



SENATOR MARIA ELENA DURAZO

LEGISLATIVE FACTSHEET

Equitable Access to Victim Compensation

SB 655 (Durazo)

Summary

Under state law, crime victims can receive financial assistances and services via the California Victim Compensation Board (CalVCB). The payor of last resort, the program is designed to step in when victims have no other means of covering costs. However, the Victim Compensation Program is currently burdened with numerous restrictions and administrative hurdles that prevent the state's most vulnerable crime survivors from receiving the help needed to recover from trauma. Life becomes complicated, expensive, and confusing for victims and family members after a crime, and any barriers to getting help can cause more instability and can place people in more danger.

SB XXX would improve access to support for victims, address racial disparities in program eligibility, and reduce red tape in the program.

Problem

Although victim compensation is codified in statute to aid crime survivors with limited financial means through assistance with critical costs such as counseling and funeral expenses, in practice, crime survivors who are most at need typically do not access it.

Research has found that the types of eligibility restrictions California has in statute contribute to inequitable rates of compensation denials for our state's most vulnerable populations, and disproportionate denials for Black victims and families. These restrictions include limitations on allowable forms of documentation survivors

can use to verify eligibility, denials based on assessments of victim cooperativeness with officials, and policies that direct the CalVCB to rely on the immediate impressions of law enforcement to determine a victim's innocence in their own victimization.

In 2021 more than half (54%) of violent crimes nationally were not reported to law enforcement. Survivors do not report crimes for various reasons, including very real threats to safety from retaliation, or fear that they might be blamed or not believed. When survivors get the resources and support they need on the front end, they are more likely to ultimately feel safe reporting or cooperating with law enforcement. Recognizing this, California allows victims of sexual assault, domestic violence, and human trafficking to use evidence other than a police report to verify with CalVCB that a crime occurred. But victims of other types of violent crime are not afforded these same alternatives.

A 2021 Alameda County Grand Jury report analyzed victim compensation denial data for survivors from the county and also found that Black applicants were about twice as likely as White applicants to have their applications denied based on subjective "cooperativeness" or "involvement" determinations, for which CalVCB relies heavily on the initial opinions of law enforcement. The Grand Jury reported that "disparities in compensation denials based on 'lack of cooperation' and 'involvement'... are the primary causes of the overall racially disparate

outcomes in victim compensation award decisions.”

Those survivors who do qualify must navigate overwhelming paperwork and long wait times for urgent help. Many become so discouraged they discontinue their efforts to seek support. On average, it takes the CalVCB approximately 10 months to disburse benefits, during which survivors could be without essential resources. Most survivors who have their initial application approved never actually receive any benefits.

Solution

SB 655 would improve access to CalVCB services for survivors of crime by making commonsense changes to statute governing the program, including:

- Ensuring all victims of violent crime can use the documentation options that have for years served survivors of domestic violence, sexual assault, and human trafficking, in lieu of a police report.
- Addressing the drivers of racial disparities in access to services by removing consideration of perceived victim cooperativeness, and limiting denials based on perceived victim behavior. Victims would remain ineligible in cases in which the victim is an alleged accomplice in the crime.
- Reducing processing timelines and streamline the claims process, allowing survivors more time to provide additional information or to appeal, making emergency awards more accessible, and removing redundant documentation requirements that slow the process down.

- Strengthening communication between CalVCB and applicants, by ensuring that decisions and requests from the Board are communicated to applicants clearly by multiple methods and in the language of the applicant’s choosing.

Support

Crime Survivors for Safety and Justice (Co-Sponsor)

Californians for Safety and Justice (Co-Sponsor)

Youth ALIVE! (Co-Sponsor)

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