



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/>.