



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

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July 17, 2020

The Honorable Timothy S. Grayson
State Capitol, Room 4164
Sacramento, CA 95814

RE: Co-sponsor Letter in Support of Assembly Bill 767 (Grayson)

Dear Assemblymember Grayson:

Youth ALIVE! is proud to co-sponsor AB 767. The bill makes necessary changes to expand access to California's Victim Compensation Program, and to remove barriers faced by victims and witnesses of police violence and other violent crimes.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an alliance to treat violence as a public health crisis and developing young leaders in the process. Tasked as Oakland's anchor organization for violence prevention, intervention, and healing, Youth ALIVE! has maintained a successful track record of implementing evidence-based violence intervention and prevention services. Our decades of experience serving victims of violent crime informs our support of Assembly Bill 767.

Youth ALIVE!'s homicide response program (Khadafy Washington Project) and our hospital-based violence intervention program (Caught in the Crossfire) provide critical support to the families of homicide victims and the survivors of violent injuries by connecting them to vital resources in order to promote healing in the immediate aftermath of a killing or violent injury. Our teams assist families with funeral planning, connect them with grief counseling and mental health services, and help them navigate through the process of applying for victim compensation. Unfortunately, there are barriers, including limits to eligibility, that can prevent victims from accessing benefits through the program.

Victim compensation is an important pathway for survivors to access support, covering expenses including medical bills, funeral and burial expenses, and counseling. There are limits on how much compensation can cover for each expense, expenses must result directly from the crime, and the California Victim Compensation Board (CalVCB) is the payer of last resort. Prior to a compensation payment, the survivor must seek reimbursement from other sources (i.e., insurance or Medi-Cal).

Current eligibility restrictions can lock survivors out of compensation, and victims of police violence and their families typically cannot access support. Law enforcement perceptions of the victim's alleged actions, and whether the survivor cooperated with law enforcement, can result in denial. These restrictions apply even when a victim is killed, compounding trauma for family members who are themselves victims, left without support for funeral costs. California is also one of only 12 states that restricts compensation based on a survivor's conviction history - survivors on probation or parole for certain offenses cannot receive support. A police report is also required to access compensation for most crimes even if there is other documentation clearly verifying that a crime occurred. But, less than half (43%) of

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violent victimizations are ever reported.¹ People do not report crimes for various reasons, including fear of reprisal or negative past interactions with police.

These restrictions are especially perverse for survivors of police violence and loved ones of those killed by police, as a police report documenting the victimization is often elusive. CalVCB must also typically rely on police opinion when assessing the victim's responsibility, meaning the very people responsible for the injury or death may be tasked with documenting it and assigning blame. These polices also entrench racist perceptions of survivors as "deserving" or "underserving," disproportionately causing denials for survivors of color. Recent analyses of national data have found that subjective "contribution" exclusions, and conviction-based restrictions, lead to disproportionate denials for Black victims and families.²

AB 767 takes a comprehensive approach to tackling these issues and is driven by calls from survivors to remove unjust barriers to resources. The bill would ensure victims injured or killed by police and their family members are eligible for compensation. It would also bar denial based solely on the contents of or absence of a police report, and allow CalVCB to use documentation other than a police report to verify that a crime occurred (extending flexibility already available to survivors of domestic violence, sexual assault, and human trafficking). The bill would bar denials for non-cooperation with law enforcement if the survivor has taken actions to support their safety and healing, like seeking medical or mental health treatment.

The bill would also make more objective the exclusion criteria based on a victim's perceived involvement, and bar such exclusion in cases involving police use of force and in homicide cases. Finally, it would remove antiquated exclusions from compensation that are based on the survivor's convictions – ensuring that no survivor is judged by their past and denied resources needed to heal.

Overall, this bill will further improve survivor experiences with the compensation program as a payer of last resort and ensure that survivors can access the support they need to begin their healing process.

For the reasons above, Youth ALIVE! is proud to co-sponsor AB 767.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks", is written over a light blue horizontal line.

Anne Marks
Executive Direct, Youth ALIVE!

CC:

The Honorable Nancy Skinner, Chair, Senate Public Safety Committee
Members and Consultants, Senate Public Safety Committee

¹ US Department of Justice, Bureau of Justice Statistics (2019). Criminal Victimization, 2018

² 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.