

Senate Bill 299

Equal Access for Victims of Police Violence

Senator Connie M. Leyva (D-Chino)

SUMMARY

SB 299 removes barriers faced by victims of police violence and survivors of homicide victims in accessing California's Victim Compensation program.

BACKGROUND

The Victim Compensation program is an important pathway for survivors to access support, as it can cover specific expenses such as medical bills, funeral and burial expenses, and counseling. As a payor of last resort, assistance 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.

PROBLEM

Current eligibility restrictions can lock victims of police violence and their families out of necessary and important assistance.

Existing law requires the California Victim Compensation Board (CalVCB) to verify that a crime occurred based on the police report and deny applications if it finds that the victim was involved in the events that gave rise to the application, giving significant weight to the opinion of law enforcement. Survivors may be denied for noncooperation with police, and—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 (59%) are never reported to police. 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 currently not afforded the same flexibility.

These restrictions are especially wrong for survivors of police violence and loved ones of those killed by police, as a police report documenting the victimization is often elusive, and officers are rarely charged. CalVCB must also typically rely on the opinion of police when assessing a victim's responsibility—so the very people responsible for the injury may be tasked with documenting it and assigning blame.

These policies can also entrench racialized perceptions of survivors as “deserving” or “undeserving”, and compound trauma for victims and loved ones who receive the message that their experience or loss is not worthy of support.

SOLUTION

SB 299 is critically important, as it ensures that more survivors receive the support needed to address their trauma, regardless of who caused that harm. Survivors of police violence and those who have lost a loved one to murder should not have to overcome unjust barriers to compensation. Ultimately, this bill will improve access to this crucial program for survivors.

First, this bill would ensure that the definitions of “crime” and “victim” for the purposes of compensation presumptively include victims who are seriously injured or killed by police use of force, regardless of whether an officer is arrested or charged.

Applicants will be denied compensation if the person injured by law enforcement is convicted of committing a violent felony as defined in PC § 667.5 at the time, and could not receive compensation while such charges are pending. Victims or family members of deceased victims would also not be eligible if the victim caused serious bodily injury or death to another person at the time. No victim is eligible to receive compensation while in jail or prison, or while on probation or parole for a violent offense.

Second, SB 299 would allow survivors of police use of force to use documentation other than a police report to verify that a crime occurred, extending flexibility already available to domestic violence, sexual assault, and human trafficking survivors. It would also prohibit denial based solely on the contents of a police report alone in cases of police violence.

Third, in cases involving police use of force, SB 299 would bar exclusions based on whether the victim or their family cooperated with law enforcement following the crime. SB 299 would also ensure that family members of non-police homicide victims are not denied assistance based on these restrictions or based on a deceased victim's alleged actions.

Lastly, SB 299 would 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.

STATUS

Amended – August 30, 2021

SUPPORT

California State Controller Betty Yee (Co-sponsor)

Californians for Safety and Justice (Co-sponsor)
Crime Survivors for Safety and Justice (Co-Sponsor)
Prosecutors Alliance of California (Co-Sponsor)
San Francisco District Attorney Chesa Boudin (Co-Sponsor)
Youth ALIVE! (Co-sponsor)

Alliance for Boys and Men of Color
American Civil Liberties Union of California
Asian Americans Advancing Justice
Bend the Arc: Jewish Action California
Black Lives Matter - California
Black Lives Matter – Los Angeles
Brady and Brady California
Broken By Violence
California Alliance for Youth and Community Justice
California Change Lawyers
California Partnership to End Domestic Violence
California Public Defenders Association
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice
Contra Costa District Attorney Diana Becton
Drug Policy Alliance
Ella Baker Center for Human Rights
Everytown for Gun Safety
Fannie Lou Hamer Institute
Fresno Barrios Unidos
Futures Without Violence
Giffords Center
Health Alliance for Violence Intervention
Initiate Justice
Integral Community Solutions Institute
Jireh Shalom Foundation
Law Enforcement Action Partnership
Legacy Alliance Outreach
Life After Uncivil Ruthless Acts
Los Angeles County Board of Supervisors
Los Angeles County District Attorney George Gascón
Mid-City Community Action Network
Mollies House
Moms Demand Action
Oakland City Councilmember, Carroll Fife
Ollin Law
Peace Over Violence
Rafiki Coalition for Health & Wellness
Rubicon Programs
San Francisco Domestic Violence Consortium
San Francisco County Board of Supervisors
Santa Cruz Barrios Unidos
Showing Up for Racial Justice – San Diego
Silicon Valley De-Bug
Smart Justice California
Southeast Asia Resource Action Center
Take A Stand Committee
The Reverence Project
Time For Change Foundation

Underground Grit
United Core Alliance
We The People – San Diego
Young Women’s Freedom Center

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