance abuse, and incarceration. **I write to urge you to support SB788.**

Over forty years ago, Marian House was opened to provide reentry supports for women leaving incarceration as Sisters and laywomen recognized that lack of support contributed to recidivism rates. Today, we have also expanded to serve women with histories of trauma including homelessness, incarceration, neglect, substance abuse and mental health needs. Since our opening, we have assisted women who have been victims of crime in reinventing and rebuilding themselves through services such as: counseling, substance abuse treatment, job training and providing both long and short-term housing. All the women we have served have overcome obstacles on their journeys to become contributing members of society in the Baltimore area.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

HB 861/SB 788 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must “cooperate” with law enforcement. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement



MARIAN HOUSE

Women Moving from Dependence to Independence

to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of the “perfect victim” who may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 861/SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, HB 861/SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability. For these reasons, **we urge your SUPPORT of SB788.**

Thank you for your support,

A handwritten signature in black ink that reads "Katie Allston". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Katie Allston, LCSW-C
President and C.E.O.

Draft testimony Victim Compensation Reform (Robin

Uploaded by: Robin Haskins

Position: FAV

TESTIMONY ON HB 861 / SB 788
Criminal Procedure - Victim Compensation - Alterations

March 8, 2023

Survivors Against Violence Everywhere, INC (SAVE) strongly supports HB 861/SB 788, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

SAVE consist of families who have lost loved ones due to homicide in Baltimore City. The organization has been in existence since 1993. As survivors we know first-hand the burden of having a loved one die unexpectedly. Many of our members lost children who at the time of their deaths did not have adequate insurance for a proper funeral and burial. Families had to resort to borrowing funds, setting up Go Fund Me accounts or not having a funeral at all. Some of our families were forced to have the Anatomy Board dispose of their loved ones bodies. No family should be forced to make such a decision. Financial assistance should be available to help alleviate the stress experienced by crime victims and their families.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates, especially Black men and youth impacted by gun and other forms of community violence. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

HB 861/SB 788 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that a victim must “cooperate” with law enforcement. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of the “perfect victim” who may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 861/SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, HB 861/SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

For the above stated reasons, SAVE **strongly urges a favorable report on HB 861/SB 788.**

SB788_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



James Senate Office Building
11 Bladen Street, Room 203
Annapolis, Maryland 21401
410-841-3131 • 301-858-3131
800-492-7122 Ext. 3131
Shelly.Hettleman@senate.state.md.us

The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN **SB 788 CRIMINAL PROCEDURE – VICTIM COMPENSATION - ALTERATIONS**

When someone is a victim of a crime, often those most affected are not prepared to deal with the aftermath. Survivors of crime find themselves paying medical bills for injuries, assuming responsibility for the funeral expenses of a murdered loved one, bearing the practical, financial, and emotional burdens at a time when they are least prepared to – following a traumatic disruption in their lives. Our State has a process that is supposed to address the needs of crime victims, but it is in need of reform, and SB 788 ensures that victims of crimes receive the help they so desperately need.

The Maryland Criminal Injuries Compensation Board (CICB), housed in the Governor's Office of Crime Prevention, Youth and Victim Services, is designed to provide aid and assistance to victims of crime in Maryland. The mission of the CICB is incredibly important, however, our current statute has structural impediments that make it impossible for the Board from doing more for victims.

While people from all different backgrounds are affected by criminal activity and violence, its effects are not equal. Existing bureaucratic processes and strict eligibility rules mean that many individuals who have been hurt by violent crime are unable to access victim services when they need them most. People of color, who experience violent incidents at more than twice the rate of others, face even more significant difficulties when trying to access help because our laws, policies, and practices act as barriers. These barriers make our society less safe by increasing already-existing mistrust and cynicism about our criminal justice system and by alienating those who could both benefit from the support of and assist law enforcement.

SB 788 puts victim recovery first by:

1. Making urgently needed changes to the makeup of the Board
 - The bill increases the number of positions on the Board from 5 members to 9 members.
 - The bill ensures the Board is racially, ethnically, geographically, and gender diverse.
 - The bill also guarantees that survivors of violence from heavily impacted communities have a seat at the table and provides victim advocates & community leaders a voice.
2. Creating a more streamlined and accessible process for victims to claim a need for assistance
 - The bill speeds up the process that the Board reviews claims, giving them 30 days to respond to a claim instead of 90 days.
 - The bill allows claimants to appeal Board decisions to the courts.
 - The bill widens the timeframe to make a claim from 3 years to 5 years

3. Increasing benefits for victims, recognizing the real costs of services
 - The bill increases the cap for funeral expenses from \$7,500 to \$10,000.
 - The bill increases the cap for mental health treatment expenses from \$10,000 to \$45,000.
 - The bill increases the cap for an emergency award from \$5,000 to \$10,000.
 - The bill includes medical supplies, relocation costs, childcare expenses, and transportation costs as reimbursable expenses.

Promoting recovery and respect for those who have been victimized by crime is just one aspect of this legislation – this is also about keeping our communities safe. Supporting victims who carry heavy burdens, such as medical treatment, counseling, missed wages, funeral expenses and more, can help decrease the possibility of future trauma and the financial strain criminal activity has on our State. SB 788 is an investment in public safety.

I urge a favorable report on SB 788, and I thank you for your consideration.

Victim Comp Testimony.pdf

Uploaded by: Sophie Aron

Position: FAV



UNIVERSITY OF MARYLAND
SAFE CENTER

BILL NO: HB 861/SB 788
TITLE: Criminal Procedure - Victim Compensation - Alterations
COMMITTEE: Judicial Proceedings
HEARING DATE: March 9, 2023
POSITION: **SUPPORT**

The University of Maryland SUPPORT, ADVOCACY, FREEDOM, AND EMPOWERMENT (SAFE) Center for Human Trafficking Survivors (“SAFE Center”) provides survivor-centered and trauma-informed services that empower trafficking survivors to heal and reclaim their lives. The SAFE Center is an initiative of the University of Maryland Strategic Partnership: MPowering the State, a collaboration between the University of Maryland Baltimore and University of Maryland College Park. The SAFE Center supports survivors of sex and/or labor trafficking of all nationalities, ages, and genders through bilingual case management, mental health, economic empowerment, legal, and crisis intervention services.

The SAFE Center strongly supports HB 861/SB 788, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

The mission of the SAFE Center is to provide survivor-centered and trauma-informed services that empower trafficking survivors to heal and reclaim their lives, better support them through research and advocacy, and help prevent trafficking. Access to funds for the effects of crimes committed against our clients is a critical step in them reclaiming agency and receiving compensation for the hardships they endured.

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates. Maryland has one of the lowest grant rates of victim compensation in the country. Over half of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY22 with no victim of domestic violence related crimes awarded compensation.

HB 861/SB 788 removes numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim cooperate with law enforcement and report a crime to law enforcement within 48 hours, which have precluded our clients from seeking compensation. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The bill also abandons the concept of the “perfect victim” who may have “contributed” to their own victimization. A large body of evidence and lived experience demonstrates

this has not been effective at helping people heal and preventing future victimization; rather, it has too often exacerbated the trauma victims experience in the aftermath of violent crime.

In addition, this bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 861/SB 788 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, HB 861/SB 788 removes the reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

For the above stated reasons, the University of Maryland SAFE Center **strongly urges a favorable report on HB 861/SB 788.**

Sophie Aron
Research and Program Coordinator
University of Maryland SAFE Center for Human Trafficking Survivors
Sophie.aron@umaryland.edu

Written.Testimony.SB.788.MLA.pdf

Uploaded by: Tess McClain

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

March 8, 2023

Senator William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Written Testimony in Support of SB 788 – Victim
Compensation Reform**

Dear Chairperson Smith and Members of the Committee:

Thank you for the opportunity to present testimony regarding SB 788, which revises Maryland's existing victim compensation process to better meet the needs of actual victims of crime. Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free legal services to thousands of low-income Maryland residents each year. Our statewide Victim Assistance Program represents the same individuals this bill seeks to help – victims of crimes – when they seek civil protective orders, divorce, custody, and child support. SB 788 removes barriers to eligibility and expands the types of expenses recoverable under Maryland's Victim Compensation program. The bill also reforms the claims determination process to promote faster and more transparent decision-making, and to reduce biases against applicants of color, who are disproportionately disqualified from receiving compensation. As advocates for victims of crime, especially those living at or near the poverty line, MLA urges a favorable report on this bill.

MLA attorneys know that when victims obtain a protective order against their abusers, that is often just the first step in their road to safety and recovery. In order to fully forge safe and independent lives free from abuse, our clients require timely access to emergency and restorative financial support such as reimbursements for security deposits and medical bills, which, under our current victim compensation scheme, is virtually non-existent.

Earlier this year, an MLA client, Ms. D, sought and obtained a domestic violence protective order against her husband of more than twenty years. Because they had lived together in his parent's house, Ms. D was forced to leave and seek new housing with no time to prepare. Ms. D, who is disabled, was suddenly responsible for a security deposit, rent, furniture, transportation. She also accumulated thousands of dollars of medical debt as a direct result of her husband's abuse, and she continues to pay for the therapy she now attends on a weekly basis. Not only is Ms. D

financially burdened by these costs, but she is made more vulnerable to homelessness and future victimization.

Despite bearing all the pain and costs resulting from her abuse, Ms. D cannot get a dime from the current victim compensation system. Why? Because she did not call the police within 48 hours; because many of her costs – relocation fees, transportation to and from her therapy appointments – are somehow not covered; and because, Maryland has one of the lowest rates of awarded victim compensation in the country. Over half of all Maryland claims were denied as ineligible or closed without any compensation in FY22, with no victim of domestic violence related crimes awarded compensation. In fact, only *one* domestic violence-related claim has been paid in the last *five* fiscal years.¹

By assisting with the destabilizing expenses that come with the trauma of victimization, such as medical care, mental health care, lost wages, relocation, and childcare, access to compensation has the potential to help domestic violence victims gain independence from their abusers and reduces the risk of future victimization and the long-term state costs of violence.²

SB 788 removes numerous requirements that bar victims from compensation, including that a victim must report a crime to law enforcement within 48 hours and further “cooperate” with those officials. MLA attorneys know that in domestic violence cases, where victims tend to have close emotional ties to their abusers, or share children with them, or are financially dependent on them, victims often delay in reporting the crime to police, if they report at all. Additionally, many victims do not formally report out of fear that their abuser will retaliate or escalate—or simply because trauma can take time to register and heal, and does not always operate on a neat, two-day schedule.

These reforms more accurately reflect family structures and the needs of victims. It expands the categories of eligible relatives to include domestic partners and dependents, and the categories of eligible expenses to include relocation fees as well as transportation and childcare costs associated with seeking medical or psychological assistance. This bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. It streamlines the claims process to reduce the unacceptable delays victims currently experience, and improves transparency and accountability. These revisions

¹ See Governor's Office of Crime Prevention, Youth, and Victim Services, *Criminal Injuries Compensation Board FY 2022 Annual Report*, November 1, 2022.

² See Njeri Mathis Rutledge, *Looking A Gift Horse In The Mouth—The Underutilization of Crime Victim Compensation Funds by Domestic Violence Victims*, 19 Duke J. Gender L. & Pol'y 223 (2011)

reduce discrimination against applicants of color, who are disparately disqualified from receiving compensation. Finally, SB 788 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

SB 788 promotes public safety and stability by providing much needed financial assistance to crime victims and their families. Thank you for considering this written testimony. **For the reasons stated above, MLA urges a favorable report on SB 788.**

Sincerely,



Tess McClain, Esq.
Staff Attorney
Maryland Legal Aid, Inc.
500 East Lexington Street
Baltimore, MD 21202
(443) 651- 0507
Tmclain@mdlab.org

CICB reform - testimony - senate - 2023 - MCASA -

Uploaded by: Lisae C Jordan

Position: FWA



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 788 with Amendments **Lisae C. Jordan, Executive Director & Counsel** March 9, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 788 with Amendments

Senate Bill 788 – Comprehensive CICB Reform

This bill provides for long overdue reform of the Criminal Injuries Compensation Board and reimbursement system in Maryland.

Senate Bill 788 improves administration of criminal injuries compensation (CICB). Applying for CICB in Maryland is administratively challenging at best. Survivors encounter repeated delays, repeated and confusing requests for documentation, lost applications, and unnecessary bureaucracy. There is no question that this has improved in recent years, but the efforts of office leadership are hampered by the current statute. SB788 helps correct the statutory deficiencies and create a more comprehensive response to survivors of crime.

Costs of Sexual Assault

The Centers for Disease Control published a study, "Lifetime Economic Burden of Rape Among U.S. Adults," in the American Journal of Preventive Medicine in 2017. Using mathematical modeling researchers were able to estimate the lifetime per-victim and total population economic burden of rape among adults in the US.¹

- \$122, 461 is the estimated lifetime cost per rape victim.²
- \$3.1 Trillion dollars is the cost of rape to our society.²
- Underserved populations experience additional barriers to reporting sexual assault and additional finance impact.

¹ The Resource, The National Sexual Violence Resource Center Newsletter, Fall 2018

² Peterson, C., DeGue, S., Florence, C., & Lokey, C. N. (2017). Lifetime economic burden of rape among US adults. *American journal of preventive medicine*, 52(6), 691-701.

- The National Violence Against Women Survey found that more than 19% of adult female rape survivors and more than 9% of adult male rape survivors said their victimizations caused them to lose time from work.

<p>Justice System Costs of Sexual Assault</p> <p><i>Primary Costs</i></p> <ul style="list-style-type: none"> • Legal fees • Cost of Representation <p><i>Secondary Costs</i></p> <ul style="list-style-type: none"> • Unpaid Leave, Transportation to Court • Child Care Costs 	<p>Workplace and Educational Impact of Sexual Assault</p> <ul style="list-style-type: none"> • Loss of employment • Unpaid Leave (8.1 days a year) • Loss of Productivity • Loss of Development Opportunities • Drop out or forced out of school • Transfer Schools 	<p>Intangible Expenses of Sexual Assault</p> <ul style="list-style-type: none"> • Pain and suffering • Psychological distress • Decreased quality of <p>Abusers can also inflict direct financial harm. Examples: destruction of property, fraud, workplace harassment, theft.</p>
---	--	--

SB788 proposes workable changes to the time period for filing claims

Survivors of sexual assault and of child abuse currently have extended time to file for CICB. Extending the time period for filing to other victims of crime is appropriate and well within the ability of this program. In particular, as a practical matter, sexual assault survivors have not been subjected to the 48 hour reporting rule for many years. These provisions should be seen as evidence that expanded access can work.

Suggested Amendments

MCASA respectfully suggests what are hopefully a friendly amendments.

Reimbursement for Perpetrators and Accomplices

SB788 wisely proposes eliminating provisions that the Criminal Injuries Compensation Board consider “whether and to what extent the victim or claimant was responsible for the victim’s or claimant’s own injury”. This provision has historically been used to deny claims in questionable cases, including statutory rape. If this provision is eliminated, however, there is a concern that current law prohibiting compensation for perpetrators and accomplices will need clarification to ensure that a conviction is not required. In 11-808(a)(2), the law specifies "A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to the claim." (SB788, p. 7, lines 13-15). MCASA suggests that additional language: **“A CONVICTION OR FINDING OF DELINQUENCY IS NOT REQUIRED TO BAR A CLAIM UNDER THIS SUBTITLE.”** or words to that effect. There are both ethical and practical reasons to prohibit perpetrators and accomplices from receiving funds for their crimes. Certainly, public support for the costs to a criminal of committing the crime is unwise. From a practical matter, victim services providers struggle every year to obtain adequate funding and the CICB fund itself has often run out of money. The legislature should prioritize helping victims.

To be clear, MCASA is not suggesting that the rule barring compensation for contributing to crime be retained. There are many cases where this has created gross unfairness and has failed to recognize the disproportionate impact of crime in communities of color and poor communities. Nonetheless, Maryland’s resources are not without limit and many of the survivors served by our member programs have inadequate housing, food, education, and other necessities. We are also mindful that most sexual

assaults, including sexual abuse of children, do not result in convictions, even when reported to law enforcement.

Victim/Survivor Privacy

SB788 omits the important privacy protections for survivors that are included elsewhere in the code. Specifically, Criminal Procedure §11-1007 prohibits services providers from submitting **narratives describing a sexual offense or photographs of the survivor** with a CICB claim. This is extremely important for survivor privacy and MCASA encourages the Committee to include similar provisions in this bill.

MCASA respectfully requests that on page 9, following line 3, the following be inserted:

(C)(1) A QUALIFIED HEALTH CARE PROVIDER MAY NOT INCLUDE IN ANY REQUEST TO OBTAIN PAYMENT UNDER THIS SUBTITLE A NARRATIVE DESCRIBING THE ALLEGED OFFENSE OF A VICTIM OR A PHOTOGRAPH OF THE VICTIM.

(2) UNLESS REQUESTED BY THE CLAIMANT OR NECESSARY IN THE INTERESTS OF JUSTICE, THE BOARD SHALL SEAL ANY HEALTH CARE RECORDS, PHOTOGRAPHS, OR NARRATIVE DESCRIPTIONS OF THE ALLEGED OFFENSE.

(3) THE BOARD SHALL NOT REQUIRE A CLAIMANT TO SUBMIT HEALTH CARE RECORDS OR PHOTOGRAPHS OF THEIR BODY UNLESS THERE IS NO OTHER EVIDENCE OR LESS INTRUSIVE MEANS TO OBTAIN MATERIAL INFORMATION NECESSARY TO DETERMINE WHETHER A CLAIM SHOULD BE GRANTED.

Medical Exams

Current law permits the Board to order a claimant to undergo a medical exam. MCASA respectfully requests that limits on this provision be added to prevent unnecessary and retraumatizing medical exams of survivors:

On page 5, line 18, following

“(5) DIRECT MEDICAL EXAMINATION OF VICTIMS”, insert “IF THERE IS NO OTHER EVIDENCE OR LESS INTRUSIVE MEANS TO OBTAIN MATERIAL INFORMATION NECESSARY TO DETERMINE WHETHER A CLAIM SHOULD BE GRANTED”

CICB Reform is Needed

MCASA reiterates its strong support for SB788 as a needed reform. This bill will help survivors of sexual assault and their loved ones recover and receive needed support.

**The Maryland Coalition Against Sexual Assault urges
the Judicial Proceedings Committee
to report favorably on Senate Bill 788 with Amendments**

SB 788 - Criminal Procedures- Victim Compensation-

Uploaded by: Jane Krienke

Position: INFO



Maryland
Hospital Association

March 9, 2023

To: The Honorable William C. Smith Jr., Chair, Senate Judicial Proceedings Committee

Re: Letter of Information- Senate Bill 788 - Criminal Procedure - Victim Compensation - Alterations

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 788.

Across the state, hospital-based sexual assault forensic exam ([SAFE](#)) programs employ forensic nurse examiners. These registered nurses receive special training in evidence collection and are experts in delivering trauma-informed care to survivors of violence and abuse. State law ensures survivors of sexual assault have access to emergency medical treatment for injuries sustained because of the assault with no out-of-pocket expenses.

MHA has proudly served as a member of the [Maryland Sexual Assault Evidence Kit Policy and Funding Committee \(SAEK Committee\)](#) since its inception. This Committee collaborated to develop processes and issue guidance for stakeholders who support survivors of sexual assault. Additionally, the Committee supports legislation to protect survivors' medical information.

SB 788 omits important privacy protections for survivors included in Criminal Procedure §11-1007 which prohibits providers from submitting narratives describing a sexual offense or photographs of the survivor with a criminal injuries compensation board claim. To ensure consistency, this provision in SB 788 should be reviewed.

For more information, please contact:

Jane Krienke, Senior Legislative Analyst, Government Affairs
Jkrienke@mhaonline.org

SB 788 _HB861 (2023) .pdf

Uploaded by: Joseph Cueto

Position: INFO

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



Governor's Office of Crime Prevention, Youth, and Victim Services
100 Community Pl.
Crownsville, Maryland 21032

March 7, 2023

Chairman William C. Smith, Jr.
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis, MD 21401

RE: SB788/ HB861 Criminal Procedure - Victim Compensation - Alterations Governor's Office Crime Prevention, Youth and Victim Services

Dear Chairman and Committee Members:

The Governor's Office of Crime Prevention, Youth, and Victim Services (Office) is providing a letter of information in response to the proposed victim compensation legislation.

SB788/HB861 proposes increased costs in numerous ways. The effective date of proposed legislation is October 1, 2023, and funding would not be available until July 1, 2024, leaving the agency with no State funding during that time. Moreover, this bill adds a State Legislative Report requirement.

The following has been increased and will have a significant fiscal impact on the Office.

- A 33 percent increase costs of funerals from \$7,500.00 to \$10,000.00.
- A 350 percent increase in counseling reimbursement from \$ 10,000.00 cap to \$45,000.00.
- A 700 percent increase in Crime Scene cleanup from \$250 to \$2,000.00.
- A 100 percent increase in Emergency Award for \$5,000.00 to \$10,000.00.
- A 66 percent decrease in claims completion time from 90 days to 30 days, which will require the hiring of substantial staff (minimum of 30 staff plus 4 additional Board Members). This bill adds a tremendous burden to an already understaffed Office. (The Office will need a minimum of 30 new staff as approved by DBM for PINS). This will also require a significant amount of additional office space, technology upgrades, office equipment, supplies, as well as an internal and external overhaul of current processes and procedures for both the CICB and GOCPYVS Financial Operations.
- Increased time to file applications from 3 years to 5 years, which will expand eligibility.
- Unknown fiscal impact of exponentially increasing eligibility components.

There is a lack of clarity in the bill regarding the additional programs.

- Reimbursement of child care expenses for counseling/medical visits.
- Reimbursement of transportation expenses for counseling/medical visits.
- The Relocation Unit will realize a substantial fiscal impact and relocation services are very labor intensive. If not properly implemented, this could result in liability issues for the agency.

- The bill does not define if relocation is temporary or permanent. Temporary relocation will impact the need for law enforcement surveillance and permanent relocation will impact the budget due to high security deposits and entering into lease agreements. There is also redundancy with relocation efforts that are currently a part of The States' Attorneys Offices, which includes the integral law enforcement component.
- HB 974 proposed this session addresses the relocation of gun violence victims, which would be housed within the Victim Services Unit. This would overlap with the same victims the CICB would be serving. The overlap must be clarified prior to implementation of legislation addressing this subject matter.
- An unknown fiscal impact exists with the creation of the relocation component. The high number of shootings and homicides in Maryland must be considered. Case Management services and law enforcement involvement is an integral part of any relocation initiatives.
- There is a lack of clarity with how long victims will be provided with relocation assistance (1 month, 6 months, 12 months, indefinitely). Exact time frames will be needed to calculate the fiscal impact.
- There is a lack of clarity with regard to how many times a victim may be relocated. (1 time versus as many times as needed).
- Technology changes require engaging in an RFP process initiated by the State of Maryland and involve the State's Department of Information and Technology (DoIT) prior to making any changes to the existing database or procuring a new one.

Language will change due to the proposed legislation.

- Removes the designation of "violent" pertaining to compensable crime types.
- Changes "spouse" to "domestic partner" to expand eligibility, which will have a fiscal impact.

Legal ramifications to the bill regarding terminology and current processes are listed below.

- Loss of support eligibility increased by expanded definition of newly added term "household member" which will have a fiscal impact.
- No known impact of how removing "violent" from crime will expand eligibility to all types of crimes.
- Adds four (4) additional Board Members and alters the composition of the CICB Board.
- Sets term limits for Board members.
- Increases types of documents used to establish legal proof of crimes, which will expand eligibility.
- Limits the denial process by imposing criminal act status and removing violent crime designation.
- No definitions or clarifications on newly added populations and how eligibility will be determined as a result. (domestic partner, household member etc.).

Additional issues:

- There is little or no inclusion of Law Enforcement, States' Attorneys' Offices and other key local and State entities to ensure viability of these changes that involve the collection of data from these entities is the key to processing the claims.

This bill proposes a massive overhaul of CICB and should not be attempted in a single piece of legislation. There are too many unknown variables and countless barriers that could have a significant negative impact on the agency. GOCPYVS is in agreement with instituting changes that assist crime victims, but this implementation must be a deliberative inclusive process and fiscally sustainable to prevent revictimization and/or suffering for crime victims. Additionally, the short timeframe for implementation outlined in this bill – less than six 6 months – is not possible. Furthermore, substantial changes to any state VOCA Compensation Program should be vetted to some degree by the National Compensation Member Organization to ensure that the State of Maryland would be in compliance with

regulations regarding changes, and gain knowledge of successes and failures of other programs to prevent potential failure in Maryland. Working with other state leaders, partners, and stakeholders is imperative to this process.

The agency is in agreement with the following changes to be implemented by October 1, 2023 as they would pose a minimal impact to GOCPYVS and CICB.

- Increase to the Crime Scene Cleanup Award.
- Acceptance of expanded evidence to aid crime victims (In addition to current police reports).
- Provide an annual Statewide Legislative Report.

The General Assembly mandates that the GOCPYVS Executive Director and Director of Victim Compensation and Direct Victim Services appoint a task force to address the proposed changes to the agency. The Office proposes a three-year pilot program so adjustments may be made as the new program develops. Corrections to the proposed pilot program may be made after each fiscal year until all issues are resolved. This approach was successful with the implementation of the Sexual Assault Reimbursement Program, as well as working with the Maryland Department of Health (MDH), Maryland Hospital Association (MHA) and The Maryland Coalition Against Sexual Assault (MCASA) to implement the HIV Postexposure Prophylaxis (nPEP) program. This proposal includes at least one (1) representative from each of the identified core groups: Victim Attorneys, Victim Advocates (All Victimology Identified by Statute), Law Enforcement, States' Attorney Offices, Maryland Department of Health, Maryland Department of Social Services, Maryland Crime Victim Resource Center, Maryland Department of Juvenile Services, Maryland Hospital Association, Mental Health Professionals, Medical/Dental Professionals, Maryland Department of Education (Relocation impacted by McKinney-Vento Homeless Assistance Act), Maryland Department of Housing and Urban Development (HUD) and Funeral Home Association.

If you have questions or concerns, you may contact the office's Interim Acting Legislative Liaison Joseph Cueto by email at joseph.cueto@maryland.gov.

Sincerely,



Veronica Moulis
Interim Acting Executive Director