



## Department of Public Safety and Correctional Services

### Office of the Secretary

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CRIMINAL INJURIES  
COMPENSATION BOARD

EMERGENCY NUMBER  
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

October 15, 2010

The Honorable Edward J. Kasemeyer  
Acting Chairman, Senate Budget and Taxation Committee  
3 West, Miller Senate Office Building  
Annapolis, Maryland 21401-1991

The Honorable Norman H. Conway  
Chairman, House Committee on Appropriations  
Room 121, House Office Building  
Annapolis, Maryland 21401-1991

RE: Joint Chairmen's Report on Improving Efficiency for the  
Criminal Injuries Compensation Board

Dear Chairman Kasemeyer and Chairman Conway:

Attached please find the report detailing the information requested in the FY2010 Joint Chairmen's Report, including the positive changes that the Criminal Injuries Compensation Board has implemented since April 1, 2010. On page 118 of the FY2010 Joint Chairmen's Report, the following information was requested of the Department of Public Safety and Correctional Services by way of its Criminal Injuries Compensation Board (CICB):

*Provided that \$250,000 of this appropriation made for the purpose of funding administrative operating expenses within the Criminal Injuries Compensation Board (CICB) may not be expended until CICB provides the following information:*

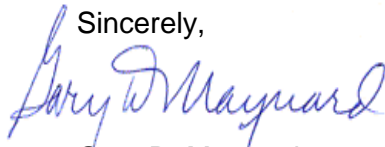
- (1) *confirmation that all staff and board members have completed training on maintaining compliance with the State Open Meetings Law and the Administrative Procedure Act;*
- (2) *confirmation that all staff and board members who have interaction with victims and their families have completed sensitivity training;*
- (3) *a report on each case in fiscal 2010 where statutory timeline provisions were violated and the number of claims where the claimant was requested to resubmit information;*
- (4) *the potential for providing a victim advocate within existing agency resources to assist with victim's needs, and if existing resources are inadequate, the cost of creating a victim advocate position;*
- (5) *proposed solutions for addressing the fiscal concerns regarding the amount of funding available for making awards to victims of crime, including potential legislation.*

*It is the intent of the General Assembly that CICB improve its efficiency of operations and alter its agency culture in order to better address the needs of Maryland's crime victim population and create a more victim friendly environment.*

*The report shall be submitted by October 15, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise for any other purpose, and shall be cancelled if the report is not submitted to the budget committees.*

The submission of this report serves as the Department's request for release of the \$250,000. I hope that the report meets with your approval and is both informative and helpful to you and your committee members. If the Department can be of further assistance, please do not hesitate to contact me at 410-339-5005.

Sincerely,



Gary D. Maynard  
Secretary

Attachment

c: Senator James E. DeGrange, Sr., Chair, Senate Public Safety, Transportation, and Environment Subcommittee  
Delegate James Proctor, Vice Chair, House Committee on Appropriations  
Delegate Galen Clagett, Chair, House Subcommittee on Public Safety and Administration  
Members of the Senate Budget and Taxation Committee  
Members of the House Committee on Appropriations  
Mr. Matthew Gallagher, Chief of Staff, Governor's Office  
Mr. Ted Dallas, Deputy Chief of Staff, Governor's Office  
Mr. Joseph Bryce, Governor's Chief Legislative and Policy Officer  
Ms. Stacy Mayer, Governor's Deputy Legislative Officer  
Mr. Warren G. Deschenaux, Director, Department of Legislative Services  
Ms. Rebecca M. Ruff, Policy Analyst, Department of Legislative Services  
Ms. Diane Lucas, Supervisor, Department of Budget and Management  
Mr. Christopher Zwicker, Budget Analyst, Department of Budget and Management  
Mr. Joshua Watters, Staff, House Committee on Appropriations  
Mr. David Smulski, Staff, Senate Budget and Taxation Committee  
Ms. Cathy Kramer, Department of Legislative Services  
Ms. Sarah Albert, Department of Legislative Services  
Deputy Secretary G. Lawrence Franklin, DPSCS  
Deputy Secretary Phillip Pié, DPSCS  
Assistant Secretary David Bezanson, DPSCS  
Chief of Staff Robert J. Johnson, DPSCS  
Chairman Sandy Roberts, CICB  
Executive Director Cortney Fisher, CICB  
Director Rhea L. Harris, Office of Legislative Affairs, DPSCS



**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

**JOINT CHAIRMEN'S REPORT ON IMPROVING EFFICIENCY AT THE  
CRIMINAL INJURIES COMPENSATION BOARD**

October 15, 2010

Martin O'Malley, Governor  
Anthony Brown, Lt. Governor  
Gary D. Maynard, Secretary  
Philip Pié, Deputy Secretary  
Cortney Fisher, Executive Director, CICB

## **INTRODUCTION**

The following report has been prepared in response to the language on page 118 of the FY2010 Joint Chairmen's Report. The language requires that the Department of Public Safety and Correctional Services through its Criminal Injuries Compensation Board (CICB) to submit an assessment of the efficiency and operations of the CICB and a plan to improve the CICB, as well as financially stabilize the Criminal Injuries Compensation Fund (CICF). Specifically, it was requested that the Criminal Injuries Compensation Board provide information to the General Assembly regarding the training which was provided to Board Commissioners and staff members, plans for financial sustainability of the CICF, plans to provide a victim services team within CICB, and information about the efficiency with which the CICB staff processes claim applications for compensation.

## **BACKGROUND**

The mission of the CICB is to assist the Department of Public Safety and Correctional Services (DPSCS), and the Secretary, in enhancing services to victims of crime by providing compassionate care and mitigating the impact on crime victims by providing financial assistance in the aftermath of criminal victimization. In the past several years, the CICB has struggled with maintaining the exceptional level of services to crime victims that is expected within the DPSCS and maintaining complying with the claims efficiency standards that were set for CICB by the General Assembly. The specific challenges facing CICB are:

- Lack of personnel and resulting efficiency and expediency issues;
- Financial instability in the CICF which has resulted from grant awards that have exceeded the State's Special Fund appropriation;
- Lack of victims' services experience within CICB; and
- Difficulty maintaining competency in skills, knowledge, and experience with the Board and staff members.

## **CHALLENGES AND SOLUTIONS: STAFFING, EFFICIENCY, AND EXPEDIENCY**

During FY2010, the claims examination team:

- Received **1,644** claims for compensation from crime victims in Maryland;
- Of the 1,644 claims received, determined that **1,559** claims initially met the statutory minimum requirements for award consideration;
- Facilitated the Board's approval of **950** awards for compensation; and
- Disbursed a total of **\$7,337,078** to crime victims who had compensable injuries as the result of the crime.

In addition to providing awards and/or other financial assistance to each crime victim, it is a key goal of the CICB to provide those awards, and process the claims, in an expedient and efficient manner. During FY2010, the claims examination team had an average processing time of **157 days**, from the date that the claim is received in the CICB office to the day that the final decision is sent to the victim or claimant. While there is much work to do to continue decreasing the average number of days that it takes our claims examination team to process the average claim, the 157 day average represents a **decrease of 28 days** on average from the FY2009 average claim processing time. Additionally, **33%** of all of our claims are processed within 90 days, which is an increase in the percentage of claims

resolved within 90 days from FY2009. In FY2009, only 21% of all claims were resolved within 90 days.

On page 118 of the FY2010 Joint Chairmen's Report, the Chairmen requested a *"report on each case in Fiscal Year 2010 where the statutory timeline provisions were violated and the number of claims where the claimant was requested to resubmit information."* During FY2010, there were 1,332 claims resolved as approved, denied, or administratively closed. Of those 1,332 claims, 437 of those claims were resolved within 90 days (33%). The remaining 895 claims (67%) were resolved in a time period exceeding 90 days, which is the statutory timeframe. 45% of all claims resolved during FY2010 were resolved within 120 days; 66% of all claims resolved during FY2010 were resolved within 180 days.

In terms of cases in which the claimant was requested to resubmit information, the specific data requested is not readily available as the result of CICB's database management system. In particular, it does not specify in the current system if a claimant was requested to submit information after having received the information once, which seems to be the intent of the stated request, particularly if the reason for which the request is made to the claimant is that CICB does not have the information. For the majority of cases in which CICB exceeded the statutory timeline provisions, there does not appear to be a clear reason for the delay other than internal inefficiency. However, of those cases that exceeded the statutory timeline provisions and there was a reason clearly indicated in the case record, the most frequent reason for the delay was that the claimant failed to provide the information to CICB or that the claims examiner was unable to obtain the necessary documentation from the police. In a few cases, the claim examiner was unable to locate the claimant, the claim was delayed as the result of a Board policy decision, or to await the outcome of the pending criminal trial.

Historically, CICB has maintained positions for 9 full-time claims examiners, 3 full-time claims processors, and one full-time claims administrator. While the allotment of positions has not changed during FY2010, there was a higher fill rate for the positions. Currently, CICB is operating with 6 full-time claims examiners, with one temporarily assigned to restitution and one on medical leave, and two of the three claims processors. The process for obtaining Hiring Freeze Exemptions for these positions is ongoing, but has been slow. After the second request, the positions have not yet been approved by the Department of Budget and Management for recruitment and hiring.

### **CHALLENGES AND SOLUTIONS: FINANCIAL CHALLENGES**

On page 118 of the FY2010 Joint Chairman's Report, the Budget Committees requested that CICB make a report on *"proposed solutions for addressing the fiscal concerns regarding the amount of funding available for making awards to victims of crime, including potential legislation."* The following is a response to that request.

During FY2010, the Criminal Injuries Compensation Board collected a total of **\$3,595,640** in revenue from Special Funds appropriated by the General Assembly. The breakdown of collection sources is as follows:

- Pursuant to Courts and Judicial Proceedings Article §7-409(b), the Criminal Injuries Compensation Fund received **\$147,252** from an estimated 7,363 Circuit Court

criminal cases. Circuit Court criminal case revenue represents **4%** of the total revenue collected by the Criminal Injuries Compensation Fund.

- Pursuant to Courts and Judicial Proceedings Article §7-409(c), the Criminal Injuries Compensation Fund received **\$1,075,238** from an estimated 53,762 District Court criminal cases. District Court criminal case revenue represents **29.9%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- Pursuant to Courts and Judicial Proceedings Article §7-409(c), the Criminal Injuries Compensation Fund received **\$1,780,886** from an estimated 593,629 District Court traffic cases. District Court traffic court case revenue represents **49.5%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- Pursuant to Courts and Judicial Proceedings Article §7-409(d), the Criminal Injuries Compensation Fund received a **\$500,000** transfer which represents **13.9%** of the total revenue collected by the Criminal Injuries Compensation Fund.
- As a result of the Criminal Injuries Compensation Board's revenue recovery program, the Criminal Injuries Compensation Fund received a total of **\$92,264**, all of which was recovered from restitution owed by offenders as a result of a criminal conviction and sentence which included a restitution order. Revenue recovery during Fiscal Year 2010 represents **2.6%** of the total revenue collected by the Criminal Injuries Compensation Fund.

*Expenditures.* During FY2010, the Criminal Injuries Compensation Board spent a total of **\$8,102,323**. Of the just over \$8,000,000 spent, the Criminal Injuries Compensation Board disbursed **\$7,337,078** in awards to crime victims and used **\$765,245** on operating expenses to manage the agency. Operating expenses represent only **9.4%** of the CICB budget, while over 90% of the budget is disbursed directly to crime victims.

**\$4,572,638** of the total amount disbursed was received from a federal compensation grant. The amount of CICB's yearly federal compensation grant is based on a formula, the base of which is the amount that the compensation program expended in state funds during the previous fiscal years. To be specific, the federal compensation authorities provide an annual grant equal to 60% of what the state's compensation program spent in the previous fiscal year.

In FY2010, **\$3,529,685** of the total amount disbursed was received from the Special Fund appropriations discussed above. The amount received from the Special Fund is largely subject to the cooperation of the Judiciary, i.e. the Judiciary is responsible for ordering and enforcing the court fees for CICB. CICB has very little ability to acquire state-generated funds except through the court fees.

In short, the challenge of CICB's fiscal situation can be explained as such: CICB has very little authority to actually collect money for the payment of a claim, but it also can not pay a claim to an eligible recipient.

Ann. Code of MD., Criminal Procedure Article, §11-817 provides CICB with subrogation rights to the extent of the award, to any right or right of action of the claimant or the victim. This subrogation right would apply to CICB's ability to collect restitution ordered by the Court to be paid to the victim, as well as any right to initiate civil actions against the offender or initiate collection actions against the offender, where no court order for payment exists. To date, CICB has only marginally exercised this right.

In FY2010, CICB provided resources in its budget for one full-time revenue recovery specialist. Prior to that hiring, the revenue recovery function of CICB was rudimentary and focused primarily at the "front-end" of restitution recovery, i.e. the restitution recovery specialist dedicated his limited time to following the claims with known offenders and working with the State's Attorney in the local jurisdiction to request restitution as a part of the offender's sentence. While a court order for restitution is an important first step towards fully achieving CICB's subrogation capacity. Limiting CICB's efforts to only that first step of recovery presents several difficulties. One of the difficulties is that the decision to request restitution is largely that of the prosecutor and the decision to order restitution is wholly that of the judge. In practice, using restitution requests as the only method of recovery has not netted revenue recovery of the compensation claim amount.

In FY2011, however, CICB has added two additional full-time positions to the revenue recovery team. The renewed procedure of the CICB revenue recovery team is now going to include aggressive collection actions from the earliest possible point, with or without orders of restitution or civil actions. CICB will, in short, more fully exercise its subrogation rights and utilize the resources available to collect on revenue owed to CICB. CICB's goal during the next fiscal year is to collect 25% of its disbursed funds through the revenue recovery program.

Further, CICB is working with the Department, with the approval of the Judiciary, to propose legislation that would increase the amount of each fee levied on offenders in Circuit and District Court cases. Currently, costs are imposed on convicted defendants in Circuit Court (\$45) and District Court (\$35), with an additional fee (\$3) imposed on all convictions. A portion of that money is then deposited into the Criminal Injuries Compensation Fund. These fees have not been increased since 1997. However, while the revenue from the Courts has remained static (approximately \$3.7 million per year), the amount paid out by the Board has increased from \$3.7 million in FY2001 to \$7.4 million in FY2010. Once a victim is determined to be eligible, the Board does not have discretion as to the amount of the award or whether the victim should receive an award. See Neal vs. CICB, 191 Md. App. 664. The money that is currently collected from court costs is not sufficient to cover the increasing compensation needs of Maryland's crime victims.

In order to preserve the integrity of the fund, CICB is proposing an increase in the costs of court fees so that defendants convicted in Circuit Court are ordered to pay \$60, defendants in District Court are ordered to pay \$50, and all defendants with a conviction are ordered to pay an additional fee of \$5. This increase, if implemented, suggests that CICB would collect approximately \$5.6 million dollars, an amount which represents an approximately \$1.9 million dollar increase over the current amount received from Special Funds, with all other factors remaining the same.

Finally, CICB hopes to work with the Governor's Office of Crime Control and Prevention and the Maryland State Board of Victim Services to conduct outreach to the Judiciary,

helping the individual judges to understand the importance of ordering court fees and restitution, and after the court fees are ordered, assisting the Department in the collection of the court fees and restitution by helping the Department to hold the offenders accountable. With the help of the Governor's Office of Crime Control and Prevention, CICB has either hired or is in the process of hiring dedicated outreach personnel who will conduct trainings to Circuit and District Court judges. Further, the revenue recovery personnel hired by CICB are in the process of establishing interdepartmental collaborations intended to increase the efficiency of restitution collection throughout the Department.

### **CHALLENGES AND SOLUTIONS: VICTIM SERVICES WITHIN CICB**

On page 118 of the FY2010 Joint Chairmen's Report, the budget committees requested that CICB report on, *"the potential for providing a victim advocate within existing agency resources to assist with victim's needs, and if existing resources are inadequate, the cost of creating a victim advocate position."* The following is a response to that request.

On July 1, 2010, through a grant provided by the Governor's Office of Crime Control and Prevention, the CICB recruited and hired a specific position within the agency to articulate the needs of crime victims, advocate on behalf of crime victims' needs, monitor training and continuing education initiatives within CICB, and implement policies, procedures, and programs to improve the experience for crime victims through the compensation process. Ms. Nikki Charles, MA, began employment with CICB on that date as the Administrator of Victim Services. Ms. Charles is a Master's level Thanatologist who has extensive experience working with crime victims who are navigating the criminal justice system and who are experiencing grief and loss. On September 28, CICB received notice that the Governor's Office of Crime Control and Prevention has made funding available to expand the CICB victim services staff by three additional employees; recruitment and hiring for these positions is underway.

### **CHALLENGES AND SOLUTIONS: COMPETENCY AND TRAINING**

On page 118 of the FY2010 Joint Chairmen's Report, the budget committees requested that CICB confirm that, *"all staff and board members have completed training on maintaining compliance with the State Open Meetings Law and the Administrative Procedure Act...and that all staff and board members who have interaction with victims and their families have completed sensitivity training."* The following is a response to that request and confirmation of training attended.

A historical challenge for CICB has been to maintain staff and Board Commissioner competency in all aspects of claims examination, including competency in the various sub-groups of victimization, knowledge of the laws applicable to CICB and victims' rights and the ability to apply those laws, competency working with diverse ethnic, racial, and religious populations, and a working understanding of the varied impacts of traumatic injury and traumatic grief. To address this issue on both an immediate and a long term basis, CICB has instituted a regular training curriculum and has established continuing education standards and requirements for all CICB staff. The continuing education function of the CICB staff is monitored by the newly hired Administrator of Victim Services Operations,



Nikki Charles, a position mentioned above and recommended through CICB's recent process improvement initiative.

Since July 1, 2010, CICB has hosted the following training classes:

- Why Advocacy: Principles and Tenets of Victim Advocacy and Victim Assistance
- The Law of CICB
- EEO and the Workplace
- Victims' Rights in Maryland
- Thanatology: The Study of Death, Dying, and Bereavement
- Open Meetings Law
- Managing Claims with Post-Traumatic Stress Disorder and Exposure Desensitization
- Administrative Procedure Act
- Internal Communication and Team Development
- Dynamics of Domestic Violence
- Drunk Driving and Victimization
- Stereotypes, Prejudices and Discrimination: Impact on Social Services Delivery
- Spirituality and Trauma

Between September 10, 2010 and December 31, 2010, the CICB will host the following training classes:

- Dynamics of Sexual Assault
- Sexual Assault and the Law
- Victim Advocacy and the "Blank Slate"
- Workman's Compensation Law
- Serving People with Co-Occurring Disorders
- Psychosocial Aspects of Catastrophic Injury
- An Introduction to the Maryland Community Services Locator
- Risking Connections/Vicarious Traumatization Training
- Stalking
- Working with and Recovering Restitution
- Elder Abuse
- Child Abuse

All CICB staff members have attended the Administrative Procedure Act training, the Open Meetings Law training, and at least one training that would qualify as diversity or cultural sensitivity training for diverse cultures, religions abilities, or subgroups of victimization. To date, four of the five existing Board members have attended Administrative Procedure Act training and Open Meetings Law training; the newly-appointed Board members have scheduled sessions to sit through a recorded version of both trainings. All five Board Members have participated in either live or recorded training sessions on sensitivity training.

## **CONCLUSIONS**

In conclusion, it should be noted through this report that CICB has made several notable changes in the past seven months, many of which are intended to address the specific issues mentioned herein. CICB has hired an Administrator of Victim Services and is in the process of hiring three additional victim service personnel, whose specified purpose is to independently work on the needs of crime victims who are participating in the CICB claims process. CICB has implemented new policies and procedures to improve the efficiency of the agency and the claims process. Legislation will be introduced to address the fiscal difficulties of CICB and CICB administration has tripled the revenue recovery function of the agency in an attempt to stabilize funding sources. Finally, CICB has introduced an ongoing and diverse continuing education program so that the competency, skills, and diversity knowledge of CICB staff is maintained at an above-average level of competence.