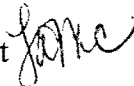


**MEMORANDUM**

December 2, 2015

TO: Public Safety Committee  
Health and Human Services Committee

FROM: Linda McMillan, Senior Legislative Analyst 

SUBJECT: **Crime Victim Compensation Fund**

***Expected for this session:***

Dr. Raymond Crowel, Chief, Behavioral Health and Crisis Services (Department of Health and Human Services)  
Sorell Schwartz, Ph.D., Chair, Victim Services Advisory Board

Last spring, as a part of its FY16 Operating Budget public hearings, the Council received testimony from the Victim Services Advisory Board (©1). One of the VSAB's requests was to increase the amount in the Crime Victim Compensation Fund so that the amount of funding a victim may receive from the County is increased from \$2,500 to \$8,000. The HHS Committee asked that a general discussion of this Fund be scheduled at a future joint meeting of the PS and HHS Committees.

A brochure on the Fund is attached at © 6-7. The Fund is established in County law (©8-10) and Executive Regulation (©2-5). The Fund is administered by the Department of Health and Human Services. A crime victim may also be eligible for compensation through Maryland's Crime Injuries Compensation Board. A brochure on the State Fund is attached at ©11-12.

**Some key points in the current regulation are:**

- The Program will accept self-referrals and referrals from the Police, Courts, State's Attorney's Office, Abused Persons Program and other programs and individuals that have been in contact with a victim of crime.

- Victims must be income eligible which is defined as having a “gross annual income within the eligibility guidelines as set by the Montgomery County Housing Opportunities Commission for Federally subsidized benefits.” (Current maximum income for Public Housing and Housing Choice Voucher is \$37,450 for a household of 1 and \$53,500 for a household of 4.) DHHS may waive this if the victim’s income is likely to fall below the eligible income within 12 months.
- Victims of a crime committed in Montgomery County and Montgomery County residents who are victims of crime in another jurisdiction without comparable compensation are eligible.
- The crime must have been reported within 48 hours of its occurrence or discovery. (This may be waived by DHHS.)
- Total compensation per single criminal incident is \$2,500. Reimbursement may be for costs incurred for court appearances, lost property needed for the well-being of the victim, medical and mental health services, other services related to the effects of the crime on the victim.
- An immediate household or family member may receive compensation for mental health services only. It may not exceed \$500 if the member is also income eligible or \$250 if the member is not income eligible and the DHHS approves.
- Compensation is only available to the extent that is it not available from insurance, the State program, the Partnership Board for Victims of Hate Violence, or another source.
- The claim must be filed within 90 days after the crime is reported. (DHHS may waive this.)

About \$90,000 is included in the FY16 budget for the Fund. In FY15, about \$62,000 was expended from the Fund. There is about \$19,000 in restricted donations that are available to the Fund. The County matches every \$1 of private contributions with \$2 of County funds. This match is reconciled annually as a part of the Executive’s recommended budget. The law specifies that unused amounts in the Fund at the end of a fiscal year remain available in the Fund for the next fiscal year unless otherwise appropriated.

### **Council Staff Suggestions**

Any change to the total amount of compensation provided to a crime victim will require a change in the Executive Regulation and reconciliation as a part of the FY17 Operating Budget. Estimating the impact of an increase will require a review of the Fund for the last few years to determine how many victims were paid the maximum amount and how many may have been paid more if the cap were higher. Council staff suggests that the joint Committee ask DHHS to provide an estimate of budget impact from increasing the maximum to \$5,000 (a 100% increase) and to \$8,000 (a 220% increase). Any increase in the maximum will also impact the maximum

that an immediate family or household member may receive for mental health services as the maximum for a family member is 20% of the victim amount when the member is also income eligible and 10% when the member is not income eligible.

Council staff also notes that income eligibility is set in regulation. The joint Committee may want to ask DHHS to review whether income eligibility should continue to be tied to the income for Housing Choice Vouchers. For example, if the income were tied to income eligibility for rental of a garden style Moderately Priced Dwelling Unit would be \$49,500 for a household of 1 (compared to \$37,450) and \$71,000 for a household of 4 (compared to \$53,500).

The information indicates that a crime victim must apply to the Montgomery County Fund within 90 days of the crime being reported. The information on the State program indicates that a victim may file a claim up to 3 years from the date of the incident. It may be helpful to clarify whether the County requires the victim to also apply to the State. The County program is set up to pay when other sources are not available, however, VSAB testimony says that the County Fund supplements the State program and that it assists victims who cannot afford to wait for the State's timely process. If the Executive Regulations are revised, they should reflect whether the County Fund may pay for a claim that might have eventually be paid for by the State.

Excerpt from April 16, 2015  
testimony of  
Victim Services Advisory Board

**Budget Requests:**

(1) **Victim Assistance and Sexual Assault Program** – Restore *Supervisory Therapist* position to VASAP \$60,371 (plus fringes); restore victim assistant hours the estimated cost for which is \$59,000.

→ 3 Priority: Restructuring the current County Compensation Fund to allow for higher reimbursement

For crime victim related losses, compensation requests submitted to the State Criminal Injuries Compensation Board (CICB) historically have been beset by delayed processing and limited funding, resulting in a lack of consistent claim approvals for crime victims. Despite improvements in claims processing, because of the number of state-wide claims and their complexity and involved eligibility requirements, timeliness of reimbursement of crime victims for their losses have not substantively improved. Review the VASAP Victim's Fund law to potentially increase the number/amount of awards. This fund supplements CICB claims and also assists many victims who cannot afford to wait for an award from the state.

**Budget Request:**

Increasing the County compensation fund, the total amount of dollars that can be awarded from \$2,500 to \$8,000 and providing for a local increase in the total base of the fund will be very helpful in mitigating financial losses sustained by crime victims in Montgomery County.

In closing, on behalf of the Victim Services Advisory Board, we recommend that the Council approve these much needed budgetary line items; which will provide sufficient staff and funds to assure that victims of crime in Montgomery County do not suffer the added insult to their injuries by having their needs ignored by their local government. Thank you for your time and attention.

Betty A. Smith

Member, VSAB

## **SEC. 2-42A. FUNCTIONS, POWERS, AND DUTIES — REGULATIONS**

### **COMCOR 02.42A.01 Crime Victim Compensation Fund**

#### **02.42A.01.01 Definitions**

**Crime:** An act committed by any person which would be a crime under the laws of this County, the State of Maryland, Federal Law, or at Common Law.

**Department:** Montgomery County Department of Health and Human Services

**Director:** The director of the Montgomery County Department of Health and Human Services or the director's designee at or above the level of program administrator.

**Fund:** Crime Victim Compensation Fund

**Immediate Family Member:** A parent, child, spouse, or sibling of the victim.

**Income Eligible:** A victim whose gross annual income is within the eligibility guidelines as set by the Montgomery County Housing Opportunity Commission for Federally subsidized benefits.

**Law Enforcement Agency:** Defined for purposes of this regulation as:

- (a) The Maryland State Police
- (b) The Montgomery County Police Department
- (c) The Police Department, Bureau, or Force of any incorporated city or town lying within Montgomery County
- (d) The Montgomery County Sheriffs Department
- (e) Appropriate Federal law enforcement agency
- (f) Any comparable law enforcement agency outside Montgomery County

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Program: Victim Assistance and Sexual Assault Program of the Crisis, Income and Victim Services Area of the Department of Health and Human Services

Program Administrator: Administrator of the Victim Assistance and Sexual Assault Program

Victim: A person who suffers direct or threatened physical, emotional, or financial harm as a result of a crime or attempted crime and includes immediate family members or household members.

#### **02.42A.01.02 Responsibilities of the Department**

2.1 The Department of Health and Human Services is responsible for establishing necessary departmental procedures to ensure the expeditious handling of all requests for victim compensation.

2.2 As part of the annual budget submission, the County Executive will state the amount raised by the Victim Assistance and Sexual Assault Program in the previous calendar year and recommend, in addition to the regular appropriation for the program, an additional appropriation necessary for a 2-1 County match of private donated funds.

#### **02.42A.01.03 Victim Identification**

3.1 In addition to self referrals, the Program will accept referrals from the Police, the Courts, the State's Attorney's Office, the Abused Persons Program, and other individuals, programs, and agencies who have come into contact with victims of crimes.

#### **02.42A.01.014 Eligibility**

4.1 To be eligible to receive compensation from the Fund, an individual must be a victim of a crime committed in Montgomery County or a resident of Montgomery County who is a victim of a crime in another jurisdiction where comparable compensation is not available. The crime must have been reported to an appropriate law enforcement, domestic violence or sexual assault agency within forty-eight hours after its occurrence or its discovery. The Program Administrator may waive this deadline if the administrator determines that it was difficult or impossible for the victim to meet the deadline. Reporting to an appropriate law enforcement agency means that a crime report number is issued and recorded in that law enforcement office.

4.2 In addition, immediate family members and household members of a victim are eligible to receive compensation from the Fund.

#### **02.42A.01.05 Compensation**

5.1 Income eligible victims are eligible for costs incurred for court appearances, claim hearings, and medical (including mental health) treatment; replacement of property lost as a result of a crime and needed for the well-being of the victim; and other services or financial assistance directly related to the effects of the crime on the victim. Total compensation per single criminal incident is limited to \$2,500.

5.2 A member of a victim's immediate family or household may receive compensation for mental health services only. Reasonable proof that a relationship qualifies under this subsection may be requested. Reasonable proof shall consist of one or more of the following: marriage

certificate, birth certificate, lease or mortgage statement demonstrating joint residence; utility bills demonstrating joint residence; or documentation that the Director determines is equivalent to the above.

5.3 Compensation for mental health services for the victim's immediate family or household members may not exceed \$500 (20 percent of the maximum compensation) if the member of the immediate family or household meets income limits that apply to the victim.

5.4 Compensation for mental health services for the victim's immediate family or household members may not exceed \$250 (10% of the maximum compensation) if the member of the immediate family or household is not income eligible and the Director waives the income limits. The Director may waive income eligibility if he determines doing so will promote the Fund's purpose of assisting and supporting crime victims.

5.5 Compensation for mental health services paid for the victim's immediate family or household members is not included in the victim's total maximum compensation of \$2,500 per single criminal incident.

5.6 The Director may waive the income limits if the Director determines that the costs of the crime are likely to reduce the victim's income below the income limits within twelve (12) months of the date of application for assistance.

5.7 The Director may waive the income limits for a victim who is not income eligible for a maximum compensation of \$250 (10% of the maximum compensation). Income eligibility may be waived if the Director determines doing so will promote the Fund's purpose of assisting and supporting crime victims.

5.8 Compensation, replacement of property and other financial assistance are available only to the extent that they are not available from insurance, the State victim compensation program, the Partnership Board for Victims of Hate Violence, or any other source.

#### **02.42A.01.06 Filing Claims**

6.1 To file a claim for compensation or property replacement, victims, immediate family members, and household members must complete an application form and deliver the completed form to the Program.

6.2 To file a claim for compensation victims, immediate family members, and household members must sign a statement affirming that all information provided and statements made to the Program are true and based on personal knowledge.

6.3 Any claim for compensation must be filed by the victim, immediate family member or household member within 90 days after the crime is reported. The Program Administrator may waive the 90 day requirement if determined that it was difficult or impossible for the victim, immediate family members, or household member to meet the deadline.

#### **02.42A.01.07 Responsibilities of the Program**

7.1 After receipt of referral, a Victim Assistant should attempt to contact the victim within seven (7) working days to determine eligibility. Contact shall be done by mail when necessary. This initial contact will include the review of information affecting victim's eligibility, including but

not limited to such items as general amount and urgency of need, potential insurance coverage and deductible amounts, and general income level of the victim.

7.2 If the victim is eligible for the program and desires assistance, a Victim Assistant will assist the victim in completing an application form.

7.3 Upon receipt of the compensation application form, the Victim Assistant will process the claim including, but not limited to, verification of the crime data, final eligibility determination and value assessment.

7.4 After investigation and determination of an appropriate compensation amount by the Victim Assistant, the Program Administrator shall approve or disapprove payment of the claim within 30 days of the Program Administrator determining that the application is complete, subject to the availability of funding.

7.5 The Program Administrator will prepare a written report on the Crime Victim Compensation Fund annually to the Victim Services Advisory Board.

#### **02.42A.01.08 Review of Program**

8.1 The Victim Services Advisory Board will review the annual report presented by the Program Administrator and make recommendations for changes and/or improvements to the Director of the Department of Health and Human Services.

8.2 The Victim Services Advisory Board will include their review of the Crime Victim Compensation Fund in their annual report to the County Executive and County Council.

#### **02.42A.01.09 Effective Date**

9.1 This regulation takes effect 30 days after approval by the County Council.

(Administrative History: Reg. No. 21-98AM (Method 2); Orig. Dept.: Health and Human Services Supersedes Regulation No. 70-91 AM)



# *Crime Victims' Compensation Fund*



Department of Health and  
Human Services

For more information:

240-777-1355 Telephone

240-777-1329 Fax

240-777-1347 TTY

[www.montgomerycountymd.gov/vasap](http://www.montgomerycountymd.gov/vasap)

## **MATCHING COUNTY FUNDS:**

- **FOR EVERY DOLLAR DONATED, THE COUNTY WILL MATCH YOUR DONATION TWO TO ONE!**
- **FOR EXAMPLE, YOUR GENEROUS DONATION OF \$100 IS MATCHED BY THE COUNTY WITH ANOTHER \$200 TURNING YOUR DONATION INTO \$300 FOR THE BENEFIT OF CRIME VICTIMS IN OUR COUNTY!**

**Bill 21-98, Chapter 32  
Section 32-24  
Through 32-28**

[www.montgomerycountymd.gov/vasap](http://www.montgomerycountymd.gov/vasap)

This brochure can be available in alternative formats upon  
request

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Amount of Donation: \_\_\_\_\_

In memory of (optional): \_\_\_\_\_

*Crime Can Happen to Anyone: We Are Here to Help*

## VICTIM ASSISTANCE AND SEXUAL ASSAULT PROGRAM

The Victim Assistance and Sexual Assault Program (VASAP) can help by providing:

- Crisis and outreach counseling
- Information and referral to appropriate agencies
- Criminal justice system support, coordination with the State's Attorney's Office and court accompaniment
- Individual, couples and family counseling
- Support groups for homicide survivors & sexual assault victims
- Educational & volunteer programs
- Liaison with the Maryland Criminal Injuries Compensation Board

### WHO IS ELIGIBLE?

Any person who resides in or is the victim of a crime committed in Montgomery County is eligible for services from VASAP regardless of income.

## CRIME VICTIMS' COMPENSATION FUND

In addition, crime victims may be eligible for the Compensation Fund if they meet income guidelines. To find out about the latest income requirements call VASAP.

The Compensation Fund assists victims with crime related expenses, up to \$2,500 per crime incident, if the victim meets income and other guidelines:

- Medical expenses
- Property damages
- Wage losses
- Funeral expenses
- Security improvements

"Being a crime victim is an experience that one does not plan for; is not prepared for; and has no knowledge of who or where to turn." Victim Testimony from The President's Task Force on the Victims of Crime.

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### DONATION FORM

DONATIONS CAN BE MADE PAYABLE TO THE  
**CRIME VICTIMS' COMPENSATION FUND**  
AND MAILED TO:

C/O The Victim Assistance and Sexual Assault Program  
Department of Health and Human Services  
1301 Piccard Drive, Suite 4100  
Rockville, MD 20850

Your contribution may be tax deductible. In accordance with IRS Regulations (Publication 17, Chapter 26 or Publication 526).

## Article II. Victim Advocate Program.

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### Sec. 32-24. Program established.

- (a) This Section establishes the victim advocate program to assist and support victims of crime.
- (b) The program is administered by:
  - (1) the County Executive; or
  - (2) a nonprofit community-based service agency.
- (c) If the Executive contracts with a nonprofit community-based service agency, that agency must:
  - (1) have a proven record in client service and advocacy; and
  - (2) be able to work with the business community to obtain goods and services and financial donations. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1.)

### Sec. 32-25. Services available.

- (a) The victim advocate program provides the following types of aid to a crime victim:
  - (1) referral to community and governmental agencies that provide needed services;
  - (2) assistance in negotiating complex governmental systems;
  - (3) assistance in applying for compensation from the State Criminal Injuries Compensation Board, and in dealing with the Board's investigation and hearing process;
  - (4) compensation for costs incurred by a victim who meets income limits set by regulation for court appearances, claim hearings, and medical (including mental health) treatment;
  - (5) replacement of property lost as a result of a crime and needed for the well-being of the victim, such as eyeglasses, hearing aids, door, windows, or locks of a victim who meets income limits set by regulation; and
  - (6) other services or financial assistance directly related to the effects of the crime on a victim who meets income limits set by regulation.
- (b) (1) The victim advocate program may provide compensation to a victim under subsection (a)(4), replacement property under subsection (a)(5), and other financial assistance under subsection (a)(6) only to the extent that:
  - (A) compensation, replacement property, and other financial assistance are not available from insurance, the State victim compensation program, the Partnership Fund for victims of hate violence under Section 27-26, or any other source for the same purpose arising from the same criminal incident;
  - (B) the compensation, replacement property, and other financial assistance do not exceed an

amount set by regulation; and

(C) appropriated funds are available.

(2) Regulations may set different limits for compensation, replacement property, or other financial assistance paid to a crime victim in connection with a single criminal incident.

(c) A victim must file a claim for compensation under subsection (a)(4) or for replacement of property under subsection (a)(5) within 90 days after the crime is reported. The program administrator may waive this deadline if the administrator determines that it was difficult or impossible for the victim to meet the deadline.

(d) A limit on compensation under this Section applies separately to each victim of a criminal incident. Compensation paid to an individual victim in connection with one criminal incident does not count toward the limit on compensation that the program may pay to the same individual in connection with a separate criminal incident.

(e) (1) A member of a victim's immediate family or household may receive compensation for mental health services (including services provided by the County) related to the crime. "Immediate family" means a parent, child, spouse, or sibling of the victim. The administrator may require reasonable proof that a relationship qualifies under this subsection.

(2) Compensation provided under this subsection is subject to the same requirements and limitations as compensation provided to a victim, except that compensation under this subsection must not exceed a percentage of the maximum compensation available (for any purpose) to any victim under regulations referred to in subsection (b). The percentage is:

(A) 20 percent, if the member of the family or household meets income limits that apply to a victim; or

(B) 10 percent, if an authorized person waives the income limit under subsection (f)(2).

(f) The Director of Health and Human Services or the Director's designee at or above the level of the program administrator may waive the income limits referred to in subsections (a)(4), (5), and (6) and (e) (2):

(1) if the Director or designee determines that the costs of the crime are likely to reduce the victim's income below the income limits in the future; or

(2) for up to 10 percent of the maximum compensation (for any purpose) otherwise available to a victim, if the Director or designee determines that a waiver would promote the purposes of the Victim Advocate Program. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1; 2005 L.M.C., ch. 24, § 1.)

## **Sec. 32-26. Duties of program administrator.**

The program administrator must:

(a) coordinate services available to a victim;

(b) follow up on services provided to a victim;

(c) solicit goods, services, and financial donations to assist in the replacement or repair of property of a victim damaged as a result of a crime;

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**Application, Examination, Appeal Process  
(Cont'd)**

- The CICB Board will make a decision as to whether your claim meets the statutory requirements for the award of a claim
- You will be notified of the Board's tentative decision
  - ◊ If you disagree with the Board's decision, you will have 15 days to appeal in writing to the CICB.
  - ◊ If you appeal the decision, the Board will hold an administrative hearing
- Upon expiration of the 15 day period to appeal, your claim will be sent to the Secretary of the Department of Public Safety and Correctional Services for a final approval.
- Once the claim is awarded, it will be processed for payment. If the claim is denied you may appeal to your local Circuit Court within 30 days
- You may be represented by an attorney at any stage of the process

Victim/claimants must submit a completed and signed application to the CICB either by mail or FAX to:

Criminal Injuries Compensation Board (CICB)  
6776 Reisterstown Road, Suite 206  
Baltimore, MD 21215-2340  
Phone: (410) 585-3010 or  
Toll Free: 1 (888) 679-9347  
FAX: (410) 764-3815

CICB website:

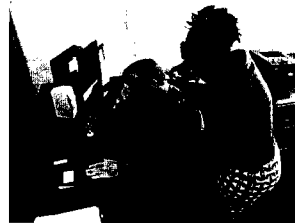
[www.dpscs.state.md.us/victimservs/cicb](http://www.dpscs.state.md.us/victimservs/cicb)

Online CICB Application/Claim Form:

[dpscs.state.md.us/cicb/CICB-Application-english-online.pdf](http://dpscs.state.md.us/cicb/CICB-Application-english-online.pdf)

**"Thank you for giving us hope  
when we least expected it."**

*-Domestic Violence Survivor  
& CICB Claimant*



*Assisting Victims of Crime in Maryland for  
More Than 40 Years*

Criminal Injuries Compensation Board  
6776 Reisterstown Rd., Ste 206  
Baltimore, Maryland 21215-2340  
[www.dpscs.state.md.us](http://www.dpscs.state.md.us)  
TEL: 410-585-3010  
V/TTY: 1 800-735-2258  
FAX: 410-764-3815  
TOLL FREE: 1 888-679-9347



For resources in your  
community or to talk with our  
Victim Services Coordinator please call:  
(410) 585-3715

# Maryland Criminal Injuries Compensation Board

## *Resource Guide*



If you or members of your family have  
been the victim of a crime, you may be  
eligible for assistance.

**Losses that may be reimbursed by CICB as a result of Victimization:**

Medical/Dental expenses – Maximum award \$45,000

- A person who suffers physical injury as a result of a crime or delinquent act may be awarded unreimbursed medical or dental expenses related to that injury
- A person who suffers injury while trying to prevent a crime, apprehend a suspect or assist a law enforcement officer in the course of the officer's official duties

Psychological counseling – Maximum award \$5,000, or \$1,000 for a parent, child or spouse residing with the victim

- A person who suffers psychological injury as the result of a felony, delinquent act, or certain sexual offenses may be awarded unreimbursed counseling costs

Lost Wages or Disability (total or partial, temporary or permanent) – Maximum award up to \$25,000

- A person who suffers physical injury as a result of a crime or delinquent act
- A person who suffers injury while trying to prevent a crime, apprehend a suspect or assist a law enforcement officer in the course of the officer's official duties
- The claimant must have lost at least two continuous weeks of unreimbursed wages or incurred at least \$100 in unreimbursed expenses
- Up to 30 days (and at least two weeks) loss of earnings incurred by a parent or guardian while caring for a child who is a victim, and resides with the child victim

Crime scene clean up – Maximum award up to \$250

- The claim must involve a physical crime against a person

Funeral costs in cases of homicide – Maximum award \$5,000

- Funeral or burial expenses in cases of homicide. Up to \$5,000 will be reimbursed as long as a life insurance policy does not exceed \$25,000.
- Reimbursement may be requested by the person who paid for the funeral expenses

Dependency – Loss of Support up to \$25,000

- A child or spouse of a victim of homicide
- A person who was dependent on a homicide victim for principal support
- A parent, child, or spouse of an individual who is incarcerated for abuse as defined in Sec. 4-501 of the Family Law Article and who, prior to incarceration, resided with the parent, child, or spouse and provided financial support to the parent, child, or spouse

**Other requirements and limitations:**

- Unless good cause is shown, the victim must report the crime to the appropriate authorities within 48 hours
- The victim or claimant must apply to the CICB within 3 years of the date of the incident. In cases of child abuse, the victim has until age 25 to apply for compensation – or later with good cause for not applying in time.
- Claimants must be at least 18 years old. Parents or guardians must apply on behalf of minors
- The crime must have occurred in the state of Maryland. Each state has a compensation program
- Property loss is not covered by CICB

- As the payer of last resort, CICB must determine if some other source was available to reimburse the claimed expense. This could include insurance, paid leave or other public or private benefits
- If a claimant receives an award, and later obtains insurance, benefits, or restitution from the offender, the claimant must repay that amount to CICB



**What may make a victim ineligible for compensation?**

- Substantial evidence suggesting the victim caused, provoked, failed to avoid or contributed to the crime that caused the injury
- Failing to cooperate with authorities or CICB, unless good cause is shown

**Application, Examination, Appeal Process**  
(See the following section for directions on submitting an application)

- A claims examiner will be assigned to your claim. They will collect all necessary documentation on your claim then submit the claim to the CICB Board