



# Creating a Model Victims' Compensation Policy

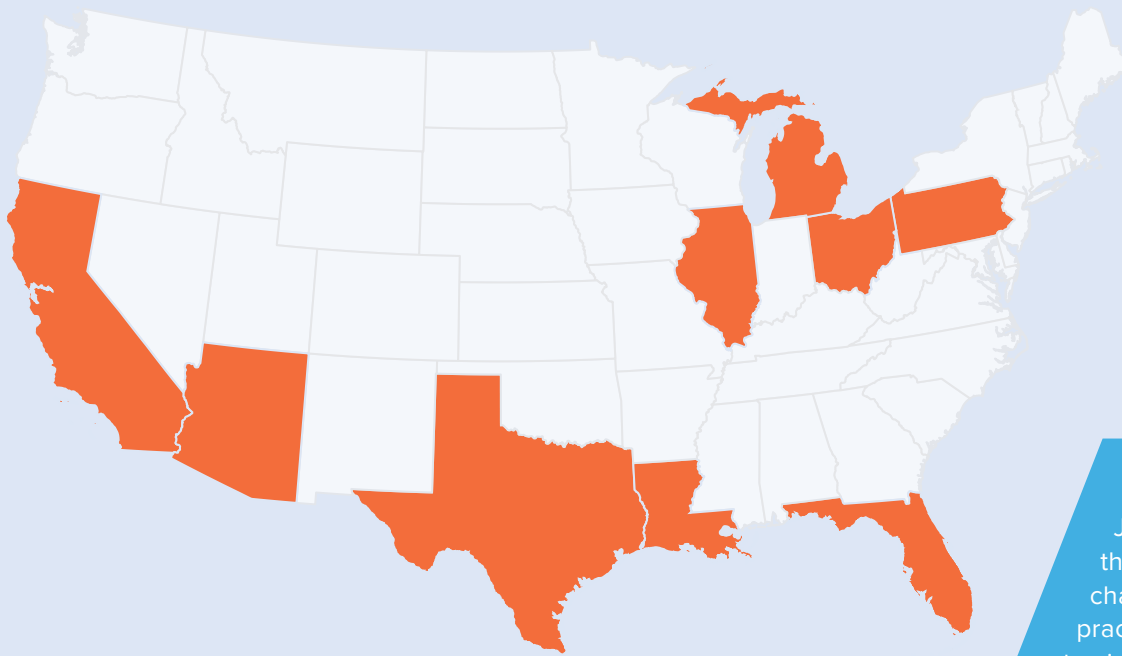
GUIDELINES FOR LAWMAKERS TO ADVANCE NEW  
SAFETY SOLUTIONS



CRIME SURVIVORS FOR  
SAFETY AND JUSTICE

ALLIANCE FOR  
SAFETY AND JUSTICE





The Alliance for Safety and Justice is working in more than a half dozen states to change laws, policies, and practices to reduce barriers to victims' compensation

## Introduction and Background

### Victims' compensation can help survivors of violent crime recover.

In 2019, more than four million Americans were victims of at least one violent crime. State crime victims' compensation programs offer aid to cover costs ranging from counseling costs to lost wages as victims recover from physical injury, trauma, and financial setbacks. For families who lose loved ones to crime, the programs can pay for funeral and burial costs. But in 2019, only about 5% of violent crime victims had a compensation application approved.<sup>1</sup>

Why? Many victims aren't aware that compensation relief exists; for others, the complicated application process can be overwhelming, especially for those who are navigating trauma. Far too many victims are disqualified due to discriminatory laws, policies, and practices.

While people from all walks of life are impacted by crime and violence, its effects are concentrated and unequal. Bureaucratic processes and unfair eligibility regulations currently exclude too many people harmed by violent crime from accessing victim services in their time of need. These processes have a disproportionate impact on communities of color: despite being more than twice as likely to be victimized in violent incidents, people of color and other marginalized survivors face barriers in law, policy, and practice that make it even harder to receive help.

## DEVELOPING A MODEL STATE POLICY—GUIDELINES FOR LAWMAKERS

### A Wave of Promising Victims' Compensation Reforms

The Alliance for Safety and Justice (ASJ) and its flagship program, Crime Survivors for Safety and Justice, have been working for the past decade, along with other advocates in more than eight states, to change compensation policy to benefit all victims of violent crime. ASJ works with Republican and Democratic lawmakers to reform victims' compensation systems by removing discriminatory barriers, cutting through red tape, and delivering relief within the timeframe that victims say makes all the difference in their recovery. ASJ has helped pass legislation that has made half a million people newly eligible for victims' compensation in the event that they become victims of crime. These model guidelines for victims' compensation policy are drawn directly from what we have learned from crime victims themselves and from our on-the-ground experience in various states across the country.

<sup>1</sup> These figures are based on the number of applications approved (171,275) over the number of violent crime victimizations reported in the National Crime Victimization Survey. Victimization represents households victimized, which we are using to determine victimizations against individuals. Other depictions of the lack of access to victims' compensation, including reporting by the National Crime Victimization Survey, show that assistance from a victims' service agency was received for only 11 percent of violent victimizations. Statistics are from the Office for Victims of Crime Act Victim Compensation Formula Grant Program Fiscal Year 2019 Data Analysis Report (2020) and the National Crime Victimization Survey (2018 and 2020).



The Alliance for Safety and Justice worked with lawmakers in Michigan to enact legislation that will expand access to victim compensation, increase the amount of financial help a victim can receive, and remove unnecessary red tape in the application process.

## END DISCRIMINATION: EXPAND ELIGIBILITY TO ALL VICTIMS.

Every victim should have a right to heal with support from victims' compensation and other trauma recovery services. Yet many state compensation programs disqualify people based on often vague and subjective restrictions. The interpretation of these rules by law enforcement and others has a discriminatory effect against individuals who are [more likely be victims, which includes people who are Black, Latino, young, disabled, transgender, and low income.](#)

### Policymakers should:

- **Remove restrictions on victims who do not report the crime to law enforcement.** Many states require survivors to report the crime to the police within hours to be eligible for compensation. But less than half—only 40%—of violent crimes are reported to the police at all. The victim may be too traumatized to go through the reporting process, may fear being revictimized, or may have reasons to distrust the justice system. Support for victims should not be contingent on whether they work with law enforcement when there are other ways to verify that they are eligible, like providing a medical record.
- **Expand eligibility to victims on probation or parole or who have a criminal record.** In most states, someone convicted of a crime in the past is eligible for victims' aid. But in eight states, individuals with old criminal records or who are under community supervision when they are victimized are disqualified, as are their family members. The incidents that led to someone being a victim are, with rare exception, unrelated to whether the person has a criminal record. People under community supervision and people with old records are more likely to be victims, [and are less likely to feel safe.](#) Because of well-documented racial disparities within the criminal justice system, these restrictions impact Black and Latino victims and their families the most heavily.
- **Broaden support to include victims of police violence.** Individuals violently injured or killed by law enforcement rarely, if ever, receive compensation. This can happen, regardless of whether the person was committing a crime at the time of the interaction, because police reports identify the victim as the perpetrator and police using unjustifiable force are rarely charged. Compensation policies must explicitly include people who are seriously injured by police as well as family members of those killed by police—regardless of whether the officer is arrested, and without consideration of any allegations against the victim.
- **End eligibility exclusions that effectively blame victims for their own victimization.** When a violent crime occurs, the nature of the activities the victim may or may not have been involved in at the time of the incident should not bear on compensation decisions. These types of exclusions can be broad. If a victim used or possessed drugs at the time of the crime, that places the person at greater risk of becoming a victim, and should not be something that excludes the person from victims' compensation. Traumatic fallout does not discriminate: victims and their family members should qualify for counseling, funeral/burial expenses, and other services that help them heal and prevent cycles of destabilization. [There is evidence that these laws have a racially disparate impact on Black victims and their families.](#) Laws that blame victims for their own trauma or their alleged role in the crime must be changed.

## LEGISLATIVE HIGHLIGHTS

Reforms that reduce discrimination.

### CALIFORNIA SB 299

California lawmakers are considering legislation in 2022 that would remove barriers faced by victims of police violence and other violent crimes in accessing California's Victim Compensation program.

### LOUISIANA HB 648

HB 648 passed the Louisiana legislature unanimously in 2022, and will provide all eligible victims additional reporting options beyond a police report to show eligibility for compensation. It will also increase the amount of funds a survivor can receive and add relocation services as a reimbursable cost. The bill was championed by Louisiana Survivors for Reform, a coalition of survivors of violence and homicide victims' loved ones creating change in the criminal justice system.

### OHIO SB 36

Enacted in 2021, this law made several changes that reduce discrimination, including ending eligibility restrictions for survivors with past convictions. It also ended the practice of denying victims' compensation to victims who allegedly possessed drugs at the time of the incident, or if drugs showed up in a toxicology or autopsy report. SB 36 also changed the law to ensure that family members of homicide victims are never denied help because of allegations about their deceased family members' actions.

### TEXAS SB 957

Enacted in 2021, this law ensures that an individual's eligibility for compensation isn't jeopardized or delayed by their unreadiness to speak to law enforcement about an incident while recovering in a hospital in the immediate aftermath of a crime.

## COVER ACTUAL COSTS

Aid for victims to help with their healing, recovery, and mourning should be meaningful enough to cover the actual costs incurred.

### Policymakers should:

- **Expand benefits to cover victims' needs.** This includes covering medical and mental health services and loss of income, together with relocation costs designed to protect victim safety and provide transportation to medical appointments or court-related activities.
- **Match benefits to real-world costs.** For example, caps on benefits for funeral and burial expenses are rarely high enough to cover the true costs of burying a loved one. Lawmakers should review the median costs in their state and match the need.

## LEGISLATIVE HIGHLIGHTS

Reforms aimed at covering actual victims' costs.

### CALIFORNIA SB 993

Introduced in 2022, SB 993 would make a number of changes to remove barriers to compensation in California, including increasing funeral and burial benefits from \$7,500 to \$20,000, and relocation claims from \$2,000 to \$7,500. These benefits have not been adjusted for inflation for two decades.

### ILLINOIS HB 3653

This law, which was enacted in 2021 and came into effect this year, increases funeral and burial reimbursements from \$7,500 to \$10,000 and raises payments for loss of support and loss of earnings from \$1,250 to \$2,400 per month.

### MICHIGAN HB 4674 & 4675

Passed in 2022, these bills will compensate additional victim expenses at the level of actual need, adding coverage for relocation, transportation, broken windows and locks, and increased and expanded coverage for funeral and burial reimbursements and crime-scene cleanup. They would also increase coverage for lost earnings or support from \$350 a month to a maximum of \$1,000 a month. These bills would increase the limit on overall awards from \$25,000 to \$45,000.

## DELIVER MORE URGENT HELP WITH LESS RED TAPE.

About a quarter of compensation applications are denied, many because they are deemed incomplete. These denials do not count the many more applications that were abandoned because victims were overwhelmed by onerous paperwork and unrealistic deadlines. In some states, fewer than half of survivors whose applications are approved ever receive reimbursement.

### Here's how policymakers can lessen the burden:

- **Extend deadlines to apply for help.** The trauma that victims undergo can take years to navigate. Policymakers can acknowledge this hardship by extending the deadlines to apply for aid so that victims have more time to access the help they need. Vermont and Utah do not set any time limits on submitting compensation claims. Recently, Illinois and California, pressured by crime survivor advocates, extended their timelines to accept applications. Unreasonable time limits to submit an application following a crime or to report the crime to law enforcement in order to qualify for aid should be eliminated.
- **Simplify the application process.** Applications should be available and easy to submit online, and policymakers should streamline the application process itself by reducing excessive restrictions and documentation requests that discourage people from applying. Applications must be available in multiple languages. The paperwork involved, once claims are approved, must also be revised so that qualifying victims can get the help they need.
- **Ensure that immediate financial needs are met quickly.** Financial support to cover urgent needs should be distributed within a very short window of the request, ideally no longer than two days. Standard applications should be approved within weeks, and ideally should take no longer than a month to process. Victims' support claims should not take months, even years to process, beyond the point when the aid could have made a critical difference in addressing a victim's hardship.

## LEGISLATIVE HIGHLIGHTS

Reforms to deliver more urgent help, with less red tape.

### FLORIDA HB 7125

Enacted in 2019, the law extends the time limit to apply for victims' compensation funds from one to three years.

### PENNSYLVANIA HB 2028

Introduced in 2021, this bill, if enacted, would allow victims to use alternative forms of reporting in lieu of a police report to verify eligibility for compensation.

### CALIFORNIA SB 375

Enacted in 2019, the law more than doubles the time limit to apply for victims' compensation, from three to seven years.

### MICHIGAN HB 4674 & 4675

Passed in 2022, these bills will 1) remove bureaucratic hurdles requiring victims to submit unnecessary documentation before application processing may begin; 2) help establish an online application system and remove an additional means test (a financial hardship requirement) that requires victims to submit additional unnecessary paperwork; and 3) require the state to provide a way for victims to request emergency help and to quickly evaluate those requests.

## REACH MORE SURVIVORS IN CRISIS.

Most crime survivors have never heard of victims' compensation. There are many reasons for this, including the fact that most violent crimes are never reported to law enforcement. Many survivors who are aware of victims' aid are discouraged by a process that is too bureaucratic, complex, and inefficient. The disbursement of aid is also too slow and available to too few. Research shows that applicants wait up to two years to be successfully reimbursed, long past the window when support is most needed.

### Policymakers must:

- **Expand outreach programs.** Information on compensation should be available in the places where it is most likely to reach crime victims: hospitals, libraries, counseling clinics, child care centers, physicians' offices, and funeral homes.
- **Conduct outreach in multiple languages.** Information about compensation benefits must reach underserved crime victims in the languages they speak and in the places where they live and work. Applications and assistance in completing forms must also be multilingual.
- **Expand the definition of family members eligible for compensation.** In many states, compensation is offered to "secondary victims," but too often that is narrowly defined to mean only a parent or spouse. Eligibility should reflect the true constellation of those who may be directly impacted by a crime, including extended family and members of nontraditional family structures. Traumatized crime witnesses should also be legitimized and receive support.
- **Grow the number of [Trauma Recovery Centers](#) (TRCs) and programs for victims.** The compensation system in many states is so complicated that victims need help navigating the process. [TRCs](#) are places that seek to address a variety of victims' needs, including applying for compensation. While the number of [TRCs](#) has grown from one to 39 across seven states, there is need for more programs like TRCS to help victims apply and successfully receive compensation, and access other trauma recovery services.

## LEGISLATIVE HIGHLIGHTS

Reforms to reach more survivors in crisis.

### OHIO SB 36

Enacted in 2021, this law qualifies immediate family members as victims, making them eligible for compensation in addition to the direct victim. Limits on compensation to family members were reduced.

### ILLINOIS HB 3653

Enacted in 2021, this law extends compensation to any person living in the household who has a relationship like that of a parent, spouse, or child; to children of a murder or injured victim in addition to spouses and parents of such victims; and expands the definition of “child” to include adult children.

### MICHIGAN HB 4674 & 4675

Passed in 2022, these bills recognize the impact of violent crime on immediate family members; household members of direct victims, including primary caregivers; and people who have lived with victims for years—covering mental health care and other expenses for these secondary victims.

### ARIZONA HB 2132

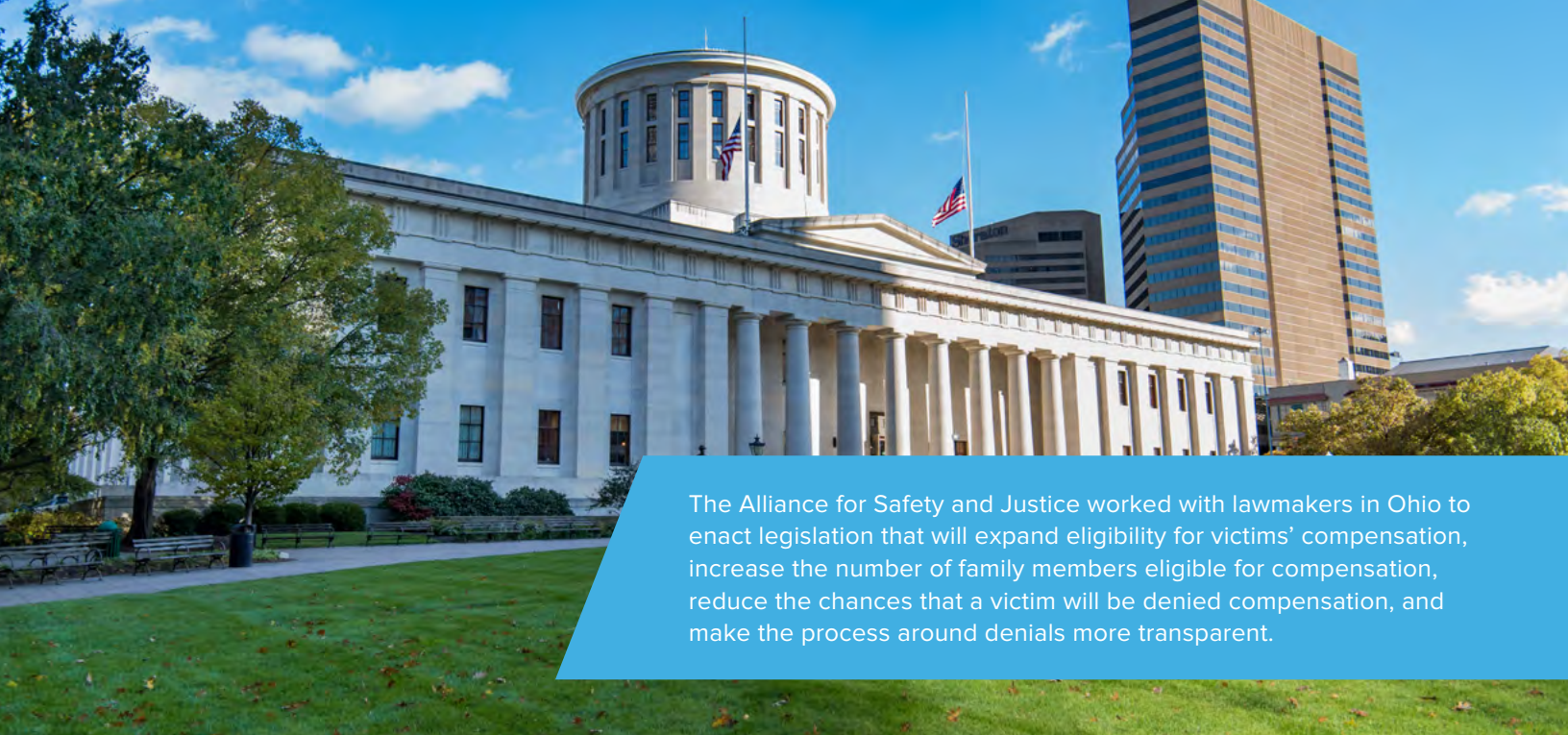
In an effort to bring stability and much-needed resources to the Victims Compensation Program, the system would receive a one-time injection of \$10 million to bolster the fund balance, with a commitment of a continuous, annual appropriation of \$2 million in state general funds to provide continuity and stability in services to victims of crime.

## CONCLUSION: THE NEED TO ENSURE EQUAL ACCESS

Efforts to improve victims’ compensation policy must have, at their heart, a commitment to equal access and to a system that operates efficiently and is centered around the needs of victims. Yet many state compensation programs have eligibility requirements and processes in place that make it hard for any victim to receive help and that disproportionately impact victims of color. States that are reforming their systems can ensure equal access to compensation by taking some simple steps, such as tracking and reporting data on who receives aid and who is denied. Crime victims’ advisory councils can also be instituted where they do not exist; active councils should be empowered to review data and help states establish policies that treat all victims of violent crime equally and with dignity.

Reforming victims’ compensation is only one pathway for law, policy, and practice changes to help people who have been a victim of crime access the help they need to recover. [The National Crime Victims Agenda: A Ten-Point Plan to Address the Needs of Our Nation’s Diverse Victims of Crime](#) details other ways in which policymakers can help those who are most harmed to receive more help.

Sources: “*Guidelines for Lawmakers to Advance New Safety Solutions*” summarizes information from enacted bills and legislation that have been introduced or enacted to change victims’ compensation systems. Key data points are from the U.S. Department of Justice’s [National Crime Victimization Survey](#) and the [Office for Victims of Crime Annual Performance Measures Reports](#). Key analysis comes from the reports of [Crime Survivors for Safety and Justice](#) and the [National Crime Victims Agenda: A Ten-Point Plan to Address the Needs of Our Nation’s Diverse Victims of Crime](#).



The Alliance for Safety and Justice worked with lawmakers in Ohio to enact legislation that will expand eligibility for victims' compensation, increase the number of family members eligible for compensation, reduce the chances that a victim will be denied compensation, and make the process around denials more transparent.

## OHIO'S LANDMARK EXPANSION OF VICTIM SUPPORT: A DEEPER DIVE INTO SB 36

Crime Survivors for Safety and Justice, a 70,000-member-strong national network of crime survivors advocating for the creation of healing communities and more effective public safety policy, has been working in Ohio for more than half a decade. Crime survivors in Ohio have succeeded in establishing seven trauma recovery centers that specialize in delivering services to underserved crime victims with funding support from the attorney general's office. Victims have also worked with the state to change administrative practices so that more community-based service providers can address the needs of victims in their neighborhoods.

Along with these important changes to laws, policies, and practices, victims worked with lawmakers to pass Ohio's SB 36 in 2021, which aims to significantly reform the state's victims' compensation system.

### When fully implemented, SB 36 will:

- **Expand eligibility for victims' compensation.** Ohio was one of only five remaining states that restricted compensation based on a victim's past conviction alone. SB 36 will eliminate restrictions based on a victim's or applicant's criminal record or allegations about crimes that occurred in the past.
- **Increase the number of family members eligible for compensation.** Before the law, immediate family members faced limits around compensation. Under SB 36, immediate family members qualify as victims in their own right, and are eligible for compensation in addition to the direct victim. Caps on compensation to family members were also increased.
- **Reduce the chances that a victim will be denied compensation.** Previously, victims and their family members could have their compensation awards denied or reduced if it was alleged that the victim had committed a wrongful act and that the act had a "causal relationship" to their victimization: this denial or reduction could happen regardless of whether the alleged wrongful act occurred days or weeks before the victimization or if the act itself was violent. These are highly subjective determinations, which, because of certain biases, in practice have a disproportionate impact on Black victims and other vulnerable people. The new law significantly narrows the circumstances under which a victim can be alleged to have contributed to what happened to them and denied compensation for that reason. Family members who lose a loved one can never be denied compensation based on the alleged actions of the deceased. Victims and their families were also previously denied compensation if the victim possessed drugs or if a toxicology or autopsy report showed that they had drugs in their system at the time of the victimization—regardless of whether the drug use bore any relationship to the victimization. SB 36 ends these practices.
- **Make the process around denials more transparent.** The bill streamlines the documentation that the attorney general's office must provide when it denies a compensation claim so that it is clear how the office arrived at its decision and what information it considered relevant to the decision.





[allianceforsafetyandjustice.org](http://allianceforsafetyandjustice.org) | [@safeandjustusa](https://twitter.com/safeandjustusa)



[CSSJ.org](http://CSSJ.org) | [@cssjustice](https://twitter.com/cssjustice)