



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

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March 26, 2021

Senator Connie M. Leyva
California State Capitol, Room 4061
Sacramento, CA 95814

RE: SB 299 (Leyva), Victim Compensation – CO-SPONSOR

Dear Senator Leyva,

Youth ALIVE!, Oakland’s anchor organization for violence prevention, intervention, and healing, is proud to co-sponsor SB 299. This measure 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. SB 299 is critically important, as it ensures equal access to support services and resources for survivors of police violence and individuals who lose a loved one to homicide.

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. We assist trauma survivors through the Khadafy Washington Project, a homicide response program started by the mother of a homicide victim, and our hospital-based violence intervention program, Caught in the Crossfire, started by a victim of gun violence. Through our programs, we 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 California’s Victim Compensation Program.

Victim compensation is an important pathway for survivors to access support – covering specific expenses such as medical bills, funeral and burial expenses, and counseling. Compensation is available only when a survivor has no other avenue for covering these costs (e.g. insurance or Medi-Cal). There are also limits on how much can be paid for each expense, and expenses must result directly from the crime. But eligibility restrictions can lock survivors out of compensation, and victims of police violence and their families typically cannot access victim compensation.

The California Victim Compensation Board (CalVCB), which administers the reimbursement program, can deny applications if it finds the victim was involved in the events that gave rise to the application, or if it finds that the survivor did not cooperate with police. For most victims, CalVCB cannot approve a claim without a police report. Yet data collected by the U.S. Department of Justice in 2019 found that 6 in 10 violent victimizations are never reported to police. Victims of violence face a complex series of issues as they navigate the justice system, the healing process, and even everyday life. Acknowledging these complex needs and barriers to reporting, the state legislature has taken action to allow for other forms of evidence. CalVCB may use other evidence to

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establish eligibility for victims of sexual assault, domestic violence, and human trafficking, but other victims are not afforded the same flexibility.

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, state regulation encourages giving “significant weight... to the conclusions of a law enforcement agency” when assessing “involvement,” which is grounds for denial. The very people responsible for the injury or death may be those tasked with assigning blame, and denying the victim or their family access to needed resources.

When a loved one dies suddenly, traumatically from violence, the family is always a victim. However, our state's current system re-victimizes these families in their time of need, delivering incredibly harmful financial consequences upon them based on the actions of the deceased. This punitive approach toward these victims of homicide, the survivors, increases traumatization, reduces faith in government and engenders mistrust in law enforcement. Not only does the family suffer needlessly after already experiencing the darkest moment of their life, but the denial of funds to bury a loved one or receive mental health counseling creates an atmosphere that makes criminal investigations harder to conduct. Simply put, the current policy governing CalVCB is not just inhumane, it is ineffective.

These policies also entrench racist perceptions of survivors as “deserving” or “undeserving”, and disproportionately deny survivors of color compensation. Analyses of compensation denials in other states have found that states apply subjective “contributory misconduct” exclusions to deny Black victims and families at disproportionate rates.¹ For decades, survivors of color who are directly impacted and disproportionately excluded have been leading calls for changes that would remove barriers to accessing compensation, and that would ensure survivors of police violence can receive compensation.

SB 299 takes a comprehensive approach to tackling these issues and is driven by the calls from survivors to remove unjust barriers to compensation. The bill does the following:

- Recognize victims who are seriously injured or killed by police and their loved ones as victims eligible for compensation, regardless of whether the officer is arrested or charged.
- Allow survivors of police use of force to provide documentation other than a police report that verify eligibility, extending flexibility already available to domestic violence, sexual assault, and human trafficking survivors. Bar denial based solely on the contents of a police report in cases of police violence.
- In cases involving police use of force and in homicide cases, bar exclusions based on a victim’s actions allegedly leading to the injury, or based on whether the victim or their family cooperated with police following the crime. SB 299 would also make sure that no survivor is denied coverage for counseling based on these restrictions.
- Clarify that CalVCB’s decisions regarding compensation eligibility are not admissible in any other civil or criminal proceeding, or, for cases of police use of force, in related employment proceedings.

With SB 299, California has an opportunity to recognize that those who are impacted by violence, in all forms, have a right to heal, and demonstrate that we value the experiences of victims, and particularly that we value the experiences of Black and Brown victims of police violence. In our decades of experience treating violence as a public health crisis, we know that preventing and healing from violence requires a trauma-informed, healing-centered approach embedded into the programs that serve victims of violence.

¹Adcock, C. (2019, July 9). Uncompensated Loss: Black families of murder victims more likely to be denied aid from state program.



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The changes proposed in SB 299 would better align CalVCB with these approaches, and help California more effectively address violence, in all its forms. For these reasons, we are proud to co-sponsor SB 299.

Respectfully,

A handwritten signature in blue ink, appearing to read "Anne Marks", is written over a faint, light-colored rectangular background.

Anne Marks
Executive Director