

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER KALB and PRESIDENT PRO TEM THAO

RESOLUTION IN SUPPORT OF CALIFORNIA STATE SENATE BILL 299 (LEYVA) THAT WOULD REMOVE BARRIERS FACED BY VICTIMS OF POLICE VIOLENCE AND SURVIVORS OF HOMICIDE VICTIMS FROM ACCESSING CALIFORNIA'S VICTIM COMPENSATION PROGRAM

WHEREAS, the California Victim Compensation Program (Program) plays a critical role in supporting victims by providing funds for a number of expenses including medical bills, funeral and burial expenses and counseling;¹ and

WHEREAS, as the Program is a last resort, resources from the Program are only accessible when all other avenues for covering these costs are unavailable;² and

WHEREAS, eligibility restrictions can make it impossible for victims of police violence and their families to access this necessary resource;³ and

WHEREAS, currently, the California Victim Compensation Board (CalVCB) must verify that a crime has occurred based on the police report and for most victims, CalVCB cannot approve a claim without a police report;⁴ and

WHEREAS, unfortunately data collected by the United States Department of Justice shows that six in ten violent crimes are never reported to the police;⁵ and

¹ AB 299 (Leyva) 2021-22 Fact Sheet.

² *Ibid.*

³ *Ibid.*

⁴ Victim Compensation: Use of Force by law enforcement officer, Cal. Sen. B. 299 Leyva, (Cal. Stat. 2021-2022) https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB299.

⁵ AB 299 (Leyva) 2021-22 Fact Sheet.

WHEREAS, while CalVCB may use other evidence to establish a claim for victims of sexual assault, domestic violence and human trafficking, victims of other crimes do not have this option;⁶ and

WHEREAS, in the case of police violence, victims must usually rely on a police report documenting the incident written by the person or persons responsible for the incident;⁷ and

WHEREAS, survivors of police violence should not have to overcome unjust barriers to this essential resource; and

WHEREAS, California Senate Bill 299 would ensure that the definitions of “crime” and “victim” include victims who are seriously injured or killed by police uses of force regardless of whether or not an officer is charged with a crime;⁸ and

WHEREAS, California Senate Bill 299 would allow survivors of police uses of force to use documentation other than a police report to verify that a crime occurred and would prohibit denial based solely on the contents of a police report alone in cases of police violence;⁹ and

WHEREAS, California Senate Bill 299 would bar exclusion from access to the Program based on whether the victim or their family cooperated with law enforcement following the crime;¹⁰ now, therefore be it

⁶ Victim Compensation: Use of Force by law enforcement officer, Cal. Sen. B. 299 Leyva,(Cal. Stat. 2021-2022) https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB299.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Id.*

¹⁰ *Ibid.*

RESOLVED: that the City Council hereby endorses California Senate Bill 299 (Leyva) and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California