



ASSEMBLYMEMBER TIM GRAYSON

AB 767

Victim Compensation

Summary:

AB 767 makes necessary changes to expand access to victim compensation, and to remove barriers faced by victims and witnesses of police violence and other violent crimes.

Background:

Victim compensation is an important pathway for survivors to access support, reimbursing expenses including medical bills, funeral and burial expenses, and counseling.

In 1965 California created the nation's first victim compensation program, which is presently administered by the California Victim Compensation Board (CalVCB). Through the program, help is available to crime victims and their family members. There are limits on how much can be paid for each crime related expense, and expenses must result directly from the crime. Additionally, CalVCB is the payer of last resort for the costs it covers. Prior to a CalVCB payment the victim or their family member must seek reimbursement from other sources (i.e., health insurance or Medi-Cal).

Problem:

Current eligibility restrictions can lock survivors out of compensation, and victims of police violence and their families typically cannot access compensation.

CalVCB has discretion to deny applications if it determines the victim's involvement in the events gives rise to the application, and for most victims, CalVCB cannot approve an application without a police report. In cases of police violence, a police report documenting the victimization is often elusive. And, CalVCB must rely on a police report when assessing the victim's role. CalVCB may use other evidence to establish that a crime occurred for victims of sexual assault, domestic violence, and human trafficking, but other victims are not afforded the same flexibility.

These policies disproportionately deny survivors of color compensation. Recent analyses of compensation denial data in other states have found that subjective "involvement" exclusions are applied to deny African American victims and families at disproportionate rates.

Many crime survivors are denied access to needed resources because they have failed to report to law enforcement. Yet data collected by the Bureau of Justice Statistics found that nearly 6 in 10 violent victimizations (57%) are never reported to police. People do not report crimes to law enforcement for various reasons, including fear of reprisal or negative past interactions with police.

Solution:

AB 767 takes a comprehensive approach to tackling these issues, and is driven by the calls from survivors to remove unjust barriers to compensation. Overall, this bill will further improve survivor experiences with the compensation program as a payer of last resort.

First, it would allow all survivors to use forms of documentation other than a police report that verify that a crime occurred, extending the flexibility already available to survivors of domestic violence, sexual assault, and human trafficking. The bill would also bar denial based solely on the contents of or absence of a police report, or based on whether someone was arrested and charged in the case. And, it would end denials for noncooperation with police that are based solely on a survivor's interaction with law enforcement at the scene or in a hospital room.

Second, AB 767 would bar exclusions based on a victim's involvement in cases involving police use of force.

And lastly, AB 767 would ensure that the definitions of "crime" and "victim" for the purposes of compensation presumptively include victims of police force, regardless of whether an officer is arrested or charged, and relying on evidence other than the contents of a police report alone.

Support:

Californians for Safety and Justice (Co-sponsor)
Youth ALIVE! (Co-sponsor)

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