



CALIFORNIANS
FOR SAFETY AND JUSTICE



CRIME SURVIVORS FOR
SAFETY AND JUSTICE

Bill Proposal: Removing Barriers to Compensation Relating to Law Enforcement and the Criminal Legal System

Victim compensation is an important pathway for survivors to access support, covering expenses including 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 compensation.

The California Victim Compensation Board (CalVCB) has discretion to deny applications if it determines “denial is appropriate due to...the involvement of the person whose injury or death gives rise to the application,” or if it finds the survivor “failed to cooperate reasonably” with law enforcement. These restrictions apply even when the victim is killed, compounding trauma for family members who are left without support. Additionally, California is one of only 12 states that restricts compensation for survivors based on their conviction history. Survivors on probation or parole for certain offenses, or who are incarcerated, cannot receive CalVCB support.

For survivors of police violence and loved ones of those killed by police, these restrictions are especially perverse. In these cases, a police report documenting the victimization is often elusive. Survivors and witnesses may also not want to speak with officers, resulting in exclusion from compensation for noncooperation. And, CalVCB regulation encourages giving “significant weight... to the conclusions of a law enforcement agency” when assessing “involvement.” The very people responsible for the injury or death may be those tasked with assigning blame, denying the victim or their family access to needed resources.

These policies can also entrench racist perceptions of survivors as “deserving” or “undeserving”, and disproportionately deny survivors of color compensation. Recent analyses of compensation denial data in other states, for example, have found that states apply subjective “contributory misconduct” exclusions, and conviction-based restrictions, to deny black victims and families at disproportionate rates.¹

This bill would expand access to compensation by doing the following:

- For families of homicide victims, end compensation denials based on determinations about the victim’s actions.
- For victims of police violence, end compensation denials based on the victim’s alleged actions, or based on whether a survivor cooperated with law enforcement.
- For all other survivors, narrow discretion to deny a claim based on perceptions of the victim’s involvement, and require coverage of mental healthcare expenses regardless.

¹ Green, S. (2019, July 21). A mother couldn’t bury her murdered son because of his past mistakes. But Florida’s victim comp law has mistakes too. *Orlando Sentinel*.; Santo, A. (2018, Sept 13). The victims who don’t count. *The Marshall Project*.; Adcock, C. (2019, July 9). Uncompensated Loss: Black families of murder victims more likely to be denied aid from state program.

- For all survivors, bar denial based solely on the contents or absence of a police report.
- Allow CalVCB to rely on documentation other than a police report to verify that a crime occurred (i.e. reports from mental health or victim service providers; medical or physical evidence; a restraining order; witness testimony; other evidence), extending flexibility already available to survivors of domestic violence, sexual assault, and trafficking.
- Bar denials for noncooperation with law enforcement if the survivor has taken actions to support their safety or healing (e.g. seeking mental health or medical treatment, accessing victim services, getting a restraining or protective order), or based on a survivor's interactions with law enforcement at the scene of the crime.
- Change the definition of "crime" in compensation law to ensure that eligibility for compensation is not dependent on whether there is an arrest or prosecution.
- Eliminate exclusions for survivors who are on probation or parole for certain felonies, who are incarcerated, or who are on the sex offense registry.