

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.**