

ASJ_CSSJ_Support_MD_HB861.pdf

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Position: FAV



CRIME SURVIVORS FOR
SAFETY AND JUSTICE



TESTIMONY ON HB 861

Criminal Procedure - Victim Compensation - Alterations

March 7, 2023

Alliance for Safety and Justice and Crime Survivors for Safety and Justice strongly support HB 861, 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}

HB 861 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.
- 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.
- 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.^{vii} 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.
- 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.

For the above stated reasons, Alliance for Safety and Justice and Crime Survivors for Safety and Justice **strongly urge a favorable report on HB 861.**

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} 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/>.

Written Testimony Victim Compensation Reform 2023.

Uploaded by: Anisha Thomas

Position: FAV

TESTIMONY ON HB 861 / SB 788

Criminal Procedure - Victim Compensation - Alterations

March 7, 2023 / March 9, 2023

Roca 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.

Roca's After Shooting Protocol works with local hospitals to engage with non-fatal shooting victims and assist them with resources needed to mitigate their risk of re-victimization. Roca has attempted to access resources from the Victim's Compensation Fund on behalf of our participants who have been shooting victims but have been unsuccessful due to many barriers of the application process. Reforming access to these funds would significantly improve our ability to support the city's most vulnerable young people 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, Roca Baltimore **strongly urges a favorable report on HB 861/SB 788.**

Victim Compensation Written Testimony.pdf

Uploaded by: Braden Stinar

Position: FAV

Criminal Procedure - Victim Compensation - Alterations

March 7, 2023 / March 9, 2023

My name is Braden Stinar, and I am a 3rd year law student at the University of Baltimore School of Law and Research Fellow with the UB Center for Criminal Justice Reform. On behalf of the UB CCJR, we strongly support 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.

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.

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For the above stated reasons the UB CCJR strongly urges a favorable report on HB 861/SB 788.

HB 861 FAV House of Ruth.pdf

Uploaded by: Dorothy Lennig

Position: FAV



Marjorie Cook Foundation
Domestic Violence Legal Clinic

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TESTIMONY IN SUPPORT OF HOUSE BILL 861

March 7, 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. House Bill 861 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 House Judiciary Committee to favorably report on House Bill 861.**

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.

HB 861 would alleviate many of the above-described barriers. In addition, HB 861 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 House Judiciary Committee to report favorably on House Bill 861.

In Support of HB 861 CCJR.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF 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 3, 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 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.

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%20FINALB.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 (LaFree 1998; Tapio Lappi-Seppälä, 2008, 2017; Tyler, 1990; Roth, 2012, 2017). 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 (Bell et al., 2019; Eagle & Kaminer 2013; Harvey, 2007). 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 (Kirk & Matsuda, 2011; Kirk & Papachristos, 2011; Morenoff et al., 2001; Sampson et al., 1997).

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 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.

HB 861 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 HB 861.

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.

HPP Testimony HB 861- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 861
TITLE: Criminal Procedure – Victim Compensation – Alternations
COMMITTEE: Judiciary
HEARING DATE: March 7, 2023
POSITION: **SUPPORT**

House Bill 861 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.

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.

HB 861 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 House Bill 861 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).

2023 SB788_HB861.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 7, 2023

Dear Chair Clippinger, Vice-Chair Moon, 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.

House Bill 861 moves to address many of these administrative burdens and restructure the fund to create greater program stability. MPGV urges a favorable report on HB861.

HB861 Health Alliance for Violence Intervention Le

Uploaded by: Kyle Fischer

Position: FAV



Maryland General Assembly- House Judiciary Committee
Room 101
House Office Building
Annapolis, MD 21401

RE: Letter of support for HB 861 Criminal Procedure – Victim Compensation - Alterations

March 7, 2023

Chair Clippinger and the House Judiciary Committee,

The Health Alliance for Violence Intervention (HAVI) is pleased to support HB 861 “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. HB 861 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 HB 861 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 House Judiciary Committee provide a favorable report on HB 861 Criminal Procedure – Victim Compensation - Alterations.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Fischer". The signature is fluid and cursive, with the first name "Kyle" and last name "Fischer" clearly distinguishable.

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

HB 861 - FAV - Women's Law Center of Maryland.pdf

Uploaded by: Laure Ruth

Position: FAV

BILL NO.: House Bill 861
TITLE: Criminal Procedure - Victim Compensation - Alterations
COMMITTEE: Judiciary
DATE: March 7, 2023
POSITION: **SUPPORT**

House Bill 861 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 HB 861 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.

House Bill 861 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, HB 861 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 HB 861 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 House Bill 861.

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.

CICBTestimony.FINAL.3.3.23.pdf

Uploaded by: Lydia Watts

Position: FAV

BILL NO: House Bill 861
TITLE: Criminal Injuries Compensation Board Reform Act
COMMITTEE: Judiciary
HEARING DATE: March 6 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 HB 861.**

Maryland HB 861_SB 788 Victim Compensation Reform.

Uploaded by: Madelyn Cobb

Position: FAV

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

March 7, 2023 / March 9, 2023

March for Our Lives 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.

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 reflect family structures and the needs of victims more accurately. 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, **March for Our Lives strongly urges a favorable report on HB 861/SB 788.**

Testimony HB 861.pdf

Uploaded by: Melanie Gordon-Newell

Position: FAV

STEPHANIE SMITH
Legislative District 45
Baltimore City

HOUSE PARLIAMENTARIAN

Appropriations Committee

Subcommittees

Capital Budget

Chair, Education and Economic
Development

Oversight Committee on Pensions

Joint Committee on Children,
Youth, and Families

House Chair

Baltimore City Delegation



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB0861: Criminal Procedure - Victim Compensation - Alterations

Bill Hearing: March 7th, 2023 at 1:00 p.m., Judiciary Committee

Chairman Luke Clippinger, Vice Chair David Moon, and members of the House Judiciary Committee,

Currently, it is incredibly difficult for victims of violent crimes to access the available resources to support them while experiencing such a difficult and volatile time. Further, the available resources do not effectively cover all of the expenses to support victims to leave and heal their dangerous situations. That is why I am sponsoring House Bill 861, which would streamline and expand the abilities of the Criminal Injuries Compensation Board to better serve Maryland's victims of violent crime.

Specifically, the bill will alter a number of essential aspects of the compensation process for victims of violent crime. Firstly, it will change the composition of the Criminal Injuries Compensation Board to better represent the communities it is serving. Secondly, it will alter certain duties, powers, and procedures for the Board to make awards to victims of crime. Thirdly, the bill will adjust the amount and types of awards the Board is authorized to make to victims of crime. Finally, it will authorize reconsideration and judicial review of decisions of the Board. All of these changes are vital to better support one of our most vulnerable populations.

When people are victims of violent crime, they often suffer from significant physical and psychological harm or die. Many are not in a position to provide for themselves and may end up reliant on public assistance should the government not provide the swift resources. The assistance in this bill will address the emotional, practical, and financial hurdles that victims face in the immediate aftermath of the crime. These may include the wages lost from missing work, unexpected funeral expenses, and medical and mental health costs, all essential to the recovery process.

It is unacceptable to continue to overlook the need to support victims of violent crime. A disproportionate number of victims are already members of historically underserved communities. We need to do all we can to support these victims, and this bill would be a significant step in the right direction.

I strongly urge a favorable report on House Bill 861.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Smith". The signature is written in a cursive style with a clear, legible font.

Delegate Stephanie M. Smith

HB 861_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: House Bill 861
TITLE: Criminal Procedure - Victim Compensation – Alterations
COMMITTEE: Judiciary
HEARING DATE: March 7, 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 House Judiciary Committee to issue a favorable report on HB 861.**

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



House Bill 861 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 HB 861 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 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 HB 861.**

MD CBIS HB861 & SB 788.docx.pdf

Uploaded by: Priya Jones

Position: FAV



**FINES & FEES
JUSTICE
CENTER**

www.finesandfeejusticecenter.org

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1325 G St NW

Suite #500

Washington, DC 20005

TESTIMONY IN SUPPORT OF HOUSE BILL HB 861/SB788

Criminal Procedure - Victim Compensation - Alterations

TO: Hon. Luke Clippinger, and Members of the House Judiciary Committee

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

DATE: Friday, March 3, 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 House Bill 861/SB788**. 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
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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 HB861/SB788

Passage of **House Bill 861/SB788** 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 HB861/SB788.**

Priya Sarathy Jones
Deputy Executive Director
Fines and Fees Justice Center

Victim Compensation - HB861.pdf

Uploaded by: Psalms Rojas

Position: FAV



TESTIMONY IN SUPPORT OF HB 861
Criminal Procedure – Victim Compensation - Alterations

March 3, 2023

Delegate Luke Clippinger
Room 101
House Office Building
Annapolis, MD 21401

Testimony of Marian House in Support of HB 861

Dear Chair Clippinger, Vice-Chair Moon, and members of the Judiciary 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 House Bill 861.**

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 to more accurately reflect family structures and the needs of victims. The bill also strikes the concept of



MARIAN HOUSE

Women Moving from Dependence to Independence

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 HB861.**

Thank you for your support,

A handwritten signature in black ink, appearing to read 'Katie Allston', with a long, sweeping underline that extends to the right.

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

Hearing Testimony_ SB788_HB861-2.pdf

Uploaded by: Tarria Stanley

Position: FAV

**Testimony on House Bill 861/ Senate Bill 788
In favor of HB861/ Senate Bill 788- Criminal Procedure - Victim Compensation -
Alterations**

Thursday, March 2, 2023

**Tarria Stanley
Regional Advocacy Associate and Coalition Co-chair
Community Justice Action Fund
Marylanders to Prevent Gun Violence Coalition
Testimony**

Community Justice works to end gun violence by empowering those closest to the pain to advance life saving solutions. In partnership with Marylanders to Prevent Gun Violence coalition, we see gun violence as a public health crisis and are advocating for a public health approach that centers those directly impacted by this crisis and implements evidence informed strategies to intervene and prevent violence.

In Maryland, 743 people die, and another 1,363 people are wounded by guns annually (1). A single homicide has been show to cost approximately \$1 - \$2 million. Gun violence is now the leading cause of premature death for all youth and Black men in America. Despite this fact, the current victim compensation process disproportionately disqualifies Black and Brown applicants and their families from receiving support.

HB861/ SB788 will help reduce personal expenses for victims, that come with the trauma of gun violence and removes numerous requirements that disqualify victims from victim compensation eligibility. This includes, 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.

Those impacted by violence should be a priority, and not an after thought. We also know that investing in victim services reduces the likelihood of recycling violence. Currently, 40% of survivors in America will be shot again, killed or shot someone else within five years. Investing in victims services is not only the right thing to do, but reduces the number of future acts of violence. We have also seen in many states, not enough victims are getting the help that they need. In New York we’ve seen that only 4% of victims have utilized victims compensation funds, and we believe the numbers in Maryland are comparable. 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 HB861/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.

Community Justice urges you all today to support HB 861/ Senate Bill 788 and invest in protecting victims of gun violence.

Thank you for your time.

CICB reform - testimony - house - 2023 - FWA HB861

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 House Bill 861 with Amendments **Lisae C. Jordan, Executive Director & Counsel** March 7, 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 Judiciary Committee to report favorably on House Bill 861 with Amendments

House Bill 861 – Comprehensive CICB Reform

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

House Bill 861 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. HB861 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>
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HB861 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

HB861 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." (HB861, 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

HB861 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 HB861 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 Judiciary Committee
to report favorably on House Bill 861 with Amendments**

HB 861- Criminal Procedures- Victim Compensation-

Uploaded by: Jane Krienke

Position: INFO



Maryland
Hospital Association

March 7, 2023

To: The Honorable Luke Clippinger, Chair, House Judiciary Committee

Re: Letter of Information- House Bill 861- Criminal Procedure - Victim Compensation - Alterations

Dear Chair Clippinger:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on House Bill 861.

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.

HB 861 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 HB 861 should be reviewed.

For more information, please contact:

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

Governor's Office of Crime Prevention, Youth and V

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 Luke H. Clippinger
Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 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