

Senate Bill 471- Criminal Procedure - Victim Compe

Uploaded by: Adam Rosenberg

Position: FAV



Date: Feb. 6th, 2024

To: Chair Smith and Vice Chair Waldstreicher, Judicial Proceedings Committee

Reference: Senate Bill 471- Criminal Procedure - Victim Compensation - Alterations (Victim Compensation Reform Act of 2024)

Position: Support

Dear Chair Smith and Committee Members,

On behalf of LifeBridge Health's Center for Hope we thank you for this opportunity to comment and **urge your support for Senate Bill 471**. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. At LifeBridge Health, we recognize the devastating impact of violence in our communities, and the growing number of victims of all ages. Senate Bill 471 will improve 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 because of being a victim of crime.

Our team's experience with the CICB program has not always resulted in positive use of the fund due to the current process and requirements that creates a long, stressful process for victims and their loved ones. It is often seen as a **resource of last resort**. The intricate process and the length of time it takes for the claim to be processed has been the greatest barrier. There are additional barriers including documentation that limit whether the victim can receive compensation and/or impacts the amount of compensation a victim is able to receive. MD CICB is a payer of last resort and will often deny claims if victims have other means of resolving whatever the claim is that they are seeking compensation for. This causes victims financial distress in leaving no choice but using other funds they've allocated to other needs relating to their victimization and is retraumatizing.

CICB is critical to 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, and crime scene cleanup to name a few. 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 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23, with no victim of domestic violence related crimes awarded compensation.

SB 471 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. 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 to reduce the unacceptable delays victims currently experience if they engage in the compensation process. Enhanced program reporting requirements are included to improve transparency and accountability.

For all the above stated reasons, we request a **Favorable report on SB471.**

For more information, please contact:


Adam Rosenberg, Esq.

Executive Director, Center for Hope

Vice President, Violence Intervention & Prevention, LifeBridge Health

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Phone: 410-469-4654



HB 471 - WLCMD - FAV.pdf

Uploaded by: Andrea Rafter

Position: FAV

BILL NO: HB 575/SB 471
TITLE: Criminal Procedure -Victim Compensation - Alterations
Victim Compensation Reform Act of 2024
COMMITTEE: Judiciary and Judicial Proceedings
HEARING DATE: February 6, 2024
POSITION: **SUPPORT**

The Women's Law Center of Maryland strongly supports HB 575/SB 471, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

The Women's Law Center provides direct legal services for thousand of victims of domestic violence every year. Many of our clients are victims of physical abuse, emotional abuse, sexual abuse and economic abuse. Maryland law currently requires a victim of crime to report the incident within 48 hours to law enforcement and cooperate with law enforcement. That requirement is not realistic in so many of our clients' lives. Victims of intimate partner violence have many conflicting circumstances that may cause them to remain in an abusive relationship. Identifying a pattern of abuse and making the decision to leave can be incredibly difficult. Barriers may include financial stress, having no where else to go, and the threat of violence. Family and social/cultural expectations may also create pressure to stay, especially when children are involved.

Victim Compensation is about public safety. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation. Maryland has one of the lowest rates of victim compensation in the country. Over 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23, with **NO** victim of domestic violence related crimes awarded compensation.

HB575/SB471 removes requirements that bar victims from eligibility for victim compensation, including the requirements that a victim report a crime within 48 hours and that the victim must cooperate with law enforcement. This bill also reconstitutes the Criminal Injuries Compensation board to include more members with lived experience and members that work directly with victims.

For the above stated reasons, The Women's Law Center strongly urges a favorable report on HB 575/SB471.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

2024.02.08 Cain .pdf

Uploaded by: Darlene Cain

Position: FAV

My name is Darlene Cain ,I strongly support HB 471/SB 575. It will help families with the support they need for counseling, medical bills, and emergency moving expenses. The reason the Bill is so important to me is because I'm an impacted mother My son Dale Graham was killed by Baltimore City Police officer October 28,2008.I had temporary custody of his two daughters. We could had benefited from counseling and help towards moving. I was very depressed and could barely work my full time job caring for patients. I needed help myself to be able to go back into a working environment. The had a hard time filling out the application due to the wording and questions asked. To the best of my ability I turned it and was denied .I applied fir a waiver and was denied twice. Being denied twice made me feel hopeless to helping my granddaughters receive counseling. They were three and six years old I could explain to them how their father died. My granddaughters found out anyway. I strongly encourage you to pass this Bill so families don't suffer or be denied assistance when it's much needed. I hear today to ask if families like who were denied over the years be grandfathered. Dale's daughters both have graduated from High School and miss their father dearly ,as I do. .Its been fifteen years we still deserve assistance.

Darlene Cain

SB 471 - Victims Compensation.docx.pdf

Uploaded by: Dawn Luedtke

Position: FAV



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

February 8, 2024

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

RE: Senate Bill 471, *Criminal Procedure - Victim Compensation - Alterations (Victim Compensation Reform Act of 2024)*

Dear Chair Smith,

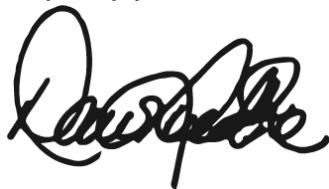
I write in support of Senate Bill 471, Criminal Procedure - Victim Compensation - Alterations (Victim Compensation Reform Act of 2024), as it will ensure survivors of violence have the resources necessary to fully recover and live fulfilling lives.

This legislation increases the amount of compensation available to the victim from \$10,000 to \$45,000 and removes multiple requirements that prevent victims from being eligible for victim compensation. Specifically, it removes the requirement that a victim must report a crime to law enforcement within 48 hours and that a victim must “cooperate” with law enforcement – an arbitrary term based on the outdated notion of a “model victim,” or the idea that some victims are “deserving” and some victims are “undeserving.” There are many reasons why a victim would be hesitant to cooperate with law enforcement, not the least of which is the fear of re-traumatization, and it does not make that victim any less deserving of compensation. I am also pleased to see that the bill expands the definition of injuries to include psychological harm and authorizes emergency awards in extenuating circumstances.

In addition to supporting the victim-focused reforms in the bill, I am enthusiastic about the proposed systemic improvements to the Maryland’s Criminal Injuries Compensation Board. Applying for compensation is administratively challenging at best. Survivors often encounter delays, conflicting requests for documentation, lost applications, and bureaucratic red tape that discourages or deters them entirely. The requirement in Senate Bill 471 that the Board must include members with lived experience, as well as service providers in the field of direct victim assistance, ensures that a victim’s rights and interests are represented. The composition of the board signals Maryland’s commitment to taking a holistic approach to recovery and community repair.

I thank you for the opportunity to voice my support for Senate Bill 471 and I urge this Committee's favorable report.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dawn Luedtke". The signature is stylized with large, flowing loops and a prominent initial "D".

Dawn Luedtke
Montgomery County Councilmember, District 7

cc: Members of the Judicial Proceedings Committee

Testimony for SB471 Victim Compensation Deborah G

Uploaded by: Deborah Haskins

Position: FAV

Testimony for SB471 Victim Compensation -Alterations (Victim Compensation Reform Act of 2024)

Testimony Submitted by: Dr. Deborah G. Haskins, mother of 2013 Baltimore City Homicidal Victim Joseph F. Haskins (deceased 5/9/13) and aunt of 2014 Baltimore County Homicidal Victim Reuben C. Haskins (11/14/2014). I am a resident of Baltimore City (Delegate Attar district).

Good afternoon Delegate Clippinger and members of the Judiciary Committee. Thank you Gov. Moore for your commitment to reforming this Bill.

My name is Dr. Deborah G. Haskins. I am a lifelong resident of Baltimore City. Today, I am here representing our son Joseph “JoJo” and our nephew Reuben Haskins. They are not homicide numbers—they are loved, they have families, had dreams. I represent ALL families affected by criminal injuries.

I thought homicide happened to other people until it happened to us!

In the State of Maryland, there is a lack of advocacy for criminal injuries assistance. How do I know? We were not contacted by the State until **5 years later!** I learned from another mom of a murdered daughter whose son played basketball with JoJo.

The proposed Bill will overhaul needed changes! First, we must expand who qualifies. His fiancé, stepson, and JoJo and Reuben’s siblings did not qualify. JoJo’s daughter, 2 months at the time, would never know her father except through our sharing. My husband’s heart was murdered and he died of collateral damage of criminal injuries in 2016.

Second, the current law provides up to 3 years of counseling and capped. It is a REIMBURSEMENT MODEL! This is unacceptable. The current law discriminates against persons who have limited material resources to first pay for counseling and then wait to get their money back. It took 8 months to be reimbursed! We gave up.

I am asking that you please vote a **favorable report** for this bill reform so that EVERY VICTIM in Maryland can get compassionate care right from the start. Allowing them to breathe with the support available in their communities without searching. We become a state and a world of more people who love and who learn to live and love again. My prayer is that every victim of a criminal injury sees Maryland as a State of hope and healing. Thank you!

SB 471 FAV GOCPP.docx.pdf

Uploaded by: Dorothy Lennig

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 471

February 9, 2024

DOROTHY J. LENNIG, GOCPP EXECUTIVE DIRECTOR

The Governor's Office of Crime Prevention and Policy (GOCPP) serves as a coordinating office that advises the Governor on criminal justice strategies. The office plans, promotes, and funds efforts with government entities, private organizations, and the community to advance public policy, enhance public safety, reduce crime and juvenile delinquency, and serve victims. Senate Bill 471 would create a victim compensation process that is more accessible to victims of crime, or their family members, provide prompt and crucial financial support when it is needed most, and eliminate some denials of financial relief for victims of crimes. **We urge the Senate Judicial Proceedings Committee to favorably report on Senate Bill 471.**

The Criminal Injuries Compensation Board (CICB) provides aid to victims of crime in Maryland. Its 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 qualify, it can be an extremely helpful remedy as it helps pay for expenses incurred due to criminal injuries.

Unfortunately, in current practice, it is difficult for victims to qualify for and receive reimbursement from the CICB. The current law has an array of requirements, including that the crime must be reported within 48 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, limits compensation for psychological injuries.

SB 471 would alleviate many of the above-described barriers by making the following changes. All of these measures would greatly help victims of crimes.

Eligibility

- Adds domestic partners, adults under legal guardianship, and dependent minors as eligible to apply
- Removes “innocent” from definition of people who may apply
- Expands definition of psychological injury to include any crime, not simply certain sexual offenses, felonies, or crimes resulting in physical injury or death
- Expands time for filing from 3 to 4 years and allows for filing anytime in the cases of child abuse
- Extends time to file a case with delayed DNA testing or matching, allows a claimant to apply within 4 years of notification of DNA results
- Removes requirements that the claimant report crime within 48 hours, cooperate with law enforcement, and not have “contributed” to their own injury

Processing claims

- Redefines the role of GOCPP staff so that they, and not the Board, will make initial determinations. The Board will hear first-level appeals
- Amends communication methods with claimant to include: email, phone, other appropriate methods
- Reduces claim response time from 90 days to 30 days once the Office receives all of the required documents from the claimant

Board

- Expands board membership from 5 to 7 members
- Requires board diversity, including racial-ethnic, geographic, gender, survivor from community with high rates of violence and incarceration, and victim services organization worker
- Redefines role of Board to hear appeals, instead of making initial determinations

Evidence

- Expands the type of evidence a claimant may use to prove a crime has been committed, their injury, and their need for assistance to include: documentation provided by law enforcement, medical records, and testimony of qualified third party (doctor, psychologist, social worker, caseworker, domestic violence/sexual assault advocate/caseworker)

Eligible expenses

- Removes the requirement that a claimant must report the crime to the proper authorities within 48 hours and that the victim must cooperate fully with law enforcement units
- Expanded to include: medical supplies, assistive technology for disabilities, one-time relocation expenses, child care for medical or counseling care, and transportation

Payments

- Raises payment amounts allowed
 - Funeral expenses from \$7500 to \$10,000
 - Counseling from \$10,000 to \$45,000
 - Property damage from \$250 to \$2000
 - Emergency awards from \$5000 to \$10,000
- Increases emergency award limits, removes requirements for repaying emergency awards, and establishes that emergency awards may be made for funerals, crime scene clean up, and relocation expenses

GOCPP

- New reporting requirements
- Requires creation of online application portal

The Governor's Office of Crime Prevention and Policy urges the Senate Judicial Proceedings Committee to report favorably on Senate Bill 471.

Testimony Criminal Procedure-Victim-Compensation SB

Uploaded by: Greta Willis

Position: FAV

Testimony

Criminal Procedure - Victim Compensation – Alterations *Victim Compensation Reform Act of 2024*

Reverend Dr. Greta Willis strongly supports SB 471, 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.

I am an impacted family member as a result of my 14-year-old son Kevin L. Cooper being killed by a Baltimore City police officer in my home in front of me. These traumatic experiences traumatize my 18-month-old granddaughter and myself on August 12, 2006. No compensation was in place to assist me with seeking and type of help. **This bill will provide services needed for impacted 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 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23, with no victim of domestic violence related crimes awarded compensation.

SB 471 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 victims” 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 to reduce the unacceptable delays victims currently experience if

they engage in the compensation process. Enhanced program reporting requirements are included to improve transparency and accountability.

For the above stated reasons, **Reverend Dr. Greta Willis strongly urges a favorable report on SB 471**

In Support of SB 471 CCJR.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SB 471 / HB 575

Criminal Procedure – Victim Compensation – Alterations

TO: Members of the Senate Judicial Proceedings and House Judiciary Committees

FROM: **Center for Criminal Justice Reform, University of Baltimore School of Law**

DATE: February 9, 2024

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 five years as a Visiting Fellow at the U.S. Department of Justice (DOJ), 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. In 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 and its constituencies of state administering agencies and victim service programs across the country on the administration of the Victims of Crime Act (VOCA) Victim Assistance and Victim Compensation programs at the federal and state level. **Based on this background and experience, I submit this testimony strongly in favor of SB 471 / HB 575.**

Victim compensation is one of the nation’s dedicated resources for helping victims by providing financial assistance for expenses incurred as a result of being a victim of crime. These expenses, such as medical and mental health needs, funeral and burial, housing instability and lost wages, are not borne equally. A large body of evidence demonstrates profound racial disparities in risk for violent victimization and its impacts, with low-income communities of color bearing the brunt of these costs.

In communities where violence is concentrated, the impact of this trauma combines with chronic disinvestments, lack of support services, and an overreliance on policing, prisons and jails. These conditions often break down social trust and breed cynicism toward government. Compensation programs give government agencies a different way to respond to victimization outside of the criminal legal framework of arrest, prosecution, and incarceration. And in so doing, they provide

opportunity for government agencies and community-based organizations to work together and build trusting relationships needed to interrupt cycles of violence and solve crime.

In other words, SB 471 / HB 575 is not just about the healing and dignity of victims; it is about public safety. By assisting with these destabilizing expenses, victim compensation helps reduce the risk of future victimization and the long-term costs of violence to the state.

Notwithstanding the profound potential of victim compensation to meet the needs of survivors, interrupt cycles of harm, and promote system legitimacy, these programs have been notoriously inaccessible to the majority of victims, especially those most marginalized and in need of this support. A growing body of research, including my own, demonstrates that Black and brown victims, and in particular those living in low-income communities, are least likely to be seen and served as victims of crime.¹ Despite higher rates of violent victimization, victim compensation programs disproportionately create barriers and deny applicants of color at alarming rates.²

Maryland's Criminal Injuries Compensation Board (CICB), the entity responsible for this state's victim compensation program, is no exception; tragically, it is viewed as especially problematic and inaccessible on the continuum of such programs nationwide. CICB disproportionately disqualifies, alienates, and denies Black applicants and families from receiving compensation, especially Black men and youth impacted by gun and other forms of community violence. Domestic violence victims are also greatly underserved by the current compensation system. In FY 2022 and FY 2023, no domestic violence-related claims were specified as paid, despite approximately 35,000 total domestic violence incidents reported in Maryland each year.³ Overall, according to the most recent CICB annual report, over 60% of all claims were denied in Maryland in FY 2023.

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>; 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 Maki, J., & Warnken, H. (2023). Realizing the Promise of Crime Victim Compensation: Helping Community Violence Intervention Meet the Needs of Victims, New York University, <https://marroninstitute.nyu.edu/papers/realizing-the-promise-of-crime-victim-compensation>.

³ <http://goccp.maryland.gov/wp-content/uploads/FL-%C2%A7-4-516a-GOCYVS-Domestic-Violence-Program-FY-2020-Annual-Report-MSAR-8611.pdf>.
<https://goccp.maryland.gov/wp-content/uploads/CP-%C2%A7-11-805a8-GOCYVS-Criminal-Injuries-Compensation-Board-FY-2023-Annual-Report-MSAR-11640-Revised.docx.pdf>.
<https://mdsp.maryland.gov/Document%20Downloads/Crime%20In%20Maryland%202020%20Uniform%20Crime%20Report.pdf>.

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, making it especially troubling that compensation has long been least accessible to those very groups. There are a range of other problematic aspects of the program currently undermining its effectiveness, including:

A paradoxical reliance on reimbursement. One of the most challenging structural issues with CICB is that it uses a reimbursement model that requires victims to pay the costs of compensable expenses upfront 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 even years 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 the longstanding policy that victims need not be coerced in order to be helped,⁴ states like Maryland have maintained strict victim “cooperation” mandates and continued additional administrative practices that exclude substantial percentages of victims from accessing assistance. In Maryland, this includes an overreliance on law enforcement certifications as a gatekeeping mechanism to determine who is eligible, and—more stringent than many other jurisdictions—a requirement to report the victimization to police within 48 hours. The current CICB process alienates victims from applying to the program based on a 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 police⁵ or those 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.

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

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.

Blaming the victim. Relatedly, CICB routinely rejects victims it somehow determines are 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 that I led in my prior role at DOJ details how the system routinely criminalizes Black and brown victims of gun violence in the aftermath of their victimization, rather than supports them, regardless of the circumstances of the underlying events.⁷ The report also describes the ways in which these practices undermine public safety and offers numerous recommendations for changing this pattern, 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 justice system who are disproportionately low income and Black and brown. In this sense, the current compensation structure 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 above. This promotes an unjust and counterproductive false binary between “victims” v. “perpetrators” and “worthy” v. “unworthy” applicants, which is often not based on the facts surrounding the underlying victimization. A program designed to stabilize should not be reliant on a system that often destabilizes.

SB 471/ HB 575 addresses many of these barriers, clearing 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 diverse coalition of organizations and directly impacted people representing the overlapping constituencies of victims and survivors who face these barriers everyday. This includes victim service organizations and those working in violence prevention, criminal justice reform, reentry, racial justice and more. **This bill builds bridges because it is about effective public safety for all.**

A well functioning victim compensation program plays an important role in community violence intervention efforts—a critical benefit we have yet to realize in Maryland. A 2023 report our

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.

Center co-authored with New York University’s Marron Institute, *Realizing the Promise of Crime Victim Compensation: Helping Community Violence Intervention Meet the Needs of Victims*, speaks directly to the value of an effective, accessible compensation program in improving public safety. We encourage members of this body to review the research described in this report.⁹ This includes improving systemic trust and legitimacy—critical to our collective efforts to improve abysmal clearance rates for violent crime.

As, *how do we pay for it* will inevitably be debated, our coalition poses what the research tells us is a more apropos question: *how do we not?* A well functioning CICB program helps 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.¹⁰ 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.

Supplemental funds from the federal government support state efforts to help victims avoid these outcomes. With passage of the VOCA Fix Act in 2022, which increased the federal government match to state expenditures on compensation from 60 to 75%, Maryland is further financially incentivized to pass this bill.¹¹

A growing number of states have recently passed or introduced legislation designed to improve victim compensation, and the DOJ Office for Victims of Crime just this week released updated federal guidance for the first time in a generation. As a participant in the early phases of this federal work and many stakeholder meetings since, I can confidently say the changes offered in this bill align with nationally recognized best practices for compensation programs, and will make Maryland a leader on this issue nationwide. The bill applies sound evidence and lessons learned from other states, while also taking a transformative approach that will create an example for others throughout the country working to reform victim compensation programs.

For these reasons, we urge a favorable report on SB 471 / HB 575.

⁹ Maki, J., & Warnken, H. (2023). *Realizing the Promise of Crime Victim Compensation: Helping Community Violence Intervention Meet the Needs of Victims*, New York University, <https://marroninstitute.nyu.edu/papers/realizing-the-promise-of-crime-victim-compensation>.

¹⁰ Alvidrez, J., Shumway, M., Boccillari, 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*, 52.

¹¹ <https://ovc.ojp.gov/about/crime-victims-fund/voca-fix>.

Senate Bill 471 Testimony_Elder (Fav).pdf

Uploaded by: Ja'Nae Elder

Position: FAV



University of Maryland Medical Center
R Adams Crowley Shock Trauma Center
Center for Injury Prevention & Policy
22 South Greene Street
Baltimore, MD 21201

February 9, 2024

**Written Testimony in Support (FAV) of Senate Bill 471
Criminal Procedure- Victim Compensation Alterations (Victim Compensation Reform Act of 2024)
Judicial Proceedings Committee**

Dear Chairman and Committee Members:

My name is Ja’Nae Elder and I am a Violence Prevention Specialist at the R Adams Cowley Shock Trauma Center, located in Baltimore, Maryland. I am writing today in support of Senate Bill 471. This bill is a reminder that making alterations to bills for crime victims is not just about the legal statutes; it's about affirming their dignity, restoring their sense of security, and empowering them on their journey toward healing. Victims of crime are not just statistics; they are individuals whose lives have been changed. The alterations of Senate Bill 471 prioritize their needs and send a powerful message: you are seen, you are heard, and you matter.

The Violence Prevention Program at the R Adams Cowley Shock Trauma Center is determined to reduce the frequency and severity of recidivism for violent injury and criminal activity among persons living in and around Baltimore City. Victims of violent crime often face numerous barriers that can impede their ability to recover and seek justice. These barriers can vary depending on the nature of the crime, the social and cultural context, and the resources available to the victim. The revisions to this bill are indeed promising, particularly in their enhancement of funding for mental health services. The increase from \$10,000 to \$45,000 for each claimant underscores the recognition of the critical role mental health support plays in the recovery process for victims of crime. Furthermore, the bill's adjustment to increase funding from \$250 to \$2,000 for repair, replacement, or cleaning of property damaged due to a crime or law enforcement investigation, including the cost of replacing locks, reflects a practical response to the

tangible effects of victimization. These adjustments demonstrate a commitment to providing comprehensive assistance to individuals affected by crime, addressing both their emotional well-being and practical needs resulting from such incidents.

Senate Bill 471 will continue to help alleviate financial burdens, validate victims' experiences, and contribute to the overall well-being of victims and communities alike. It is for that reason that by continuing to support victims in their recovery with these alterations and addressing the immediate aftermath of crime, victim compensation programs will contribute to building stronger, more resilient communities. More importantly, it plays a crucial role in the transition from victimhood to survivorship and reminds us that it's a journey that requires empathy, understanding, and comprehensive support systems. By acknowledging the needs of crime victims and working to address them through legal and social mechanisms, we can foster resiliency, restore dignity, and contribute to the healing process. The scars left by crime may be visible, but their pain is real. Let us be agents of healing and hope for those who carry these burdens and support Senate Bill 471. Thank you for your time and consideration.

Ja'Nae Elder, VAS II, BSCJ
Violence Prevention Specialist
R Adams Crowley Shock Trauma
Center for Injury and Prevention

HPP Testimony SB 471- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 471
TITLE: Criminal Procedure – Victim Compensation – Alternations
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2024
POSITION: **FAVORABLE**

Senate Bill 471 will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. **The Human Trafficking Prevention Project supports this bill because it will provide prompt and crucial financial support when it is needed most, and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.** For sex workers and survivors of human trafficking, who are some of the victims *least likely* to report their victimization and/or cooperate with law enforcement, this bill removes barriers that have kept the victim compensation process almost entirely inaccessible to them.

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

SB 471 will remove numerous requirements that bar victims from eligibility for victim compensation, including the requirements that a victim must report a crime to law enforcement within 48 hours and that they must “cooperate” with law enforcement. The reporting and cooperation requirements are rooted in archaic notions of how “real” victims behave, uninformed by the impacts of trauma on the brain, and fail to consider how, especially in the context of sexual assault, interpersonal violence, and human trafficking, fear, shame, stigma, and, at times love, combine to keep so many victims silent.¹ These requirements also fail to acknowledge the lack of trust many victims have in the police and/or the criminal legal system,² and that, in many cases, law enforcement has played a role in the victimization.³

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

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

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

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

Victim compensation is about public safety and helping victims heal. This bill will create a non-discriminatory victim compensation process that is accessible to *all* victims of crime, including those who fail to report their victimization to law enforcement or who are judged by society to be less than “the perfect victim.” **For these reasons, the Human Trafficking Prevention Project supports Senate Bill 471 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).

SB471 (Victims Comp) 2024.pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in Support of
Criminal Procedure - Victim Compensation - Alterations
(Victim Compensation Reform Act of 2024)
SB 471/HB 575
Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 6, 2024

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

Marylanders to Prevent Gun Violence (MPGV) is a statewide organization dedicated to reducing gun deaths and injuries in Maryland. We urge the committee for an **Favorable report on Senate Bill 471**.

SB 471 is a crucial measure aimed at reforming victim compensation processes in our state. Victim compensation is not just a matter of financial aid; it is about public safety and human dignity. By addressing the needs of victims without judgment or barriers, we not only provide immediate relief but also foster long-term resilience in our communities.

The current system disproportionately disenfranchises applicants of color, particularly Black men and youth impacted by gun violence. Maryland's shockingly low grant rates and the denial of over 60% of claims in FY23, including those related to domestic violence, underscore the urgent need for reform. SB 471 removes stifling requirements and redefines eligibility criteria to reflect the diverse realities of victims and their families. By dismantling the notion of the "perfect victim" and enhancing program transparency, the bill restores dignity and agency to those who have suffered.

Gun violence survivors endure profound and enduring trauma that extends far beyond physical wounds. The emotional and psychological toll of such violence is pervasive and often unaddressed, leaving survivors struggling to access essential support services. Trauma knows no timetable or boundaries, and survivors require sustained counseling and care to navigate the complex journey toward healing. By streamlining the claims process and expanding access to critical resources, SB 471 acknowledges the multifaceted needs of survivors and reaffirms Maryland's commitment to their well-being.

Supporting this bill is not just a matter of policy; it is a moral imperative. Investing in victim compensation reform is a demonstration of Maryland's dedication to justice, equity, and the fundamental dignity of every individual affected by violence. MPGV urges a **FAVORABLE** report on SB 471.

SB471_CICB_2_8_24.pdf

Uploaded by: Keith Wallington

Position: FAV



TESTIMONY BY Keith Wallington

Director of Advocacy, Justice Policy Institute

kwallington@justicepolicy.org

Senate Bill 471

Criminal Procedure – Victim Compensation – Alterations

Friday, February 9, 2024

Chairperson and committee members, thank you for your attention to this important issue. I am Keith Wallington, the Director of Advocacy for the Justice Policy Institute (JPI). JPI is a national research and policy advocacy organization working with communities most impacted by crime and the criminal legal system to build better safety solutions. I am here today to testify in support of Senate Bill 461, which will create a more accessible, non-discriminatory compensation process to support all people and families who have experienced crime. This bill will improve access to crucial financial support when it is needed most by removing barriers like the requirement that a victim must “cooperate” with law enforcement or report the crime to law enforcement within 48 hours to access victim compensation resources.

As a young college student, I lost my older brother to gun violence. Both my parents worked factory jobs, and as a low-income family, we did not have the financial resources to cover the funeral expenses, let alone the means to bring me or my twin brother home from college for his funeral. It was through the generosity of our basketball coach and teammates that we were able to get home. As a result of the lack of support through this process, it was not until well after the funeral and my brother was buried that we were finally able to afford to place a headstone on his grave. Unfortunately, this was just the tip of the iceberg regarding what was to come.

My mother never got over her son’s death and never received the support or therapy she needed to address and heal from this trauma. His death and my mother’s unmet needs led to a steady decline in her health that eventually resulted in her early death. I can only imagine how our lives, particularly my mother’s life, would have been different if we had been connected to victim support and services during that horrible time. My lived experience underscores the critical need for this legislation and the improvements it provides to expand access to financial resources for survivors of crime.

Ultimately, victim compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of experiencing crime — such as medical and mental health care, lost wages, funeral and burial expenses, and crime scene cleanup — compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to communities. For instance, according to the Alliance for Safety and Justice, “unaddressed, trauma can

contribute to instability, including mental health or addiction issues, challenges returning to work, maintaining housing or caring for loved ones, and can even lead to someone being revictimized.”¹

The current victim compensation [process disproportionately disqualifies and alienates applicants of color](#) and their families, especially Black men and youth impacted by gun and other forms of violence.² [Alarming, in fiscal year 2022, over half of all claims were denied victim compensation in Maryland. Not one victim of a domestic violence crime received compensation.](#)³

House Bill 575 will help to improve the victim compensation process by removing requirements that bar victims from accessing assistance, including the requirements that a victim must report a crime to law enforcement within 48 hours and that they must “cooperate” with law enforcement. Given relationship challenges with law enforcement and communities of color, there is often a lack of trust in working with some police departments. In *The Right Investment 2.0*, JPI examined [neighborhood data in Baltimore City](#) that highlights these concerns about the current victim compensation process as it relates to neighborhood violence, victimization, and criminal legal system involvement.⁴ For example, the neighborhood with the highest incarceration rate in Baltimore City, Greater Rosemont, also ranks high among youth homicide rate, homicide rate, non-fatal shootings, as well as lower access to medical insurance and a median household income of \$37,000. Greater Rosemont and neighborhoods experiencing similar challenges related to lack of investment, access to public health and safety resources, and disproportionate involvement in the criminal legal system experience victimization at a higher rate than other communities and have a deep mistrust of the police and the legal system. [Historical patterns of aggressive and abusive policing, over surveillance, and mass incarceration coupled with the requirement that crime survivors engage with law enforcement to access much-needed victim compensation resources pose an insurmountable obstacle to many of our neighbors when they are at their most vulnerable.](#) Maryland needs to fix the current system to ensure that all crime survivors have an equal opportunity to access victim compensation resources.

This legislation also expands the types of relatives eligible to receive compensation and expenses eligible for reimbursement to reflect more accurately the diversity of modern family structures and needs of crime survivors. The prevalence of non-traditional family structures, particularly in communities that experience high levels of violence and incarceration, disqualifies far too many crime survivors from current CICB support. For example, under current status, a child of a parent unable to work due to being a crime victim would not qualify to receive benefits if they do not live with that parent. This bill also strikes the “perfect victim” requirement. Current law bars crime survivors from accessing CICB support if there is evidence that their behavior contributed to their victimization. Law enforcement determines if someone contributed to their own victimization, and merely being outside, in the “wrong place at the wrong time” could lead to disqualification. [A large body of evidence](#) and lived experience demonstrates this has not been effective at helping people

¹ Alliance for Safety and Justice, *Toward Shared Safety: The First-Ever National Survey of America’s Gaps Survey*, September 2022. <https://wesharesafety.us/wp-content/themes/shared-safety/assets/downloads/NatlSafetyGaps-09142020.pdf>

² John Maki and Heather Warnken, “Realizing the Promise of Crime Victim Compensation: Recommendations to Help Community Violence Intervention Meet the Needs of Underserved Victims,” New York University, June 2023. https://marroninstitute.nyu.edu/uploads/files/Realizing_the_Promise_of_CVC_%281%29.pdf

³ *Criminal Injuries Compensation Board FY2022 Annual Report* (Maryland Governor’s Office of Crime Prevention, Youth, and Victim Services, 2022). <https://goccp.maryland.gov/wp-content/uploads/CP-%C2%A7-11-805a8-GOCPYVS-Criminal-Injuries-Compensation-Board-FY-2022-Annual-Report-MSAR-11640.pdf>

⁴ Justice Policy Institute, *The Right Investment 2.0: How Maryland Can Create Safe and Healthy Communities*, January 2024. <https://justicepolicy.org/the-right-investment-2-0/>

heal and preventing future victimization; rather, it exacerbates the trauma victims experience in the aftermath of violent crime.⁵

In addition to these changes, SB 471 would also improve transparency and accountability by enhancing program reporting requirements and removing reliance on fines and fees to fund these supports, creating greater program stability. For communities most impacted by crime, this legislation is an important step toward supporting and investing in impacted communities and, in turn, promoting public safety. This bill is good public policy that will reach communities historically left behind and ignored as victims. JPI strongly encourages your support for Senate Bill 471.

⁵ U.S. Department of Justice Office of Victim Services, “A Vision for Equity in Victim Services: What Do the Data Tell Us About the Work Ahead?” June 8, 2021. <https://ovc.ojp.gov/media/video/12971>

SB471 HAVI Letter of Support.pdf

Uploaded by: Kyle Fischer

Position: FAV



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

RE: Letter of support for SB 471 Criminal Procedure – Victim Compensation - Alterations

February 8, 2024

Chair Smith and the Senate Judicial Proceedings Committee,

The Health Alliance for Violence Intervention (HAVI) is pleased to support SB 471 “Criminal Procedure - Victim Compensation - Alterations.” This bill would reform our state’s victim compensation system 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, Youth Advocate Programs, and the ROAR Center subsequently joining.

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

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

Fortunately, this bill addresses the barriers which have locked survivors of gun violence out of the existing system. It removes the requirement that victims must report a crime within 48 hours, an eligibility criterion typically unknown to survivors until after they apply. SB 471 removes requirements that a victim must “cooperate” with law enforcement- a vague term with vastly different meanings between members of law enforcement and the communities

they serve. 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 increases the size of the Criminal Injuries Compensation Board to ensure survivors of violence and victim service providers are engaged in the process. The bill removes unnecessary bureaucratic red tape by expanding the types of evidence victims may submit, such as medical records or documentation from victim services organizations. Finally, it creates a streamlined process for time-sensitive financial needs like funeral expenses, crime scene cleanup and one-time emergency relocation services.

We believe SB 471 is an important step to ensure survivors of community violence have the resources needed to fully recover after their injuries. Although it was not intended this way, in practice, the existing system picks winners and losers by perpetuating a harmful trope of "deserving" and "underserving" victims. This is not only immoral, but perpetuates the cycle of violence.

For these reasons, we ask that the Senate Judicial Proceedings Committee provide a favorable report on SB 471 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

LetsThriveBaltimoretestimony.2023.pdf

Uploaded by: Lisa Molock

Position: FAV

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

TESTIMONY ON HB 861 / SB 788

Criminal Procedure - Victim Compensation - Alterations

March 7, 2023 / March 9, 2023

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

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

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

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

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

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

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

SB471 - Testimony - 2-9-20241.pdf

Uploaded by: Lisa Sloyer

Position: FAV

BILL NO: SB 471/HB 575

TITLE: Victim Compensation Reform Act of 2024

COMMITTEE: Judiciary/Judicial Proceedings

HEARING DATE: February 9, 2024

POSITION: SUPPORT

Good afternoon, Chairperson, Vice Chairperson and Members of the Committee. My name is Lisa Sloyer, and I am an Advocacy and Resource Program Manager at TurnAround, Inc., a Baltimore-based organization that has been working with victims of intimate partner violence, sexual assault, and human trafficking for more than 40 years. We see firsthand the emotional, physical, and financial trauma that survivors of these crimes experience. We urge the committee to issue a favorable report on SB471.

The current system for compensating victims is not working. Too often, the survivors we work with are left without the financial resources they need to move forward after enduring horrific trauma. For survivors of intimate partner violence, for example, quick financial support is critical to establishing independence and not returning to an abusive partner. Some of our clients need expensive emergency relocation to stay safe from their abuser. Others need help to stay afloat before they find a job.

Senate Bill 471 ensures that victims are compensated fairly and quickly. The bill provides new transparency, makes it easier to apply for compensation, speeds up the approval process, and allows victims to appeal a decision. In addition, increased funding will allow for increased compensation to victims and their family members. This proposed legislation also reflects the reality of how trauma can affect a victim's behavior. Victims often choose not to report their victimization to law enforcement, so the proposed legislation no longer requires a police report to prove a crime happened.

These changes in the law would have made a huge difference to one of my clients. A survivor of intimate partner violence, she had no income when she left her abuser. Completing the application forced her to painfully recount her abuse in detail but she desperately needed financial help. Six months passed before she received a response. Even then, there was no compensation, just a demand for additional documentation of her abuse, requiring her to recount her trauma yet again.

Fortunately, my client found work and was financially stable long before a negative decision on her compensation arrived. This kind of delayed response is too little, way too late, and doesn't recognize the traumatic effects of the process. Victims deserve a compassionate compensation process to help to rebuild their lives and move forward.

For these reasons I urge a favorable report on SB471. Thank you.

CICB reform - testimony - senate - 2024 - SB471 FA

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
mcasa.org

Testimony Supporting Senate Bill 471
Lisae C. Jordan, Executive Director & Counsel
February 9, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 471.

Senate Bill 471 – Criminal Injuries Compensation Board - Reform

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

Senate Bill 471 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. SB471 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 life <p>Abusers can also inflict direct financial harm. Examples: destruction of property, fraud, workplace harassment, theft.</p>
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SB471 proposes workable changes to the time period for filing claims as part of its comprehensive reform. 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. Expanded access can and does work for these survivors and will work for all crime victims.

The Maryland Coalition Against Sexual Assault urges the Judicial Proceedings Committee to report favorably on Senate Bill 471



CICBTestimony.Senate.FINAL.1.7.24.pdf

Uploaded by: Lydia Watts

Position: FAV

BILL NO: Senate Bill 471
TITLE: Criminal Injuries Compensation Board Reform Act
COMMITTEE: Judicial Proceedings Committee
HEARING DATE: February 9 at 12 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 Senate Judicial Proceedings Committee to issue a favorable report on SB 471.**

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 can now access a benefit critical to restoring their lives after the victimization. The current data required to be reported by CICB regarding victim compensation claims and which are granted, and which are denied does not include demographic information including gender, race, and primary language. This legislation will require that information be collected and reported.

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

because it is the only way we will abate the heretofore endless cycle of violence that plagues our most vulnerable communities.

For the above stated reasons, **ROAR urges a favorable report on SB 471.**

SB 471_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 471
TITLE: Criminal Procedure - Victim Compensation - Alterations (Victim Compensation Reform Act of 2024)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2024
POSITION: **Favorable**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 471.**

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.

Domestic violence is vastly underreported with an estimated half of all victims not reporting the violence to law enforcement.¹ 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.² 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.

Senate Bill 471 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

¹ <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>

² 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



determination that an individual did not contribute to their victimization. It also helps clarify and expand which relatives are eligible to receive compensation and what types of expenses are eligible for reimbursement to more accurately reflect family structures and the needs of victims. The claims process is streamlined in SB 471 to reduce the unacceptable delays victims currently experience if they engage in the victim compensation process. Enhanced program reporting requirements are included to improve transparency and accountability. Finally, SB 471 includes enabling budget language creating greater program stability.

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

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 471.**

Copy of 2024 MD Victim's Compensation Written Test

Uploaded by: Mindy Landau

Position: FAV

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Mindy Landau
Support for HB 575 / SB 471 [FAV]
Before the Maryland Senate Judicial Proceedings Committee
February 9, 2024

Chair Smith, Vice Chair Waldstreicher and distinguished members of the Maryland Senate Judicial Proceedings Committee,

My name is Mindy Landau. I am the co-founder of the Montgomery County Chapter of Brady United, and its Maryland State Executive Director.

Brady applauds the thoughtful work and legislative efforts of this body to prevent and end gun violence throughout the state. Tragically, despite these efforts and some of the strongest gun laws in the nation, each year, 785 Marylanders are killed by gun violence, and 493 of those deaths are from firearm homicides.¹ We need only look at the fact that Maryland has the seventh highest firearm homicide rate in the country to see that gun violence is a crisis in Maryland communities and additional policies must be put in place to prevent further tragedies. **In furtherance of our goal to reduce firearm violence across the state and in communities of color, Brady strongly urges a favorable report on HB 575 / SB 471.**

Gun violence can destroy the lives of survivors who face insurmountable medical costs and family members who have lost their primary breadwinners. Victim compensation is an important pathway for survivors to access support – covering specific expenses such as medical bills, funeral and burial expenses, and counseling. But eligibility restrictions can lock survivors out of compensation, and victims of police violence and their families typically cannot access victim compensation. This type of funding is crucial to the healing of survivors of crimes and would interrupt the cycles of violence that pervade homes and communities who have no recourse or resources to move forward.

HB 575 / SB 471 creates 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

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2024 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

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 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23, with no victim of domestic violence related crimes awarded compensation.**

HB 575 / SB 471 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.

Data collected by the U.S. Department of Justice in 2019 found that 6 in 10 violent victimizations are never reported to police. Victims of violent crime face a complex series of issues as they navigate the justice system, the healing process, and even everyday life. Acknowledging these complex needs and barriers to reporting, the state legislature has taken action to allow for other forms of evidence.

For survivors of police violence and loved ones of those killed by police, these restrictions are especially perverse. A police report documenting the victimization is often elusive. Survivors may not want to speak with officers, resulting in exclusion for noncooperation. The very people responsible for the victimization are tasked with assigning blame, and denying the victim or their family access to needed resources.

HB 575 / SB 471 would remove these discriminatory barriers such as the police reporting requirement and expand the forms of evidence that could be used to show that a survivor suffered harm. Too often, victims and survivors of qualifying crimes, including Black men, members of the LGBTQ+ community, immigrants, victims of intimate partner violence, and other Marylanders who are marginalized, do not report because they have a justified mistrust of law enforcement and/or fear retaliation from their abusers.

HB 575 / SB 471 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 to reduce the unacceptable delays victims currently experience if they engage in the compensation process. Enhanced program reporting requirements are included to improve transparency and accountability.

For decades, survivors of color who are directly impacted and disproportionately excluded from victim compensation have been leading calls for changes that would remove barriers to accessing compensation, and that would ensure survivors of police violence can receive compensation. With this bill, Maryland has

an opportunity to demonstrate that we value healing regardless of the type of victimization, that we value the experiences of victims, and particularly that we value the experiences of Black and Brown victims of police violence. **For these reasons Brady strongly urges a favorable report on HB 575 / SB 471 .**

Sincerely,

Mindy Landau

Victim Compensation Reform Act of 2024 - Favorable

Uploaded by: Myles Hicks

Position: FAV

*STATE OF MARYLAND
OFFICE OF THE GOVERNOR*



WES MOORE.
GOVERNOR

STATE HOUSE
100 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401-1925
(410) 974-3901
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TTY USERS CALL VIA MD RELAY

Dear Chairman Smith, Vice-chair Waldstreicher, and members of the committee,

On behalf of Governor Wes Moore, I urge a favorable report of HB575/SB471, Criminal Procedure - Victim Compensation - Alterations (Victim Compensation Reform Act of 2024).

In Maryland, the Criminal Injuries Compensation Board (CICB) within the Governor's Office of Crime Prevention and Policy (GOCPP) is the entity responsible for administering the state victims compensation program. This legislation seeks to expand eligibility, remove barriers, and improve administrative processes when applying for CICB benefits.

Major Components of this legislation will:

- Expand the definition of a dependent to include a domestic partner, the definition of an applicable injury to ensure that psychological injuries resulting from any crime are covered, and expand eligibility to the domestic partner, dependent minor, or an adult under the legal guardianship of the victim.
- Redefine the role of the Board such that it is an appellate body over initial decisions made by the staff to award compensation.
- Increase the number of CICB board members from 5 to 7.
- Remove the requirements that a crime has to be reported within 48 hours, and that victims must "cooperate fully" with law enforcement.
- Require the Board to make prompt emergency awards for funeral expenses, crime scene cleanup, and one-time emergency relocation expenses.

When the Moore-Miller Administration took office we found it was far too difficult and took far too long for crime victims to get the compensation they are entitled to. Having a more accessible

and effective CICB would provide community-violence interventionists, trauma-recovery specialists, law enforcement, and victim services providers an important tool and tangible resources to help meet their needs, connect them to services, and set them on a path towards recovery. Financial compensation for 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. It also plays an important role in helping prevent cycles of violence through its ability to alleviate economic conditions for crime victims and assist in relocation of victims who may be under threat of further victimization.

Sincerely,
Myles Hicks
Deputy Legislative Officer
Office of Governor Wes Moore

VictimCompensationReform_CVP_FiniganCarr2024.pdf

Uploaded by: Nadine Finigan-Carr

Position: FAV



Nadine Finigan-Carr, PhD
Executive Director
601 West Lombard Street, Suite 429
Baltimore, MD 21201

TESTIMONY ON HB 575/ SB 471
Criminal Procedure - Victim Compensation – Alterations
Victim Compensation Reform Act of 2024
February 6, 2023 / February 9, 2023

The University of Maryland, Baltimore Center for Violence Prevention (CVP) strongly supports HB 575/SB 471, 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.

For more than a decade, the CVP through our Prevention of Adolescent Risks Initiative has worked to build the infrastructure here in Maryland to support children and youth victims of human trafficking. Most of them have been traumatized and are leery of cooperating with law enforcement. In some cases, the crime against them is not a one-time event but occurred over time. For these vulnerable minors and their families, going through a mandatory reporting process is retraumatizing. Many victims of human trafficking and exploitation have been forced to commit crimes by their trafficker and are currently ineligible for compensation under the current law as a result. By removing barriers and restrictions on these victims, the compensation received would reduce their risk for continued victimization and improve their chances for success in recovering from their trauma.

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, and other trauma recovery services, 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 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23, with no victim of domestic violence related crimes awarded compensation.

HB 575/SB 471 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 ends eligibility exclusions that effectively blame victims for their own victimization. These types of exclusions have a disparate impact on Black victims and their families. 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 to reduce the unacceptable delays victims currently experience if they engage in the compensation process. Enhanced program reporting requirements are included to improve transparency and accountability.

For all of the reasons stated above, the UMB CVP supports HB 575/SB471 and respectfully encourages a favorable report

SB0471-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

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

SB 471

February 9, 2024

TO: Members of the Senate Judicial Proceedings Committee

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

RE: Senate Bill 471– Criminal Procedure - Victim Compensation - Alterations
Victim Compensation Reform Act of 2024

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 471.

SB 471 addresses gaps in the victim compensation process to provide crucial support for crime victims and family members of homicide victims when it is most needed. This legislation will make victim compensation more inclusive and better meet the needs of victims across the state by removing barriers to financial relief, and increasing the amount of funds available, for expenses incurred as a result of violent crime.

This bill increases the funds available under the Criminal Injuries Compensation Board (CICB) for assistance with victimization-related expenses including funeral and burial costs, repair funds for property damage, crime scene cleanup, mental health counseling and medical care. Maryland has one of the lowest victim compensation grant rates in the country, with over 60% of all claims denied as ineligible or closed without any compensation in FY23. SB 471 also streamlines the compensation process to reduce the significant delays that applicants currently experience.

SB 471 takes important steps to remedy inequities in the current victim compensation process, which disproportionately disqualifies Black male and youth applicants – who are the most frequent victims of violence. The bill removes a number of barriers to victim eligibility for compensation, including the requirements that a victim report a crime to law enforcement within 48 hours and cooperate with law enforcement. This legislation also changes the composition of the CICB to ensure there are members who work directly with victims, live in a high violence community, and/or are family of a homicide victim.

In helping to stabilize victims and their families immediately following violent trauma, SB 471 will contribute to increased public safety overall.

For these reasons, the BCA respectfully requests a **favorable** report on SB 471.

2024 MD Victim's Compensation Written Testimony SB

Uploaded by: Ramya Swami

Position: FAV

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Ramya Swami, Manager, State Policy, Brady
Support for HB 575 / SB 471 [FAV]
Before the Maryland Senate Judicial Proceedings Committee
February 9, 2024

Chair Smith, Vice Chair Waldstreicher and distinguished members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans across the country in the fight to prevent gun violence.

Brady applauds the thoughtful work and legislative efforts of this body to prevent and end gun violence throughout the state. Tragically, despite these efforts and some of the strongest gun laws in the nation, each year, 785 Marylanders are killed by gun violence, and 493 of those deaths are from firearm homicides.¹ We need only look at the fact that Maryland has the seventh highest firearm homicide rate in the country to see that gun violence is a crisis in Maryland communities and additional policies must be put in place to prevent further tragedies. **In furtherance of our goal to reduce firearm violence across the state and in communities of color, Brady strongly urges a favorable report on HB 575 / SB 471.**

Gun violence can destroy the lives of survivors who face insurmountable medical costs and family members who have lost their primary breadwinners. Victim compensation is an important pathway for survivors to access support – covering specific expenses such as medical bills, funeral and burial expenses, and counseling. But eligibility restrictions can lock survivors out of compensation, and victims of police violence and their families typically cannot access victim compensation. This type of funding is crucial to the healing of survivors of crimes and would interrupt the cycles of violence that pervade homes and communities who have no recourse or resources to move forward.

HB 575 / SB 471 creates 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

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2024 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

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 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23, with no victim of domestic violence related crimes awarded compensation.**

HB 575 / SB 471 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.

Data collected by the U.S. Department of Justice in 2019 found that 6 in 10 violent victimizations are never reported to police. Victims of violent crime face a complex series of issues as they navigate the justice system, the healing process, and even everyday life. Acknowledging these complex needs and barriers to reporting, the state legislature has taken action to allow for other forms of evidence.

For survivors of police violence and loved ones of those killed by police, these restrictions are especially perverse. A police report documenting the victimization is often elusive. Survivors may not want to speak with officers, resulting in exclusion for noncooperation. The very people responsible for the victimization are tasked with assigning blame, and denying the victim or their family access to needed resources.

HB 575 / SB 471 would remove these discriminatory barriers such as the police reporting requirement and expand the forms of evidence that could be used to show that a survivor suffered harm. Too often, victims and survivors of qualifying crimes, including Black men, members of the LGBTQ+ community, immigrants, victims of intimate partner violence, and other Marylanders who are marginalized, do not report because they have a justified mistrust of law enforcement and/or fear retaliation from their abusers.

HB 575 / SB 471 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 to reduce the unacceptable delays victims currently experience if they engage in the compensation process. Enhanced program reporting requirements are included to improve transparency and accountability.

For decades, survivors of color who are directly impacted and disproportionately excluded from victim compensation have been leading calls for changes that would remove barriers to accessing compensation, and that would ensure survivors of police violence can receive compensation. With this bill, Maryland has an opportunity to demonstrate that we value healing regardless of the type of victimization, that we value the experiences of victims, and particularly that we value the experiences of Black and Brown victims of police violence. **For these reasons Brady strongly urges a favorable report on HB 575 / SB 471 .**

Sincerely,
Ramya Swami
State Policy Manager
Brady Campaign to Prevent Gun Violence

CICB Reform_2.9.pdf

Uploaded by: Sophie Aron

Position: FAV

BILL NO: HB 575/SB 471
TITLE: Criminal Procedure - Victim Compensation - Alterations
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2024
POSITION: **SUPPORT**

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

The SAFE Center strongly supports HB 575/SB 471, which will create an accessible, non-discriminatory victim compensation process to support all victims of crime, or their family members left behind. It will provide prompt and crucial financial support when it is needed most and remove unnecessary and arbitrary denials of financial relief for applicants for expenses incurred as a result of being a victim of crime.

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

Victim Compensation is about public safety. By assisting with the destabilizing expenses that come with the trauma of violent victimization, such as medical care, mental health care, lost wages, funeral and burial expenses, crime scene cleanup and more, compensation helps reduce the risk of future victimization and perpetration of harm, and the long-term costs of violence to the state. The current victim compensation process disproportionately disqualifies and alienates applicants of color and their families from receiving compensation at alarming rates. Maryland has one of the lowest grant rates of victim compensation in the country. Over 60% of all claims were denied victim compensation in Maryland as ineligible or closed without any compensation in FY23 with no victim of domestic violence related crimes awarded compensation.

HB 575/SB 471 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.

In addition, this bill reconstitutes the Criminal Injuries Compensation Board to include more members with lived experience and those that work directly with victims. The claims process is streamlined in HB 575/SB 471 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 575/SB 471 removes the counterproductive reliance on criminal justice fines and fees to fund these benefits, creating greater program stability.

For the above stated reasons, the University of Maryland SAFE Center **strongly urges a favorable report on HB 575/SB 471.**

Sophie Aron

Research and Program Coordinator

University of Maryland SAFE Center for Human Trafficking Survivors

Sophie.aron@umaryland.edu

2024 LCPCM and NASW SB 471 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FWA



Committee: Senate Judicial Proceedings Committee

Bill: Senate Bill 471 – Criminal Procedure – Victim Compensation -Alteration (Victim Compensation Reform Act)

Hearing Date: February 9, 2024

Position: Favorable with Amendment

The Licensed Clinical Professional Counselors of Maryland (LCPCM) and the Maryland Chapter of the National Association of Social Workers (NASW) supports *Senate Bill 471 – Criminal Procedure – Victim Compensation – Alteration (Victim Compensation Reform Act)*. We are requesting a clarifying amendment related to type of health care providers who participate in the program.

We thank the Governor for introducing this much-needed reform measure to ensure that the Criminal Injuries Compensation Board is equipped to meet the health care and related needs of victims of crime. Maryland’s law provides for coverage of health care services to address the somatic, behavioral health, and oral health of victims who are uninsured.

Under the bill, qualified third-parties can certify that an individual’s health conditions are related to the crime. Under the existing bill, the list of third parties does not acknowledge the full range of health care providers who can diagnose and treat health care conditions, including behavioral health. The bill also incorrectly identifies social workers as case workers instead of licensed health care providers. Lastly, there is an outdated reference to “psychological” health, instead of the more current term of behavioral health. To clarify this section, we suggest the following changes on page 3 of the bill:

(G) “QUALIFIED THIRD PARTY” MEANS:

(1) ~~A LICENSED PHYSICIAN OR PSYCHOLOGIST AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE;~~ A HEALTH CARE PRACTITIONER WHO IS:

(i) LICENSED, CERTIFIED OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE; AND

(ii) PERMITTED TO DIAGNOSE A PHYSICAL OR BEHAVIORAL HEALTH INJURY UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A ~~SOCIAL WORKER OR~~ CASEWORKER OF ANY PUBLIC OR PRIVATE HEALTH OR SOCIAL SERVICES AGENCY OR PROVIDER; OR

(3) AN ADVOCATE OR VICTIM SERVICE PROVIDER FROM A DOMESTIC VIOLENCE OR SEXUAL ASSAULT PREVENTION OR ASSISTANCE PROGRAM

(H) "Victim" means a person:

(1) who suffers physical OR ~~PSYCHOLOGICAL~~ BEHAVIORAL HEALTH injury

We ask for a favorable report on the legislation with clarifying amendments. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

2024 MDAC SB 471 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FWA



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Committee: Senate Judicial Proceedings Committee

Bill: Senate Bill 471 – Criminal Procedure – Victim Compensation -Alteration
(Victim Compensation Reform Act)

Hearing Date: February 9, 2024

Position: Favorable with Amendment

The Maryland Dental Action Coalition supports *Senate Bill 471 – Criminal Procedure – Victim Compensation – Alteration (Victim Compensation Reform Act)*. We are requesting a clarifying amendment to acknowledge that the victims services fund also covers dental injuries as the result of a crime.

We thank the Governor for introducing this legislation measure to ensure that the Criminal Injuries Compensation Board is equipped to meet the health care and related needs of victims of crime. When victims of crime cannot afford to have their injuries treated, they can face additional trauma.

We ask for an amendment to clarify that the fund also addresses dental injuries. These injuries can be devastating and impact the victim’s overall health status:

On page 3, insert “DENTIST” in line 6 after “PHYSICIAN”.

Thank you for the opportunity to submit this testimony, and we ask for a favorable vote on the bill with clarifying amendments. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net.

Optimal Oral Health for All Marylanders