

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 other violent crimes in accessing California’s Victim Compensation program.

BACKGROUND

Victim compensation 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. 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.

PROBLEM

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

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 law enforcement opinion. 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 other violent crimes 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.

Second, in cases involving police use of force and in homicide cases, SB 299 would bar exclusions based on a victim’s alleged actions leading to the injury, or on whether the victim or their family cooperated with police following the crime. SB 299 would also ensure no survivor is denied coverage for mental healthcare based on these restrictions.

Third, 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 in cases of police violence.

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 – March 4, 2021

SUPPORT

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

CONTACT

Jessica Golly
Office of Senator Connie M. Leyva
State Capitol, Room 4061
(916) 651-4020