



# ELIMINATING BARRIERS TO HEALING:

AN EXAMINATION OF VICTIM COMPENSATION IN NEW YORK STATE



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# INTRODUCTION

In 2019, nearly 70,000 violent crimes were reported in New York State.<sup>1</sup> For the victims and survivors of these crimes, healing is marred by stress, grief, and uncertainty. The challenges of recovery are further exacerbated by lack of support, as those who have suffered from harm have few avenues for receiving assistance. As Jessica Mofield, a social worker and the executive director of New York City's Mayor's Office to Prevent Gun Violence explains, for "any other disaster that you can think of, there's relief. There's the Red Cross. There's FEMA. There's all of these other things. But there isn't for this population."<sup>2</sup> One of the few resources that victims and survivors in New York State *do* have for healing is victim compensation.

Victim compensation is state-administered federal funding that provides victims and survivors financial reimbursement for costs associated with crimes. To qualify

to receive victim compensation, New Yorkers must meet a set of eligibility requirements. In general, victims and survivors must have experienced physical violence, must not have contributed to the crime in question, and must have reported their harm to law enforcement.<sup>3</sup> Funds can be used for things such as paying medical bills, changing locks, or replacing essential personal property. By providing basic support and helping reduce the accumulation of debt, these funds can help survivors regain stability after they experience traumatic events.

In New York State, victim compensation funds are both underutilized and distributed inequitably. Despite the occurrence of an overwhelming number of violent crimes, the Office of Victim Services (OVS) awarded only 6,140 claims for victim compensation during fiscal year 2018–19.<sup>4</sup> A variety of barriers prevent

1 New York State Division of Criminal Justice Services, *Crime in New York State: 2019 Final Data*, (Albany, NY: Office of Justice Research & Performance, 2020), 2, 6, [www.criminaljustice.ny.gov/crimnet/ojsa/Crime-in-NYS-2019.pdf](https://www.criminaljustice.ny.gov/crimnet/ojsa/Crime-in-NYS-2019.pdf).

2 Jessica Mofield, interview via Zoom by Alice Hamblett and Ina Kelleher, December 6, 2021.

3 New York State Office of Victim Services, *Every Crime Victim Matters: A Guide to Crime Victims' Compensation in New York State*, March 6, 2018, <https://ovs.ny.gov/sites/default/files/brochure/ovs-crime-victim-brochure-2018-web-final-3-18.pdf>.

4 "Claims awarded in a fiscal year do not directly [correlate] to the number of claims" the agency accepted for review that year. "A claim accepted during one fiscal year may be awarded in a subsequent year." The total number of claims paid during a fiscal year may differ from the number awarded. *New York State Office of Victim Services 2018–19 Annual Report*, 2020, 15, <https://ovs.ny.gov/sites/default/files/annual-report/finalovs18-19annualreport.pdf>.

survivors of violence—particularly those from marginalized communities—from accessing these funds. Among them are exclusionary eligibility requirements, bureaucracy and accessibility issues that characterize the filing process, and a lack of public awareness about victim compensation.

These barriers have grave consequences, as this relief is essential to restoring health and safety in communities and ending cycles of harm. Jessica Peñaranda is interim assistant director of intervention at Common Justice, a New York City-based restorative justice-focused organization that provides victim services to harmed parties (program participants who are victims or survivors of crime) and alternative to incarceration programming to responsible parties (program participants who have committed harm). As Peñaranda explains, “If we as a state are committed to supporting the self-determination and the self-sufficiency of survivors and . . . interrupting the cycles and shifting patterns of violence in our communities and in our relationships, part of what people need to get there—or to bridge that gap—is to provide material financial support [to] individuals who are experiencing violence and harm.”<sup>5</sup>

In this report we explore the importance of victim compensation to the healing of victims and survivors, the often-insurmountable barriers that victims and survivors face when they attempt to collect these lifesaving funds, and the real-life experiences of victim service providers, as well as victims and survivors, who know firsthand what it means to struggle through and recover from harm.

“If we as a state are committed to supporting the self-determination and the self-sufficiency of survivors and . . . interrupting the cycles and shifting patterns of violence in our communities and in our relationships, part of what people need to get there—or to bridge that gap—is to provide material financial support [to] individuals who are experiencing violence and harm.”

- Jessica Peñaranda, interim assistant director of intervention at Common Justice

<sup>5</sup> Jessica Peñaranda, interview via Zoom by Ina Kelleher, November 11, 2021.





# BACKGROUND

Victim compensation is based on the principle that governments have a moral responsibility to provide financial relief to people who have suffered the impacts of violence.<sup>6</sup> In 1984, Congress passed the Victims of Crime Act (VOCA) to manage and support victim compensation programs across the country.<sup>7</sup> It also established the national Office for Victims of Crime, which administers non-taxpayer funds collected through fines and fees associated with federal crimes (through the Crime Victims Fund). These funds are allocated among states, which distribute them to victims and survivors of violence.<sup>8</sup>

Established in 1966, the New York State Crime Victims Board (CVB) was “one of the first independent state agencies for crime victim compensation.”<sup>9</sup> In June 2010, the CVB became the Office of Victim Services (OVS), which administers and processes

contracts with victim assistance programs in all of the state’s 62 counties.<sup>10</sup>

The Office of Victim Services also awards victim compensation funds directly to New Yorkers. To qualify to receive victim compensation, New Yorkers must meet a set of eligibility requirements, as follows.<sup>11</sup>

- The victim or claimant must cooperate with police/law enforcement.
- A crime must be reported to the police within one week.
- A claim must be filed with OVS within one year of the crime.
- The victim must not have contributed to the crime.

In addition, as OVS stipulates, funds can be used only for particular purposes, such as installing security systems, crime-scene cleanups, medical bills, and transportation

<sup>6</sup> Marlene Young and John Stein, *The History of the Crime Victims’ Movement in the United States: A Component of the Office for Victims of Crime Oral History Project* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, 2004), [www.ncjrs.gov/ovc\\_archives/ncvrv/2005/pg4c.html](http://www.ncjrs.gov/ovc_archives/ncvrv/2005/pg4c.html).

<sup>7</sup> U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, “Crime Victims Fund,” April 18, 2020, <https://ovc.ojp.gov/about/crime-victims-fund>.

<sup>8</sup> U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, “What We Do,” April 18, 2020, [ovc.ojp.gov/about/what-we-do](https://ovc.ojp.gov/about/what-we-do).

<sup>9</sup> New York State Office of Victim Services, “About OVS,” [ovs.ny.gov/about-ovs](https://ovs.ny.gov/about-ovs).

<sup>10</sup> New York State Office of Victim Services, “About OVS.”

<sup>11</sup> Douglas N. Evans, *Compensating Victims of Crime* (New York: John Jay College of Criminal Justice Research & Evaluation Center, 2014), 5, [www.njcn.org/uploads/digital-library/jf\\_johnjay3.pdf](http://www.njcn.org/uploads/digital-library/jf_johnjay3.pdf).

to and from court appearances. The Office of Victim Services is considered the payer of last resort, meaning that other avenues for compensation, such as insurance claims, must be exhausted prior to applying for victim compensation.<sup>12</sup> Investigators for OVS must ensure that

the needs demonstrated in victims' and survivors' claims cannot be met by alternative sources of funds.<sup>13</sup> Additional information about eligibility requirements and acceptable uses of funds are on the OVS website.<sup>14</sup>



<sup>12</sup> New York State Office of Victim Services, "Frequently Asked Questions," <https://ovs.ny.gov/faq>.

<sup>13</sup> New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*, 2021, 17. Obtained in response to a request Common Justice submitted per New York State's Freedom of Information Law.

<sup>14</sup> New York State Office of Victim Services, "Services: Victim Compensation," <https://ovs.ny.gov/victim-compensation>.



# WHY VICTIM COMPENSATION IS ESSENTIAL FOR VICTIMS AND SURVIVORS

In the aftermath of a crime, victims and survivors are forced to rebuild their lives amid trauma, loss, or both. Financial assistance can be integral to helping victims and survivors pay medical bills, relocate or restore their home following a crime, or bury their family member with dignity. Lisa Good is founder and coordinator of Urban Grief, an organization based in Albany, New York, that raises awareness about trauma and loss in the wake of violence. As Good says, “Money is therapeutic. When people have the financial resources to take care of their needs [during] a crucial time, that is therapeutic.”<sup>15</sup> This is especially true for those with limited income who are simultaneously at an increased risk of violent crime; data from the National Crime Victimization Survey (NCVS) indicates that people living in households that earn less than \$25,000 annually are at higher risk for violent victimization than those in households with greater

earnings.<sup>16</sup> Victim compensation can aid victims and survivors in their healing processes and help them find stability.

“Any other disaster that you can think of, there’s relief, there’s the Red Cross, there’s FEMA, there’s all of these other things. But there isn’t for this population. And how is that any different? Anytime after community violence or community trauma happens, there needs to be some type of recovery in place.”

—Jessica Mofield, executive director of  
the New York City Mayor’s Office to  
Prevent Gun Violence

<sup>15</sup> Lisa Good, interview via Zoom by Alice Hamblett and Tahirih Anthony, March 3, 2021.

<sup>16</sup> Heather Warnken and Janet L. Lauritsen, *Who Experiences Violent Victimization and Who Accesses Services? Findings from the National Crime Victimization Survey for Expanding Our Reach* (Washington, DC: Center for Victim Research, 2019), 13.

[https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article\\_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1](https://ncvc.dspacedirect.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1).



## MEETING MEDICAL NEEDS

Many victims and survivors of violence are burdened with the high cost of medical care as a result of injuries sustained during the course of a crime. During fiscal year 2018–19, approximately 76 percent (4,671) of victim compensation claims OVS awarded were for costs associated with personal injury.<sup>17</sup> The agency can compensate victims and survivors for costs including physical health care, mental health care, related home care, vocational and occupational rehabilitation programs, and medical supplies.<sup>18</sup>

The medical bills associated with injuries sustained during violent crime can be astronomical. For example, data from the Nationwide Emergency Department Sample revealed that among patients who presented to emergency departments with gun-related injuries from 2006 through 2014, the average cost of an emergency room visit was approximately \$5,254.<sup>19</sup> The average cost for an inpatient visit was \$95,887.<sup>20</sup> What's more, victims and survivors of gun violence are disproportionately uninsured.<sup>21</sup> Without financial support from victim compensation, these costs can generate insurmountable amounts of debt. As Everytown for Gun Safety has emphasized, “the ongoing, complex nature of the medical and mental health care that some

gun violence survivors require means that those costs can last years, decades, or a lifetime.”<sup>22</sup>

Similarly, victims and survivors of intimate partner violence and domestic violence often face staggering costs. In 1995, the CDC estimated that the “total medical and mental health care cost per victimization by an intimate partner” was \$838 per sexual assault victim and \$816 per physical assault victim.<sup>23</sup> Pursuant to calculations by Common Justice staff, those amounts are approximately \$1,560 and \$1,519, respectively, when adjusted for 2022 inflation. But most victims and survivors of these types of violence do not seek medical care only once for the harm it causes and require further treatment such as counseling or physical therapy. For example, it has been estimated that victims of sexual assault surveyed from November 1995 to May 1996 had approximately 12.4 mental health visits per victimization.<sup>24</sup> As researchers from the Institute for Women's Policy Research explain, “assault, rape, and psychological abuse increase health care utilization, resulting in high out-of-pocket costs and medical debt.”<sup>25</sup> Medical costs associated with harm continue to grow, putting victims and survivors at even greater risk of financial instability over time.

17 New York State Office of Victim Services, *2018–19 Annual Report*, 16.

18 New York State Office of Victim Services, *2018–19 Annual Report*, 20–21.

19 Faiz Gani, Joseph V. Sakran, and Joseph K. Canner, “Emergency Department Visits for Firearm-Related Injuries in the United States, 2006–14,” *Health Affairs* 36, no. 10 (October 2017): 1729, <https://doi.org/10.1377/hlthaff.2017.0625>.

20 Gani, Sakran, and Canner, “Emergency Department Visits,” 1729.

21 Faiz Gani, “The Price of Gun Violence,” *Health Affairs Forefront*, November 2, 2017, <https://doi.org/10.1377/forefront.20171031.874550>.

22 Everytown for Gun Safety, *The Economic Cost of Gun Violence: How to Recover \$280 Billion for Greater Quality of Life for Americans*, 2021, 13, <https://everytownresearch.org/report/the-economic-cost-of-gun-violence>.

23 Centers for Disease Control and Prevention, *Costs of Intimate Partner Violence Against Women in the United States* (Atlanta: U.S. Department of Health and Human Services, CDC, National Center for Injury Prevention and Control, 2003), 30, [www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf](http://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf).

24 CDC, *Costs of Intimate Partner Violence*, 30.

25 Gladys McLean and Sarah Gonzalez Bocinski, “The Economic Cost of Intimate Partner Violence, Sexual Assault, and Stalking,” (Washington, DC: Institute for Women's Policy Research, August 2017), 1, [https://iwpr.org/wp-content/uploads/2020/10/B367\\_Economic-Impacts-of-IPV-08.14.17.pdf](https://iwpr.org/wp-content/uploads/2020/10/B367_Economic-Impacts-of-IPV-08.14.17.pdf).



Margarita Guzman is the executive director of Violence Intervention Program (VIP), a New York City-based organization that provides culturally competent services to Latinx victims and survivors of domestic violence. According to Guzman, 100 percent of VIP's clients live below the poverty line and approximately 86 percent are single mothers.<sup>26</sup> As she explains, "If you experience any kind of financial setback, you are making decisions about what else you are not going to pay [for]. . . It puts people in positions where they are thinking about not paying for clothing, walking instead of taking transportation. [There] is just so much that . . . people [have] to negotiate."<sup>27</sup> This ripple effect can extend for years, even generations.

## MEETING RELOCATION NEEDS

Relocation can be essential to ensure that victims and survivors of violence who are harmed in their homes or communities do not experience violence again. As Jessica Mofield describes, "People are being victimized for staying in the same place because they can't afford to go anywhere else."<sup>28</sup> In addition to the threat of revictimization, victims and survivors may be re-traumatized if they continue to live in the place where they were harmed.

Michelle Barnes-Anderson lost her son to gun violence in 2017 and subsequently founded the Melquain Jatelle Anderson Foundation in his memory. The organization provides support to victims and survivors of gun violence and to their families, as well as scholarship funds. As Barnes-Anderson stresses, "You don't want

that person to have to keep going back into that same building, because that's where [the person who caused harm] lives. They need help with someplace to stay at least for the first two weeks or month . . . [until they can get] back into their routine . . . because a lot of people come from homes where they don't have someone who can stay with them at the time."<sup>29</sup> Without respite from where the harm took place, victims' and survivors' healing may be severely delayed.

In many situations, those who need to relocate to stay safe are not merely moving within buildings or neighborhoods, but to other towns, cities, or states. The costs of moving companies, storage, and related expenses can quickly add up. Unfortunately, the amount victims and survivors can receive from OVS for relocation is capped at \$2,500, and they must present a letter of necessity from the district attorney's office, a licensed physical or mental health professional,

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- Margarita Guzman, executive director of  
Violence Intervention Program (VIP)

<sup>26</sup> Margarita Guzman, interview via Zoom by Alice Hamblett and Ina Kelleher, December 9, 2021.

<sup>27</sup> Guzman, interview.

<sup>28</sup> Mofield, interview.

<sup>29</sup> Michelle Barnes-Anderson, interview via Zoom by Ina Kelleher, November 5, 2021.

or a licensed counselor.<sup>30</sup> But even when that amount may not cover the entire cost of relocation, this type of funding is paramount to helping victims and survivors alleviate the financial stress associated with moving and regain feelings of safety and normalcy.

Some victims and survivors need to quickly or temporarily relocate for their immediate safety. In particular, victims and survivors of intimate partner violence or other forms of gender-based violence often need to relocate swiftly without the means to do so. In New York, victim compensation funds can cover the cost of “residing at or utilizing the services of a domestic violence shelter” for victims and survivors of intimate partner violence or other forms of gender-based violence.<sup>31</sup> One study found that financial abuse occurs in 99 percent of domestic violence cases, meaning that the people causing harm control victims’ and survivors’ access to and use of economic resources.<sup>32</sup> Given the destructive impact of financial abuse, it can be invaluable to receive the capital required to relocate or reside at a shelter.

When victims and survivors who were victimized in their homes choose to remain there, they can apply to receive compensation for crime-scene cleanup and restoration, which can help create what Jessica Mofield calls a “new normal.”<sup>33</sup> The Office of Victim Services can cover up to \$2,500 of crime-scene cleanup services.<sup>34</sup>

Recalling a mother whose daughter had been shot outside her apartment complex, Mofield explains that this survivor simply needed “the ability to walk outside of her apartment and to not see her daughter’s blood on the sidewalk.”<sup>35</sup> To prevent re-traumatization and promote healing among those who have experienced or borne witness to violent crime, safe spaces and places for victims and survivors must be established or restored.

## **MEETING THE NEEDS OF VICTIMS’ AND SURVIVORS’ FAMILY MEMBERS AND OTHER LOVED ONES**

The impact of victim compensation can extend to those who have been indirectly harmed, including family members and other loved ones who are suffering, emotionally and financially, in the wake of violence. When violence results in death, loved ones of the deceased often face exorbitant burial expenses while navigating pain, grief, and loss. Without insurance, costs may be overwhelming, making burial with dignity nearly impossible. In New York State, OVS can provide up to \$6,000 for burial expenses, \$3,000 of which can be paid out expeditiously as an “emergency award.”<sup>36</sup>

Although this money often covers only a fraction of the cost of a funeral (the median cost of which is \$7,848 in the United States), it can be essential in helping families bury their loved ones,

30 New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*, 49.

31 New York State Office of Victim Services, *2018–19 Annual Report*, 12.

32 Adrienne E. Adams et al., “Development of the Scale of Economic Abuse,” *Violence Against Women* 14, no. 5 (2008): 563, <https://doi.org/10.1177%2F1077801208315529>.

33 Mofield, interview.

34 New York State Office of Victim Services, “Services: Victim Compensation,” <https://ovs.ny.gov/victim-compensation>.

35 Mofield, interview.

36 New York State Office of Victim Services, “New York State Office of Victim Services Announces Expansion in Benefits to Assist Families, Others with Burial Costs for Individuals Who Have Been Victims of Crime,” press release, June 27, 2019, <https://ovs.ny.gov/news/new-york-state-office-victim-services-announces-expansion-benefits-assist-families-others>.

particularly if awarded swiftly.<sup>37</sup> Family members who are faced with burial costs are often simultaneously burdened with the loss of their deceased loved one's income, financial setbacks due to time taken off from work for bereavement, and costs associated with transportation and legal services related to the crime in question. This compounded hardship makes receiving financial support for burial even more important.

To further alleviate the economic stress that accompanies the loss of a loved one due to violence, OVS can reimburse surviving family members for "loss of support" if the victim contributed financially to their living expenses.<sup>38</sup> Specifically, OVS can provide up to \$30,000 to those who were economically supported by the deceased's earnings (at the rate of \$600 per week).<sup>39</sup> To assist with healing, family members (including siblings, grandparents, and parents) of homicide victims are also eligible for compensation for counseling services. If the victim's death occurred in a home that was shared with family members, those who resided with the victim can be compensated for crime-scene cleanup.<sup>40</sup> These services can be essential to grieving and recovering after a loved one dies as a result of violence.

Finally, those with family members who experienced and survived violence often endure hardship and trauma as a result. The direct victim or survivor

often relies on them heavily for emotional and even physical support. In cases when a direct victim or survivor filed a personal injury claim with OVS, their spouse and children are eligible for compensation for counseling services.<sup>41</sup> Family members—including grandparents and siblings—of victims and survivors under the age of eighteen can also be compensated for counseling services. For parents who provide home-based care to their victimized children who are minors, compensation is available for up to three months of care.<sup>42</sup> They can also be compensated for lost wages if their child is hospitalized.<sup>43</sup> The harm of violent victimization is not exclusive to direct victims and survivors. Family members need the financial support provided by victim compensation to take care of themselves and their loved ones in the wake of violence.

37 National Funeral Directors Association, "2021 NFDA General Price List Study Shows Funeral Costs Not Rising as Fast as Rate of Inflation," press release, November 4, 2021, <https://nfda.org/news/media-center/nfda-news-releases/id/6182/2021-nfda-general-price-list-study-shows-funeral-costs-not-rising-as-fast-as-rate-of-inflation>.

38 New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*, 46.

39 New York State Office of Victim Services, "Services: Victim Compensation," <https://ovs.ny.gov/victim-compensation>.

40 New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*.

41 New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*.

42 New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*.

43 New York State Office of Victim Services, *Every Crime Victim Matters*.



# WHO EXPERIENCES VIOLENT VICTIMIZATION?

In their 2019 report *Who Experiences Violent Victimization and Who Accesses Services?*, Heather Warnken and Janet Lauritsen analyzed data from the National Crime Victimization Survey (NCVS), painting a clear picture of those who are most affected by violent crime nationwide. Using data collected from 2010 to 2015, the authors found that the people most likely to experience violent victimization are Black boys and men younger than 35 who live in metropolitan areas in households with annual earnings below \$25,000.<sup>44</sup>

## MOST LIKELY TO EXPERIENCE VIOLENT VICTIMIZATION<sup>44</sup>



BLACK BOYS AND MEN



UNDER 35 YEARS OLD



METROPOLITAN RESIDENCE



ANNUAL EARNINGS < \$25K

<sup>44</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 13.



Data through 2015 from the NCVS revealed that age and income were the two demographic factors most strongly associated with violent victimization. Specifically, those who are older than 35 are less likely to be violently victimized than their younger counterparts, and those living in households earning more than \$25,000 annually are less likely to be victimized than those in lower-income households.<sup>45</sup> The Bureau of Justice Statistics also found that from 2008 to 2012, people living in households at or below the Federal Poverty Level experienced victimization rates more than double those of people in high-income households.<sup>46</sup> The same report found that most people living in metropolitan areas are at greater risk for serious violence than those who live in rural or suburban areas, and that those in poor households experienced the highest rates of violent victimization in both urban and nonurban settings.<sup>47</sup>

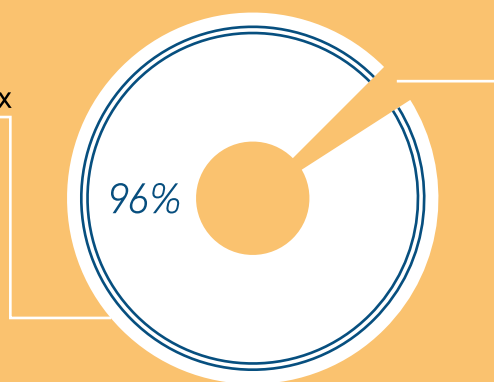
## SPOTLIGHT: VICTIMS OF GUN VIOLENCE

During the first half of 2012, more than 96 percent of shooting victims in New York City were Black or Latinx.<sup>48</sup> Nationally, nearly 30 Black people are killed every day by gun violence, while at least 110 experience nonfatal gun-related injuries.<sup>49</sup> These racial disparities are exacerbated by age, as Black people ages 15 to 29 are 18 times likelier to be the victims of gun homicide than their white counterparts are in the United States.<sup>50</sup> Gun violence is also particularly concentrated in areas with high poverty rates and, as succinctly noted by *The Guardian*, in its special report on gun violence in the United States, in “neighborhoods forged out of racial segregation.”<sup>51</sup>

The relationship between intimate partner violence and gun violence has also become increasingly salient, given that almost

### NYC SHOOTING VICTIMS IN THE FIRST HALF OF 2012 <sup>49</sup>

Black or Latinx



Other Races

<sup>45</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 13.

<sup>46</sup> Erika Harrell et al., *Household Poverty and Nonfatal Violent Victimization, 2008–2012* (Washington, DC: United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2014), 1, [bjs.ojp.gov/content/pub/pdf/hpnvv0812.pdf](https://bjs.ojp.gov/content/pub/pdf/hpnvv0812.pdf).

<sup>47</sup> Harrell et al., *Household Poverty*, 4–5.

<sup>48</sup> New York City Police Department, *Crime and Enforcement Activity in New York City (Jan 1 – June 30, 2012)*, 2012, 11, [www.nyc.gov/html/nypd/downloads/pdf/analysis\\_and\\_planning/crime\\_and\\_enforcement\\_activity\\_jan\\_to\\_jun\\_2012.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/crime_and_enforcement_activity_jan_to_jun_2012.pdf).

<sup>49</sup> Everytown Research & Policy, *Impact of Gun Violence on Black Americans* (New York: Everytown for Gun Safety, 2022), 3, <https://everytownresearch.org/issue/gun-violence-black-americans>.

<sup>50</sup> Chelsea Parsons et al., *America's Youth Under Fire: The Devastating Impact of Gun Violence on Young People* (Washington DC: Center for American Progress, 2018), 6, [https://americanprogress.org/wp-content/uploads/2018/05/YouthUnderFire-report.pdf?\\_ga=2.105644675.120556265.1649268482-734693775.1649268482](https://americanprogress.org/wp-content/uploads/2018/05/YouthUnderFire-report.pdf?_ga=2.105644675.120556265.1649268482-734693775.1649268482).

<sup>51</sup> Aliza Aufrichtig et al., “Want to Fix Gun Violence in America? Go Local,” *The Guardian*, January 9, 2017, [theguardian.com/us-news/ng-interactive/2017/jan/09/special-report-fixing-gun-violence-in-america](https://theguardian.com/us-news/ng-interactive/2017/jan/09/special-report-fixing-gun-violence-in-america).

half of female victims of gun homicide in the United States are killed by an intimate partner or a former partner.<sup>52</sup> Women of color are disproportionately affected by what Everytown for Gun Safety has called “the deadly intersection of guns and intimate partner violence.” Black women are twice as likely as non-Latina white women “to be fatally shot by an intimate partner.”<sup>53</sup> Black women ages 18 to 34 are particularly at risk, and are nearly three times likelier “to be shot and killed by an intimate partner” than white women of the same ages.<sup>54</sup> As Everytown has concluded, women who reside in “communities with histories of racial discrimination, often intertwined with higher poverty rates” bear the “unequal burden” of this type of violence.”<sup>55</sup>

## SPOTLIGHT: VICTIMS OF GENDER-BASED VIOLENCE

According to the Centers for Disease

Control, approximately one in three women in the United States has experienced sexual or physical violence or stalking by a partner during their lifetime.<sup>56</sup> These types of harm fall under the umbrella of what is known as “gender-based violence,” which is violence based on “unequal power relationships between genders.”<sup>57</sup> This type of violence disparately affects women from Black and Brown communities. Data from the National Violent Death Reporting System indicates such disparities in homicide, which is a leading cause of death of women under the age of 44.<sup>58</sup> From 2003 to 2014, non-Latina Black women and American Indian/Alaska Native women “experienced the highest rates of homicide,” followed by Latina women.<sup>59</sup> Additionally, 44 percent of Black women, 46 percent of American Indian/Alaska Native women, and 37 percent of Latina women experience intimate partner violence in their lifetime, as compared with 35 percent of non-Latina white women.<sup>60</sup>

### PERCENTAGE OF WOMEN WHO EXPERIENCE INTIMATE PARTNER VIOLENCE<sup>60</sup>



52 Everytown Research & Policy, *Guns and Violence Against Women: America's Uniquely Lethal Intimate Partner Violence Problem*. (New York: Everytown for Gun Safety, 2019), 9, <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem>. This publication cited police reports and the U.S. Federal Bureau of Investigation's *Uniform Crime Reporting Program: Supplementary Homicide Reports (SHR)*, 2013-2017. The SHR data is available through Open ICPSR at [www.openicpsr.org/openicpsr/project/100699/version/V5/view](http://www.openicpsr.org/openicpsr/project/100699/version/V5/view).

53 Everytown for Gun Safety, *Guns and Violence Against Women*, 17.

54 Everytown for Gun Safety, *Guns and Violence Against Women*, 17.

55 Everytown for Gun Safety, *Guns and Violence Against Women*, 16.

56 Michele C. Black et al., *National Intimate Partner and Sexual Violence Survey: 2010 Summary Report, Executive Summary*, (Atlanta: Centers for Disease Control, National Center for Injury Prevention and Control, Division of Violence Prevention, 2011): 2, [www.cdc.gov/violenceprevention/pdf/nisvs\\_executive\\_summary-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_executive_summary-a.pdf). According to this report, more than one in four men have also reported experiencing sexual or physical violence or stalking by an intimate partner.

57 New York City Mayor's Office to End Domestic and Gender-Based Violence, "Introduction to Domestic and Gender- Based Violence (GBV)," 2022, [www1.nyc.gov/site/ocdv/services/introduction-to-domestic-violence-and-gender-based-violence.page](http://www1.nyc.gov/site/ocdv/services/introduction-to-domestic-violence-and-gender-based-violence.page).

58 Emiko Petrosky et al., "Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence—United States, 2003–2014," *Morbidity and Mortality Weekly Report* 66, no. 28 (July 21, 2017): 741, <https://doi.org/10.15585/MMWR.MM6628A1>.

59 Emiko Petrosky et al., "Racial and Ethnic Differences in Homicides of Adult Women," 742.

60 Everytown for Gun Safety, *Guns and Violence Against Women*, 17.

Gender-based violence can occur at any age and forever changes the lives of young girls, especially girls of color. In a report for the Center for American Progress, the authors explain the ways that sexual violence can negatively transform the lives of young Black women, highlighting what has been labeled “the sexual abuse-to-prison pipeline.”<sup>61</sup> They elaborate that this pipeline is “the result of too many girls confronting sexual violence on their own without support, leading to lifelong cycles of abuse and imprisonment.”<sup>62</sup> Without the resources required for recovery from trauma, Black and Native American girls are disproportionately incarcerated.<sup>63</sup> Once incarcerated, girls’ risk of being revictimized is heightened.<sup>64</sup>

Violence against LGBTQIA+ people is also widespread.<sup>65</sup> Data from the 2017 NCVS demonstrates that LGBTQIA+ people older

than 16 are nearly four times more likely to experience violent victimization than is true among non-LGBTQIA+ people.<sup>66</sup> They are approximately six times more likely to experience violence by someone they know well and approximately two and a half times more likely to experience violence by a stranger compared to non-LGBTQIA+ people.<sup>67</sup> The issue of violence against LGBTQIA+ people is magnified for Black women and at younger ages. Among the reported 22 trans and gender nonconforming people killed in the United States in 2019 as of November that year, 91 percent were Black women and 81 percent were younger than 30.<sup>68</sup> Gender-based violence, including violence against LGBTQIA+ people, intersects acutely with other aspects of identity, such as race. Those who have multiple marginalized identities are at increased risk for harm.



61 Jocelyn Frye et al., *Transforming the Culture of Power: An Examination of Gender-Based Violence in the United States* (Washington, DC: Center for American Progress, 2019), 9, [www.americanprogress.org/article/transforming-culture-power](http://www.americanprogress.org/article/transforming-culture-power).

62 Frye et al., *Transforming the Culture of Power*, 9.

63 Malika Saada Saar et al., *The Sexual Abuse to Prison Pipeline: The Girls’ Story*, (Washington: Human Rights Project for Girls and Georgetown Law Center on Poverty and Inequality; Brooklyn: Ms. Foundation for Women, 2015): 7, [http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_layout\\_web-1.pdf](http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf).

64 Frye et al., *Transforming the Culture of Power*, 9.

65 Emily Waters and Sue Yacka-Bible, *A Crisis of Hate: A Mid Year Report on Lesbian, Gay, Bisexual, Transgender and Queer Hate Violence Homicides*, (New York: New York City Anti-Violence Project, National Coalition of Anti-Violence Programs, 2017): 6, <https://avp.org/wp-content/uploads/2017/08/NCAVP-A-Crisis-of-Hate-Final.pdf>.

66 Andrew R. Flores, et al., “Victimization Rates and Traits of Sexual and Gender Minorities in the United States: Results from the National Crime Victimization Survey, 2017,” *Science Advances* 6, no. 40 (October 2020): 5, [www.ncbi.nlm.nih.gov/pmc/articles/PMC7852385](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC7852385).

67 Flores, et al., “Victimization Rates and Traits of Sexual and Gender Minorities,” Figure 1, 4.

68 Human Rights Campaign Foundation, *A National Epidemic: Fatal Anti-Transgender Violence in the United States in 2019*. (Washington, DC, 2019), 2.

## SPOTLIGHT: VICTIMS OF POLICE MISCONDUCT AND VIOLENCE

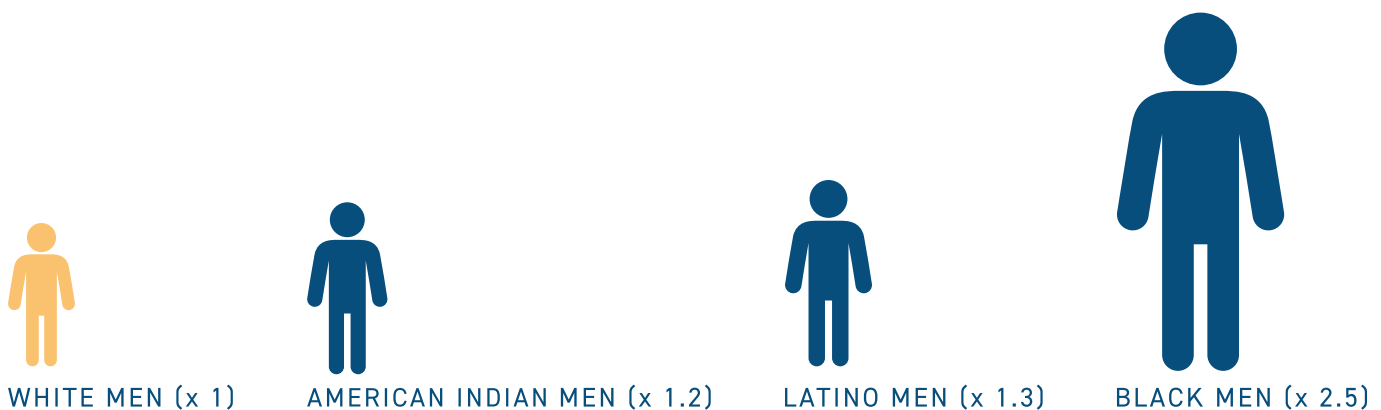
Harm caused by police is also pervasive, affecting certain populations disproportionately. Research consistently demonstrates that young Black men are at the highest risk of being harmed by law enforcement: police use of force is the sixth-leading cause of death among Black men ages 25 to 29.<sup>69</sup> According to the National Academy of Sciences, from 2013 to 2018, Black men in the United States were about 2.5 times likelier, Latino men were at least 1.3 times likelier, and American Indian men were at least 1.2 times likelier than white men to be killed by police.<sup>70</sup>

Similarly, LGBTQIA+ people are at risk of suffering violence at the hands of law enforcement. A 2013 report on anti-

LGBTQIA+ violence indicated that 48 percent of those surveyed had experienced police misconduct and that police officers represented 6 percent of the people who caused harm to respondents.<sup>71</sup> The risk of police violence is even greater for trans people of color.<sup>72</sup> For example, among Latina transgender women who were surveyed about police interactions in Los Angeles, 21 percent reported that they had been physically assaulted and 24 percent reported that they had been sexually assaulted by law enforcement.<sup>73</sup>

According to a 2010 Cato Institute review of police misconduct, the number of sexual misconduct claims was second only to complaints filed against officers for excessive force.<sup>74</sup> And as the African American Policy Forum has described, “Historically, the American legal system has not protected Black women from sexual assault, thereby creating

### LIKELINESS TO BE KILLED BY THE POLICE<sup>70</sup>



69 Frank Edwards, Hedwig Lee, and Michael Esposito, “Risk of Being Killed by Police Use of Force in the United States by Age, Race–Ethnicity, and Sex,” *Proceedings of the National Academy of Sciences of the United States of America* 116, no. 34 (August 5, 2019): 16793–16798. [www.pnas.org/doi/10.1073/pnas.1821204116](http://www.pnas.org/doi/10.1073/pnas.1821204116), quoted in University of Michigan Institute for Social Research, “Police: Sixth-Leading Cause of Death for Young Black Men” (Ann Arbor: University of Michigan, June 1, 2020), [isr.umich.edu/news-events/news-releases/police-sixth-leading-cause-of-death-for-young-black-men-2](http://isr.umich.edu/news-events/news-releases/police-sixth-leading-cause-of-death-for-young-black-men-2).

70 University of Michigan Institute for Social Research, “Police: Sixth-Leading Cause of Death.”

71 Christy Mallory, Amira Hasenbush, and Brad Sears, *Discrimination and Harassment by Law Enforcement Officers in the LGBT Community* (Los Angeles: The Williams Institute, 2015), 2, <https://williamsinstitute.law.ucla.edu/publications/lgbt-discrim-law-enforcement>.

72 Mallory, Hasenbush, and Sears, *Discrimination and Harassment by Law Enforcement*, 2.

73 Mallory, Hasenbush, and Sears, *Discrimination and Harassment by Law Enforcement*, 2, 8.

74 Fabiola Cineas, “Sexual Assault Allegations Against an Officer in Breonna Taylor’s Killing Say a Lot About Police Abuse of Power,” *Vox*, June 12, 2020, [www.vox.com/2020/6/12/21288932/police-officers-sexual-violence-abuse-breonna-taylor](http://www.vox.com/2020/6/12/21288932/police-officers-sexual-violence-abuse-breonna-taylor).





opportunities for law enforcement officials to sexually abuse them with the knowledge that they are unlikely to suffer any penalties for their actions.”<sup>75</sup> Recent research on adolescent injuries by law enforcement in California also indicates that, from 2005 to 2017, “compared with White girls aged 15 to 19 years, Black girls of the same age experienced 4.3 times the injury rate.”<sup>76</sup> In an interview about the 2022 book *Abolition. Feminism. Now.*, coauthor Erica Meiners concludes, “the state, in the form of prisons and policing, is one of the deepest perpetrators of

gender violence.”<sup>77</sup>

All told, this data underscores that those who experience intersecting forms of oppression and have multiple marginalized identities have an elevated risk of experiencing violence. It also contradicts widespread narratives that people from Black and Brown communities—particularly young, poor Black men in metropolitan areas, are solely people who cause harm rather than those who experience harm and violence.

75 Kimberlé W. Crenshaw et al., *Say Her Name: Resisting Police Brutality Against Black Women*, (New York: African American Policy Forum and Columbia Law School Center for Intersectionality and Social Policy Studies, 2015), 26, [https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=4235&context=faculty\\_scholarship](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=4235&context=faculty_scholarship).

76 Kriszta Farkas, Catherine dP Duarte, and Jennifer Ahern, “Injuries to Children and Adolescents by Law Enforcement: An Analysis of California Emergency Department Visits and Hospitalizations 2005-2017,” *JAMA Pediatrics* 176, no. 1 (2021): 89, <https://doi.org/10.1001/JAMAPEDIATRICS.2021.2939>.

77 Angela Y. Davis et al., “Why Policing and Prisons Can’t End Gender Violence,” *Boston Review*, January 24, 2022, <https://bostonreview.net/articles/why-policing-and-prisons-cant-end-gender-violence>. Also see *Feminism. Abolition. Now.* (Chicago: Haymarket Books, 2022), [www.haymarketbooks.org/books/1546-abolition-feminism-now](http://www.haymarketbooks.org/books/1546-abolition-feminism-now).

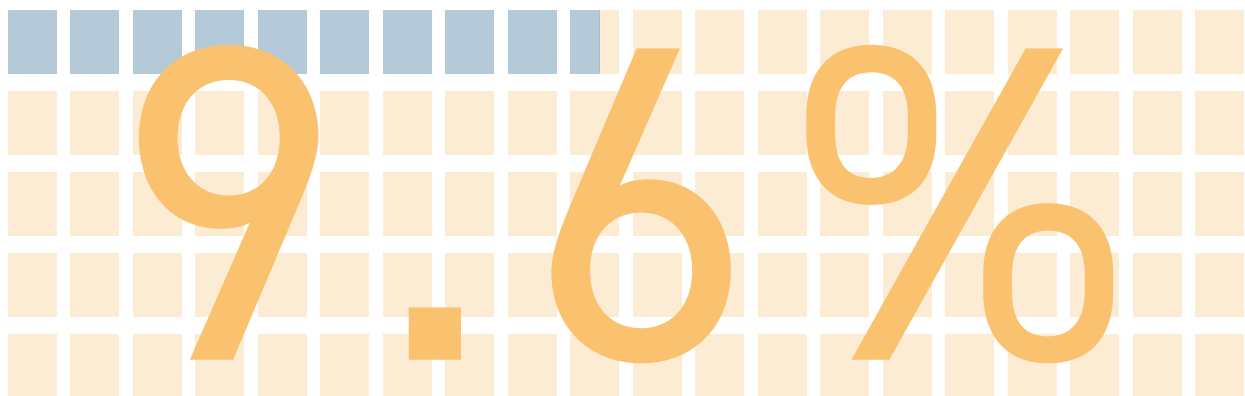
# WHO RECEIVES VICTIM COMPENSATION?

According to the NCVS, from 2010 to 2015, victims reported that they accessed services for only 9.6 percent of serious violent crimes.<sup>78</sup> During that time, the largest difference in victim service use was by gender, as 14.4 percent of female victims and survivors of serious violence reported that they received assistance compared to

5.2 percent of their male counterparts.<sup>79</sup>

Warnken and Lauritsen found “that the vast majority of the survivors of serious violence do not access victim services, and that victim assistance agencies have had more success reaching female victims than male victims of violence.”<sup>80</sup>

## THE PERCENTAGE OF VICTIMS WHO REPORTED ACCESSING SERVICES FOR SERIOUS VIOLENT CRIMES BETWEEN 2010 AND 2015<sup>78</sup>



<sup>78</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 7.

<sup>79</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 16. Note that for the purpose of sharing this data point, the authors of this report have used NCVS's wording, which suggests that sex and gender are binary. Common Justice acknowledges that neither sex nor gender are binary variables and that this data does not reflect the wide variety of people's experiences and identities.

<sup>80</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 16.

During New York State's fiscal year 2018-2019, OVS awarded 6,140 claims to victims and survivors.<sup>81</sup> Again, the number of people who access compensation is strikingly low, considering that in 2019, nearly 70,000 violent crimes were reported statewide.<sup>82</sup> Similar to national statistics, the majority of the state's victim compensation claims (55 percent) were awarded to women; the demographic with the most awarded claims (932) was women ages 18 to 29, followed by women ages 30 to 44 (919).<sup>83</sup>

As highlighted by Warnken and Lauritsen, nationally, "approximately 72% of VOCA dollars currently go to serving female victims, 53% to victims who are white, and by a wide margin to serving victims age 25-59."<sup>84</sup> A 2003 Urban Institute survey of six victim assistance and compensation programs revealed that white female claimants had the most "positive perceptions" of their experiences with victim compensation.<sup>85</sup> This is unsurprising, as research indicates that white women, particularly those who are wealthy, are empowered to access social and supportive services. For example, white women who experience intimate partner violence are more likely than women of color to call a psychotherapist or a lawyer.<sup>86</sup> This is part of broader narratives that characterize white women—particularly straight, cisgender white women—as inherently innocent and

deserving of help, and women of color, particularly Black women, as deserving of harm. As described by Maya Finoh and Jasmine Sankofa in an article for the American Civil Liberties Union, "because Black women and girls have historically been dehumanized, considered unrapeable, and left without legal recourse, they become easier targets for abuse and are more reluctant to come forward."<sup>87</sup>

72%

of VOCA dollars go to female victims

53%

of VOCA dollars go to white victims<sup>84</sup>

This data echoes pervasive narratives suggesting that white women who are victims or survivors of crime are "innocent" and more deserving of social services, financial resources, and public attention and awareness than people of color are. Such narratives are historically rooted in understandings of white women as fragile and particularly vulnerable

81 New York State Office of Victim Services, *2018-19 Annual Report*, 15.

82 New York State Division of Criminal Justice Services, *Crime in New York State*, 6.

83 New York State Office of Victim Services, *2018-19 Annual Report*, 16.

84 Warnken and Lauritsen, *Who Experiences Violent Victimization*, 14.

85 Lisa Newmark et al., *The National Evaluation of State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future* (Washington, DC: Urban Institute, Justice Policy Center, 2003), 93, [www.urban.org/sites/default/files/publication/59536/410924-The-National-Evaluation-of-State-Victims-of-Crime-Act-Assistance-and-Compensation-Programs-Trends-and-Strategies-for-the-Future-Full-Report-.PDF](http://www.urban.org/sites/default/files/publication/59536/410924-The-National-Evaluation-of-State-Victims-of-Crime-Act-Assistance-and-Compensation-Programs-Trends-and-Strategies-for-the-Future-Full-Report-.PDF).

86 Roberta K. Lee, Vetta L. Sanders Thompson, and Mindy B. Mechanic, "Intimate Partner Violence and Women of Color: A Call for Innovations," *American Journal of Public Health* 92, no. 4 (April 2002): 532, <https://doi.org/10.2105/AJPH.92.4.530>.

87 maya finoh and jasmine Sankofa, "The Legal System Has Failed Black Girls, Women, and Non-Binary Survivors of Violence," *American Civil Liberties Union*, January 28, 2019, [www.aclu.org/blog/racial-justice/race-and-criminal-justice/legal-system-has-failed-black-girls-women-and-non](https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/legal-system-has-failed-black-girls-women-and-non)



to victimization. As described by Megan Armstrong in an article for the *Hastings Law Journal*, “the theme of White women being more likely to be believed continues to this day. In a survey of sexual assault cases involving no weapons, prosecutors were over four times as likely to file charges if the victim was white. White women are thus more likely to be seen as worthy victims by the legal system.”<sup>88</sup>

By and large, young men of color, who are disproportionately violently victimized, are not afforded the same opportunities to heal. At the federal level, the Office for Victims of Crime acknowledges that for this population, victim services

“may be unavailable, inadequate, or difficult to access.”<sup>89</sup> As recently as 2013, the agency elaborated, “there are few nonprofit victim-serving organizations that have the resources and expertise to provide comprehensive, accessible services to male victims of any race or ethnicity who are physically or sexually assaulted or otherwise victimized, nor are many of these victims likely to access victim services available through law enforcement or prosecutorial agencies.”<sup>90</sup> Because young men of color are not perceived as survivors of violence and trauma, those who are victimized are not getting the help they need to heal.

<sup>88</sup> Megan Armstrong, “From Lynching to Central Park Karen: How White Women Weaponize White Womanhood,” *Hastings Women’s Law Journal* 32, no. 1 (Winter 2021): 39, <https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1449&context=hwlj>.

<sup>89</sup> Office for Victims of Crime, *Vision 21: Transforming Victim Services Final Report* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, 2013), 18, [https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/Vision21\\_Report.pdf](https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/Vision21_Report.pdf).

<sup>90</sup> Danielle Sered, *Young Men of Color and the Other Side of Harm: Addressing Disparities in Our Responses to Violence* (New York: Vera Institute of Justice, 2014), 6, quoting Office for Victims of Crime, OVC FY 2011 National Field-Generated Training, Technical Assistance, and Demonstration Projects Request for Proposals (Washington, DC: U.S. Department of Justice, Office of Justice Programs, OVC, 2013).





# BARRIERS TO ACCESSING VICTIM COMPENSATION

Despite the importance of victim compensation to healing, victims and survivors face a number of barriers to accessing these funds. Barriers to eligibility include mandatory interaction with law enforcement, physical injury requirements, and exclusion due to alleged contributory conduct. Even if people are eligible for victim compensation, they may be unaware that funding is available to them, have limited time to file a claim, and often must contend with bureaucracy, accessibility issues, and disbursement delays.

## LAW ENFORCEMENT REPORTING REQUIREMENT

To be eligible for victim compensation in New York State, a survivor must report their harm to law enforcement. This requirement denies essential support to survivors, particularly to groups of people who are marginalized and have historically had inadequate access, if any, to meaningful care and services. Victims and survivors may not report the harm they have experienced to law enforcement for a number of reasons, including fear of retaliation, distrust of law enforcement, the dynamics of an intimate partner

“To be a ‘good rape victim’ is to immediately report your assault to the police (even knowing you will likely never see justice), but to be a good *black person* is to avoid the police entirely because your life quite literally depends on it. The tightrope walk is impossible.”

- Hannah Giorgis, columnist at *The Guardian*

relationship, or fear that the process of reporting to the police may be re-traumatizing, make them less safe, or both. National data indicates that in 2020, only 40 percent of victims of violence reported their harm to the police.<sup>91</sup>

Although young Black men in the United States are disproportionately victimized, distrust of law enforcement—fostered by years of well-documented racial profiling, police violence against people of color, and impunity—often prevents them from reporting their harm and, in turn, from receiving compensation. A recent survey by Pickett et al., focused on racial disparities in fear of police in the United

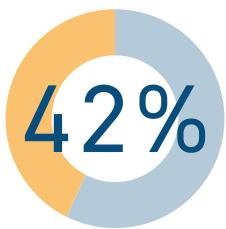
<sup>91</sup> Rachel E. Morgan and Alexandra Thompson, *Criminal Victimization, 2020* (Washington D.C., U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2021), 7, <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cv20.pdf>.

States. Results indicated that 42 percent of Black people surveyed—and almost a third of respondents of other racial/ethnic groups reported that they are—reported that they are “very afraid” that “the police will kill them in the next five years.”

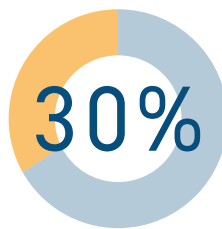
Meanwhile, only 11 percent of white respondents reported the same level of fear of law enforcement.<sup>92</sup>

As the authors elaborate, “the clear takeaway is that Black and White

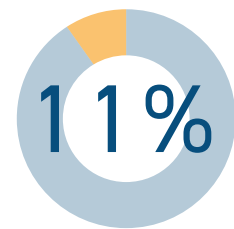
## FEAR OF BEING KILLED BY LAW ENFORCEMENT<sup>92</sup>



BLACK PEOPLE



OTHER RACIAL/ETHNIC GROUPS



WHITE PEOPLE

Americans live in very different emotional worlds. Most Black Americans live in fear of the police mistreating them and hurting others whose safety they value. Comparatively few White Americans do so. Other racial [groups] live in an emotional world that occupies a middle ground between these two extremes.”<sup>93</sup> Pickett et al. point to the reality that histories of overpolicing and police violence, as well as the overrepresentation of Black people in carceral settings, has fostered distrust in law enforcement in communities of color. Police are therefore not viewed as a source of help, but are instead associated with harm and fear.

Black women in particular may find reporting their victimization to law enforcement to be unconstructive—or worse, traumatizing. The National

Center on Violence Against Women in the Black Community, citing Bureau of Justice Statistics data, reports that for every Black women who reports her

“The clear takeaway is that Black and White Americans live in very different emotional worlds. Most Black Americans live in fear of the police mistreating them and hurting others whose safety they value. Comparatively few White Americans do so. Other racial [groups] live in an emotional world that occupies a middle ground between these two extremes.”

- Justin T. Pickett, Amanda Graham, and Francis T. Cullen, authors of “The American Racial Divide in Fear of the Police”

<sup>92</sup> Justin T. Pickett, Amanda Graham, and Francis T. Cullen, “The American Racial Divide in Fear of the Police,” *Criminology* 60, no. 2 (January 2022): 12, <https://doi.org/10.1111/1745-9125.12298>.

<sup>93</sup> Pickett et. al., “The American Racial Divide”, 14-15

sexual assault, 15 do not.<sup>94</sup> Discussing the intersection of racial and gender violence, the Women of Color Network explains stereotypes “regarding Black . . . women's sexuality, including terms like ‘Black Jezebel,’ ‘promiscuous,’ and ‘exotic,’ perpetuate the notion that African American women are willing participants in their own victimization. However, these myths only serve to demean, obstruct appropriate legal remedies, and minimize the seriousness of sexual violence perpetrated against Black . . . women.”<sup>95</sup> Black women are less often believed and more often blamed when they experience sexual violence.

This, combined with the reality of the threat of police violence, puts Black women who are victims or survivors of sexual assault in a precarious position. As Hannah Giorgis explains in *The Guardian*, “to be a ‘good rape victim’ is to immediately report your assault to the police (even knowing you will likely never see justice), but to be a good *black person* is to avoid the police entirely because your life quite literally depends on it. The tightrope walk is impossible.”<sup>96</sup>

The law enforcement reporting requirement can also be problematic for many immigrant survivors who fear that calling the police may result in the person who harmed them (possibly a loved one) being deported or—if the police do not believe their account of what happened—that they themselves might be deported or lose their pathway to citizenship. In 2018, 82 percent of prosecutors who participated in a survey by the American Civil Liberties Union stated that domestic violence cases have become more difficult to prosecute because so many survivors who are undocumented are reluctant to call the police due to fear of harsh immigration consequences.<sup>97</sup>

Similarly, highlighting data from a 2015 survey, the National Domestic Violence Hotline reported that among respondents who chose not to contact law enforcement, 70 percent reported fear that “calling the police would make things worse” and 59 percent thought the police either wouldn't believe them or would not help.<sup>98</sup> In the same survey, 43 percent of respondents who had contacted the police believed they had been discriminated against.<sup>99</sup>



<sup>94</sup> *Statistics of Black Women and Sexual Assault*, National Center on Violence Against Women in the Black Community (Washington, DC: 2018): 1, <https://ujimacommunity.org/wp-content/uploads/2018/12/Ujima-Womens-Violence-Stats-v7.4-1.pdf>.

<sup>95</sup> “Sexual Violence in Communities of Color,” Women of Color Network, Inc. (Harrisburg, PA: 2018): 3, <https://wocninc.org/wp-content/uploads/2018/11/SAFAQ-1.pdf>.

<sup>96</sup> Giorgis, “Many Women of Color.”

<sup>97</sup> American Civil Liberties Union, *Freezing Out Justice: How Immigration Arrests at Courthouses Are Undermining the Justice System* (New York: ACLU, 2018), 2, [www.aclu.org/report/freezing-out-justice](http://www.aclu.org/report/freezing-out-justice).

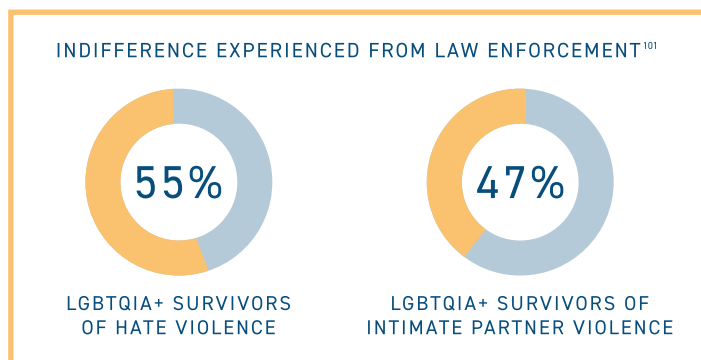
<sup>98</sup> TK Logan and Rob (Roberta) Valente, *Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses* (Washington, DC: National Domestic Violence Hotline, 2015), 4, [www.thehotline.org/wp-content/uploads/media/2020/09/NDVH-2015-Law-Enforcement-Survey-Report-2.pdf](http://www.thehotline.org/wp-content/uploads/media/2020/09/NDVH-2015-Law-Enforcement-Survey-Report-2.pdf).

<sup>99</sup> Logan and Valente, *Who Will Help Me?*, 7.

Among people who said that, more than half said it was because they were not considered “perfect” victims, while 46 percent believed they had faced gender-based discrimination because “men side with men.” And 22 percent reported experiencing discrimination because of their race, ethnicity, or immigration status.”<sup>100</sup> The experience of VIP’s Margarita Guzman further illuminates this data. She notes that although VIP’s clients—Latinx victims and survivors of domestic and sexual violence—are informed of the availability of victim compensation that OVS provides, few seize the opportunity due to a number of factors, including required interaction with law enforcement.<sup>101</sup>

Data also shows that LGBTQIA+ victims and survivors are reluctant to report victimization to police, largely due to fear of further harm. According to a 2018 report from the National Coalition of Anti-Violence Programs, 55 percent of LGBTQIA+ survivors of hate violence and 47 percent of LGBTQIA+ survivors of intimate partner violence reported that law enforcement behaved indifferently toward their reports of crime.<sup>102</sup> Even more disturbing, 20 percent of LGBTQIA+ survivors of hate violence and 11 percent of LGBTQIA+ survivors of intimate partner violence reported that law enforcement was hostile toward them when they reported crime.<sup>103</sup> In

New York City, LGBTQIA+ youth have reported being extorted and/or harassed by police officers.<sup>104</sup> This threat of harm at the hands of law enforcement is particularly acute for LGBTQIA+ people of color. For example, data from the National Transgender Discrimination Survey reveals that approximately 38 percent of Black transgender people who had interactions with law enforcement reported harassment.<sup>105</sup> In addition, 15 percent reported physical assault and 7 percent reported sexual assault.<sup>106</sup> It is thus unsurprising that LGBTQIA+ victims reportedly are more likely to seek supportive services from medical



professionals, victim service providers, and mental health professionals than from other formal sources.<sup>107</sup>

## REQUIRED COOPERATION WITH LAW ENFORCEMENT

In addition to requiring victims and survivors in New York State to report their harm to law enforcement, OVS requires

<sup>100</sup> Logan and Valente, *Who Will Help Me?*, 7.

<sup>101</sup> Guzman, interview.

<sup>102</sup> Beverly Tillery et al., *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate and Intimate Partner Violence in 2017* (New York: National Coalition of Anti-Violence Programs, 2018): 8, <http://avp.org/wp-content/uploads/2019/01/NCAVP-HV-IPV-2017-report.pdf>.

<sup>103</sup> Tillery et al., *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate and Intimate Partner Violence*, 8.

<sup>104</sup> Meredith Dank et al., *Locked In: Interactions with the Criminal Justice and Child Welfare Systems for LGBTQ Youth, YMSM, and YWSW Who Engage in Survival Sex* (Washington, DC: Urban Institute, 2015): 98, [www.urban.org/sites/default/files/publication/71446/2000424-Locked-In-Interactions-with-the-Criminal-Justice-and-Child-Welfare-Systems-for-LGBTQ-Youth-YMSM-and-YWSW-Who-Engage-in-Survival-Sex.pdf](http://www.urban.org/sites/default/files/publication/71446/2000424-Locked-In-Interactions-with-the-Criminal-Justice-and-Child-Welfare-Systems-for-LGBTQ-Youth-YMSM-and-YWSW-Who-Engage-in-Survival-Sex.pdf).

<sup>105</sup> Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (Washington, DC: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011): 6, [https://www.thetaskforce.org/wp-content/uploads/2019/07/ntds\\_full.pdf](https://www.thetaskforce.org/wp-content/uploads/2019/07/ntds_full.pdf).

<sup>106</sup> Grant et al., *Injustice at Every Turn*, 6.

<sup>107</sup> Amanda L. Vasquez, *Victimization and Help-Seeking Experiences of LGBTQ+ Individuals* (Chicago: Illinois Criminal Justice Information Authority, 2019) <https://icjia.illinois.gov/researchhub/articles/victimization-and-help-seeking-experiences-of-lgbtq-individuals>.



that they cooperate with law enforcement in order to be eligible for compensation.<sup>108</sup> Cooperation with law enforcement may involve a range of participation, such as answering an officer's questions at the scene of a crime, providing information that assists in securing arrests or convictions, or complying with directives.

Victims and survivors may be considered uncooperative because they cannot or do not want to share the name of the person who harmed them or because they are undergoing extreme stress at the time of questioning and cannot produce answers that are satisfactory to police officers. What constitutes "cooperation" is largely within the discretion of the officers. This means that in New York State, law enforcement plays an outsized role in determining whether a victim or survivor receives compensation.

The requirement that victims and survivors cooperate with law enforcement to be eligible for victim compensation is not included in state or federal statute. Although VOCA—the Victims of Crime Act, the federal statute that oversees state victim compensation programs—requires that such programs promote "victim cooperation with the reasonable requests of law enforcement," it does not stipulate that victims and survivors must cooperate with law enforcement to receive victim compensation.<sup>109</sup> In 2021, the VOCA Fix bill further clarified this provision, explaining that state victim compensation programs *do not* need to promote victim cooperation with law enforcement when "such cooperation may be impacted due

to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's wellbeing."<sup>110</sup> This demonstrates federal recognition of the burden that required police interaction puts on victims and survivors and empowers states to act accordingly.

Members of overpoliced Black and Brown communities are particularly vulnerable to exclusion from victim compensation due to lack of cooperation with law enforcement. This is largely due to racial profiling by police and the pervasive but inaccurate assumption that people of color commit harm rather than suffer from it. As described by Baumgartner, Epp, and Shoub in their book *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*, the high "social and community costs" of such racial profiling result in "reduced trust in and cooperation with the police." In other words, Black and Brown people may be hesitant to cooperate with law enforcement because they fear they will be accused of violence or revictimized if they interact with police.<sup>111</sup>

A prominent illustration of this comes from Greg Jackson, a Black male survivor of gun violence and the executive director of the Community Justice Action Fund (an organization working to prevent gun violence, led by people directly impacted by it). Jackson applied for and eventually received victim compensation in the District of Columbia, but not before he experienced a great deal of emotional trauma and stress due to

108 New York State Office of Victim Services, *Every Crime Victim Matters*.

109 Victim of Crimes Act, 34 USC § 20102 (2021), [www.law.cornell.edu/uscode/text/34/20102](http://www.law.cornell.edu/uscode/text/34/20102).

110 Victim of Crimes Act.

111 Frank R. Baumgartner, Derek A. Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race* (New York: Cambridge University Press, 2018), 3, [www.google.com/books/edition/Suspect\\_Citizens/Cq1jDwAAQBAJ?hl=en&gbpv=0](https://www.google.com/books/edition/Suspect_Citizens/Cq1jDwAAQBAJ?hl=en&gbpv=0).

"None of the officers asked if I was okay, if everything was okay—can we do something for you? It was like 'Were you selling drugs, did you throw the drugs, was there a gun, do you know this guy?' They were very loaded questions that were not about helping me."

- Greg Jackson, gun violence survivor  
and executive director of the  
Community Justice Action Fund

required "cooperation" with police and law enforcement ultimately criminalizing him as a survivor.

Jackson was walking home one evening when he was shot at random. After the shooting, he was rushed to the emergency room, where he was interrogated at length by police officers. He recounts, "I didn't make a lot of decisions or have power in this exchange. When I was shot, I was brought to the hospital; I was interrogated while bleeding to death. When I refused to talk to them, they let me go to the doctor."<sup>112</sup>

Desperate to receive medical attention for his life-threatening injury, Jackson refused to continue speaking with police officers. Because of this, he was deemed "uncooperative" by law enforcement. Reflecting on his experience, Jackson attributes his receipt of victim compensation—despite his alleged refusal to cooperate with law enforcement—to the kindness and discretion of the investigator who handled his claim.<sup>113</sup>

When sharing his story, Jackson also describes the blatant racial profiling that took place during his interactions with law enforcement after his victimization, saying, "None of the officers asked if I was okay, if everything was okay—can we do something for you? It was like 'Were you selling drugs, did you throw the drugs, was there a gun, do you know this guy?' They were very loaded questions that were not about helping me."<sup>114</sup> Instead of treating Jackson like a victim or survivor of violence, police officers criminalized him.

Jackson's experience demonstrates that cooperation with law enforcement can come at the expense of health and safety, presenting difficult choices and uncertain results. Do Black men who are victimized talk to the police until they provide the "right" answer or do they get the medical care they need? And if they talk to the police, will they be believed? Or will they merely be viewed as responsible for their own victimization?

In New York State, the mandatory law enforcement reporting and cooperation requirements that characterize access to victim compensation funds have a disproportionate impact on marginalized communities and survivors. At present, to eventually access such funds, these survivors must assume the significant risk of additional harm by interacting with law enforcement. Whether or not they receive compensation is then reliant on police discretion, much of which is driven by racial profiling. If victim compensation is to be equitable in New York, there must be ways to demonstrate harm to OVS other

<sup>112</sup> Jackson, interview.

<sup>113</sup> Jackson, interview

<sup>114</sup> Jackson, interview

than law enforcement reporting, so that all victims and survivors have access to funds that will help them heal.

## PHYSICAL INJURY REQUIREMENT

In New York State, physical injury is a prerequisite to receiving victim compensation. Exceptions to this requirement include victims and survivors who were not physically injured but who are under the age of 18, over the age of 60, or disabled; those who are elderly or physically disabled who have had savings stolen; children who witnessed a crime; and victims and survivors of certain crimes, such as stalking, harassment, or kidnapping. A full list of exceptions can be found on the OVS website.<sup>115</sup>

But psychological and emotional violence can occur in conjunction with—or instead of—physical violence in many scenarios that OVS's exceptions don't encompass. Those forms of violence can still result in life-altering harm and the need for additional support. Compensation is just as important to those who have been harmed mentally and emotionally as it is to those who have been harmed physically. Many of the items and services OVS explicitly says victim compensation funds can be used for—including lost earnings, counseling services, and the cost of living at a domestic violence shelter or using its services—can and should be readily available to those who have suffered from

mental and emotional harm and not just physical harm.<sup>116</sup>

Domestic and intimate partner violence provide some of the most salient examples of how psychological and emotional trauma can disrupt the lives of victims and survivors and result in the need for financial assistance. Psychological violence can be particularly traumatic and affecting, and is widely considered the most common form of intimate partner violence.<sup>117</sup> A 2005 study found strong associations between multiple forms of intimate partner violence (physical, psychological, and sexual) and post-traumatic stress disorder among women; the psychological component was the strongest predictor of PTSD.<sup>118</sup> Additional research illustrates that PTSD can result in financial hardship because of “productivity” loss (including absences, unemployment, and reduced hours) in the workforce and the high cost of receiving treatment.<sup>119</sup> Despite this reality, during New York State's fiscal year 2019–2020, OVS did not award 111 claims following investigation because they were considered to be “domestic violence—no personal injury.”<sup>120</sup>

Victim service providers are increasingly focusing on trauma and the impact it has on victims and survivors, centering their experiences rather than the crimes.<sup>121</sup> The same can be said of courts that implement trauma-informed approaches to address

115 New York State Office of Victim Services, “Victim Compensation,” <https://ovs.ny.gov/victim-compensation>.

116 New York State Office of Victim Services, *2018–19 Annual Report*, 3.

117 Michele C. Black et al., *National Intimate Partner and Sexual Violence Survey*, 2.

118 Maria Angeles Pico-Alfonso, “Psychological Intimate Partner Violence: The Major Predictor of Posttraumatic Stress Disorder in Abused Women,” *Neuroscience & Biobehavioral Reviews* 29, no.1 (February 2005):

188. [www.sciencedirect.com/science/article/pii/S0149763404001617?via%3Dihub](http://www.sciencedirect.com/science/article/pii/S0149763404001617?via%3Dihub).

119 Iain W. McGowan, “The Economic Burden of PTSD: A Brief Review of Salient Literature,” *International Journal of Psychiatry and Mental Health* 1, no. 1 (June 2019): 22, [https://pureadmin.qub.ac.uk/ws/files/181776919/ijpmh\\_raft1003.pdf](https://pureadmin.qub.ac.uk/ws/files/181776919/ijpmh_raft1003.pdf).

120 *New York State Office of Victim Services 2019–20 Annual Report* (Albany, NY: OVS, 2021), 11. <https://ovs.ny.gov/sites/default/files/annual-report/final-ovs-19-20-annual-report-5-18-21.pdf>.

121 Elizabeth A. Bowen and Nadine Shaanta Murshid, “Trauma-Informed Social Policy: A Conceptual Framework for Policy Analysis and Advocacy,” *American Journal of Public Health: Perspectives from the Social Sciences* 106, no. 2 (February 2016): 223, [www.ncbi.nlm.nih.gov/pmc/articles/PMC4815621/pdf/AJPH.2015.302970.pdf](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4815621/pdf/AJPH.2015.302970.pdf).

crime and hold people accountable when they cause harm.<sup>122</sup> As an entity tasked with providing victims and survivors the assistance they need to rebuild their lives following harm, OVS should follow this shift by becoming more trauma-informed and expanding the definition of harm to include nonphysical injury.

## CONTRIBUTORY CONDUCT

Unlike many other states, New York does not automatically bar someone from receiving compensation based on prior criminal history. But people can be denied compensation if law enforcement deems them responsible for any of the conditions or circumstances leading to the crime in which they were victimized. This requirement is known as *contributory conduct*.

Exclusion due to contributory conduct is based on the premise that victims and survivors who are not “innocent” do not deserve recovery and healing funds. This is both morally unsound and dismissive of the reality that being involved in a crime—or the circumstances surrounding it,—does not preclude victimization. As Greg Jackson puts it, “Being shot is a crime, whether you shot first or whatever—it’s not the circumstances about why you were shot. Just [that] you [were] shot should be enough.”<sup>123</sup> As Lisa Good of Urban Grief explains, “At the end of the day, it doesn’t matter what this person did or didn’t do: a human life is lost. And whatever

“Being shot is a crime, whether you shot first or whatever—it’s not the circumstances about why you were shot. Just [that] you [were] shot should be enough.”

- Greg Jackson, gun violence survivor  
and executive director of the  
Community Justice Action Fund

promise or potential their life held, that opportunity is no longer present.”<sup>124</sup>

This requirement also ignores the fact that most people who cause harm have experienced or been exposed to violence themselves.<sup>125</sup> A study conducted by researchers at Temple University highlights the lack of access for those they call “offender-victims”—people who have both caused and experienced harm—to victim services and compensation. They conclude that such lack of access can result in “potential harm to the short- and long-term health of offender-victims, and harm to the overall well-being of urban, minority communities.”<sup>126</sup> Given the important role financial relief can play in healing from harm, New York State, by barring victims and survivors who have displayed “contributory conduct” from receiving compensation, is neglecting countless people whose healing is directly related to the health and safety of their communities.

122 Sarai Cook, “Promoting Access to Justice Through Trauma-Informed Courts,” Policy Research Associates, August 21, 2019, <https://www.prainc.com/gains-promoting-justice-trauma-informed-courts>.

123 Jackson, interview.

124 Good, interview.

125 Wesley G. Jennings, Alex R. Piquero, and Jennifer M. Reingle, “On the Overlap Between Victimization and Offending: A Review of the Literature,” *Aggression and Violent Behavior* 17, no. 1 (January–February 2012): 22, [www.sciencedirect.com/science/article/pii/S1359178911000954](http://www.sciencedirect.com/science/article/pii/S1359178911000954).

126 Caterina G. Roman et al., *The Victim-Offender Overlap: Examining Police and Service System Networks of Response Among Violent Street Conflicts*, (Philadelphia: Temple University: Report to the National Institute of Justice, 2019), 3, [www.ojp.gov/pdffiles1/nij/grants/254626.pdf](http://www.ojp.gov/pdffiles1/nij/grants/254626.pdf).



**Gang injunctions:** Requirements like contributory conduct also further criminalize Black victims and survivors. The narrative that victims and survivors must be “innocent” or “perfect” to be worthy of assistance is deeply interwoven with the dominant sociocultural presumption that Black people are invariably guilty of and predisposed to violence. As the Equal Justice Initiative puts it, “Numerous studies have demonstrated that as a result of a history of racial inequality, people have strong unconscious associations between Blackness and criminality.”<sup>127</sup> Allowing exorbitant police discretion reflects and perpetuates this problem.

Gang injunctions are a type of police discretion that criminalizes the everyday activities of people in Black and Brown communities. As the American Civil Liberties Union describes, “Gang injunctions are civil court orders that attempt to address crime by using a lower legal standard than required by the criminal justice system, resulting in serious civil liberties violations.”<sup>128</sup> In practice, law enforcement uses them “as a tool to label people gang members and restrict their activities in a defined area. Gang injunctions make otherwise legal, everyday activities—such as riding the bus with a friend or picking a spouse up from work late at night—illegal for people they target.”<sup>129</sup>

In the context of gang injunctions, it is

worth noting that roughly half of all police interactions in the United States are “officer initiated.”<sup>130</sup> In addition, according to a report by the John Jay College of Criminal Justice, in New York City the NYPD took 5.8 “enforcement actions” among Black people for every one such action taken among white people in 2018.<sup>131</sup>

Just because law enforcement has labeled someone as a member of a gang does not mean that their actions are necessarily in the service of a gang.<sup>132</sup> As a former Brooklyn-based social worker, referred to in this report as Allison Smith, explains, “If you live [where] there is community violence, any part of your day-to-day life can eventually be held against you as contributing to the crime because of who your friends are, your association.” She implores, “The things you do to thrive or survive do not negate your survivorhood.”<sup>133</sup>

“If you live [where] there is community violence, any part of your day-to-day life can eventually be held against you as contributing to the crime because of who your friends are, your association. The things you do to thrive or survive do not negate your survivorhood.”

- Allison Smith, former  
Brooklyn-based social worker

<sup>127</sup> Equal Justice Initiative, “Presumption of Guilt,” <https://eji.org/issues/presumption-of-guilt>.

<sup>128</sup> American Civil Liberties Union of Northern California, “Gang Injunction Fact Sheet,” modified May 4, 2010, [www.aclunc.org/article/gang-injunctions-fact-sheet](http://www.aclunc.org/article/gang-injunctions-fact-sheet).

<sup>129</sup> American Civil Liberties Union of Northern California, “Gang Injunction Fact Sheet.”

<sup>130</sup> Pickett, Graham, and Cullen, “The American Racial Divide in Fear of the Police,” 2.

<sup>131</sup> Luke Scrivener et al., *Tracking Enforcement Trends in New York City: 2003-2018*, (New York: John Jay College of Criminal Justice, Data Collaborative for Justice, 2020), 1, [https://datacollaborativeforjustice.org/wp-content/uploads/2020/09/2020\\_08\\_31\\_Enforcement.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2020/09/2020_08_31_Enforcement.pdf).

<sup>132</sup> Thomas A. Myers, “The Unconstitutionality, Ineffectiveness, and Alternatives of Gang Injunctions,” *Michigan Journal of Race & Law* 14, no. 2 (2009): 300, <https://repository.law.umich.edu/mjrl/vol14/iss2/4/#:~:text=The%20use%20of%20gang%20injunctions,engaging%20in%20violent%20gang%20activity>.

<sup>133</sup> Allison Smith, interview via Zoom by Alice Hamblett and Tahirih Anthony, January 27, 2022.

When police officers presume gang affiliation, they may likewise presume contribution to or guilt of a crime. Such discretion can cause those who have been harmed to be barred from accessing victim compensation funds under the exclusion of “contributory conduct.” In and of itself, alleged gang membership can prevent victims and survivors from accessing funds. Alison Smith shared multiple accounts of clients she assisted whom OVS denied victim compensation due to their gang involvement.<sup>134</sup> Gang affiliation or any other form of contributory conduct should not bar victims and survivors from receiving compensation for their violent victimization.

**Sex work:** People who participate in informal economies, particularly sex workers, also face barriers to accessing funds because of contributory conduct. Sex

workers are disproportionately impacted by police violence and fear reporting crimes to law enforcement due to the criminalization of their profession.<sup>135</sup> It is well known that sex workers seldom call the police when they are victimized due to fear of arrest.<sup>136</sup> If a sex worker were to attempt to file a claim with OVS for victimization that occurred while they were working, they might be barred from accessing funds on account of “contributory conduct,” simply because they were present during their own victimization.

In 2013, the California Victim Compensation and Government Claims Board (which oversees the state's victim compensation program), voted to repeal regulations that prevented sex workers from receiving victim compensation.<sup>137</sup> The state recognized that sex workers should



<sup>134</sup> Alison Smith, interview.

<sup>135</sup> LaLa B Holston-Zannell, “Sex Work Is Real Work, and It’s Time to Treat It That Way,” *American Civil Liberties Union*, June 10, 2020, [www.aclu.org/news/lgbtq-rights/sex-work-is-real-work-and-its-time-to-treat-it-that-way](https://www.aclu.org/news/lgbtq-rights/sex-work-is-real-work-and-its-time-to-treat-it-that-way).

<sup>136</sup> Holston-Zannell, “Sex Work Is Real Work.”

<sup>137</sup> Ana Zamora, “No One Who Is Raped Should Be Blamed for It. That Includes Sex Workers,” *American Civil Liberties Union of Northern California*, December 16, 2013, [www.aclunc.org/blog/no-one-who-raped-should-be-blamed-it-includes-sex-workers](https://www.aclunc.org/blog/no-one-who-raped-should-be-blamed-it-includes-sex-workers).

not be denied essential support due to the criminalization of their profession, nor should they be blamed for the harm they endure during the course of their work. Kristen DiAngelo, an advocate and self-identified sex worker, testified at the hearing before the board's vote and explained that limiting sex workers' access to victim compensation causes further harm, stating, "What happens when we have a regulation like this, it segregates us from the normal population. It makes us inhuman, non-helpable."<sup>138</sup> New York is far behind California and other states that have taken steps to make sure people whose work is criminalized are still given resources in the wake of harm.

Barring those with contributory conduct from accessing victim compensation funds is deeply interwoven with the dominant social and cultural belief that all victims and survivors must be "innocent" in order to receive healing support. The narrative of the "innocent victim" lacks nuance at best, and fails to acknowledge that trauma, crime, and violence can operate in a feedback loop; those who experience violence may commit criminalized acts for survival or acts of violence in response to their harm. Given that most people who have caused harm have experienced harm, if New York serves only "innocent" or "perfect" victims and survivors, an untold number of people are unlikely to heal—or at least to get the assistance they deserve.

## LACK OF PUBLIC AWARENESS

Unfortunately, most victims and survivors

of violent crime are unaware that they are eligible to receive victim compensation and services. National data indicates that, from 2010 to 2015, only 13 percent of victims and survivors of serious violent crime who reported their harm to police received services.<sup>139</sup> Among those who did not report their victimization to law enforcement, this number dropped to 5 percent.<sup>140</sup>

In 2020, the National Resource Center for Reaching Victims reported on rigorous surveys, interviews, and focus groups conducted with stakeholder groups composed of people who have been historically underrepresented, as well as victim service providers and VOCA administrators. According to this report, 65 percent of respondents said there is a lack of public awareness about services available to victims and survivors.<sup>141</sup> Those who were surveyed also identified the following five communities as the most underserved by victim services programs (including but not limited to victim compensation): immigrants and refugees;

"At least 90 to 95 percent of the clients we see have not heard that OVS services exist and [so they] have not been supported."

- Lauren Lipps, assistant  
director of outreach at Common Justice

138 Dan Thompson, "California Prostitutes Win Right to Victim Compensation," The Associated Press, December 12, 2013, [www.nbcnews.com/news/us-news/california-prostitutes-win-right-victim-compensation-flna2d11737860](http://www.nbcnews.com/news/us-news/california-prostitutes-win-right-victim-compensation-flna2d11737860).

139 Warnken and Lauritsen, *Who Experiences Violent Victimization*, 18.

140 Warnken and Lauritsen, *Who Experiences Violent Victimization*, 18.

141 Nancy Smith and Charity Hope, *Helping Those Who Help Others: Key Findings from a Comprehensive Needs Assessment of the Crime Victims Field* (Brooklyn, New York: The National Resource Center for Reaching Victims, 2020), 23, [https://reachingvictims.org/wp-content/uploads/2020/06/ACCESS-2020\\_NRCRV\\_NEEDSREPORT\\_6\\_5\\_20.pdf](https://reachingvictims.org/wp-content/uploads/2020/06/ACCESS-2020_NRCRV_NEEDSREPORT_6_5_20.pdf).

people with limited English proficiency; LGBTQIA+ people; people with disabilities; and women of color.<sup>142</sup>

From October 2018 through September 2019, approximately 11,000 claims were filed with OVS statewide.<sup>143</sup> Again, approximately 70,000 violent crimes were reported in New York State in 2019.<sup>144</sup> Only a small percentage of people who reported their violent victimization knew about victim compensation—or were made aware of it—and chose to file claims.<sup>145</sup> The number of people in New York State who know that they can be compensated for costs associated with their harm is staggeringly low.

So it is crucial to ask how victim compensation services are publicized, and to whom. Nationally, the majority of VOCA funding is awarded to white victims and survivors, and disparities in access to services reflect that those who are informed about and encouraged to file for victim compensation are widely considered “perfect” or “innocent” victims and survivors.<sup>146</sup> Meanwhile, those who have been made invisible by those dominant cultural beliefs but are disproportionately subjected to violence—young, poor, Black, and Brown men—may not be aware of their access or right to healing funds.<sup>147</sup>

Lauren Lipps, assistant director of outreach at Common Justice, supports

harmed parties and responsible parties through restorative justice processes. She estimates that “at least 90 to 95 percent of the clients we see have not heard that OVS services exist and [so they] have not been supported.”<sup>148</sup> She explains further that “People normalize [violence]; people don’t know these options are available to them.” Putting herself in the shoes of the people she serves, she says, “No one has told me this is wrong that this has happened to me, right? It happens to a lot of people in my neighborhood or in my family.”<sup>149</sup>

As explained in a 2018 report from the John Jay College of Criminal Justice, “Because victim compensation is not as well-known as other forms of compensation (i.e., workers compensation), lack of awareness is often the primary obstacle that victims and survivors must overcome.”<sup>150</sup> In short, without strong public awareness of available resources, the funds intended for victims and survivors will not reach them. This awareness is even more important for people who are already disconnected from social and public services due to systemic racism, classism, and other types of marginalization, and who may have heightened financial needs after a crime occurs.

## FILING TIME FRAME

New Yorkers who are violently victimized must file a claim with OVS within one

<sup>142</sup> Smith and Hope, *Helping Those Who Help Others*, 9.

<sup>143</sup> Office for Victims of Crime, *Compensation Formula Grant Program: Annual Performance Measures Report, October 01, 2018 - September 30, 2019* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, 2019), 1, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/vc-fy-19-new-york-annual-report-508.pdf>.

<sup>144</sup> New York State Division of Criminal Justice Services, *Crime in New York State*, 6.

<sup>145</sup> Note that not all claims filed in a fiscal year correlate with crimes that occur during that fiscal year, as victims and survivors may file a claim for compensation within a year of the date when the crime took place.

<sup>146</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 14.

<sup>147</sup> Warnken and Lauritsen, *Who Experiences Violent Victimization*, 7.

<sup>148</sup> Lipps, interview.

<sup>149</sup> Lipps, interview.

<sup>150</sup> Evans, *Compensating Victims of Crime*, 10.



year of a crime. As previously noted, OVS is a “payer of last resort” and as such requires victims and survivors to exhaust other funding options before they can be considered for a claim.<sup>151</sup> Pursuing these other forms of funding, such as insurance claims, can often be time-consuming and the clock may run out quickly. The brevity of this filing time frame prevents many victims and survivors facing burdens related to their immediate survival—as well as those addressing longer-term needs—from accessing victim compensation funds.

“There are so many other things going on. . . . A year can go by so fast and there are so many other things that you are dealing with behind these types of incidents.”

- Michelle Barnes-Anderson, founder and chief executive officer of the Melquain Jatelle Anderson Foundation

As they deal with daily obligations, many survivors struggle to prioritize applying for victim compensation funds as they try to restore normalcy in their lives. As Margarita Guzman of VIP explains, “There’s just so much going on, right? Especially if you’re a parent . . . there’s a lot that’s going on that takes higher priority. And you don’t think of [victim compensation] as the most important thing to get to, but that doesn’t mean that you don’t have a right to it, that you shouldn’t be eligible for getting that assistance.”<sup>152</sup>

Guzman makes the point that, immediately following harm, victims and survivors often struggle to survive or provide for their families. This can delay their filing for compensation but should not limit their access to it. Michelle Barnes-Anderson of the Melquain Jatelle Anderson Foundation echoes this, saying, “There are so many other things going on. . . . A year can go by so fast and there are so many other things that you are dealing with behind these types of incidents.”<sup>153</sup>

The trauma associated with surviving a crime can also affect one’s ability to pursue compensation expeditiously. In 2016, the Alliance for Safety and Justice conducted a survey of survivors of crime in the United States. Results of their survey indicated that 8 out of 10 survivors experienced trauma, 51 percent experienced anxiety or fear, and 41 percent had trouble sleeping.<sup>154</sup> These stressors, whether induced or exacerbated by violent victimization, can delay help-seeking behavior.

Reflecting on the death of her son due to gun violence, Michelle Barnes-Anderson says that survivors often cannot prioritize filing a claim with OVS due to stressors related to the trauma they endured. “A year is not enough to have to file your claim,” she says. “When my son was murdered, I had to be hospitalized. I had a mental breakdown. I didn’t even get out in time to start doing the burial until a few days after it all happened, and I just kept having to go back and forth into the hospital.”<sup>155</sup> The shock, emotional

151 New York State Office of Victim Services, “Frequently Asked Questions.”

152 Guzman, interview.

153 Barnes-Anderson, interview.

154 Alliance for Safety and Justice, *Crime Survivors Speak: The First-Ever National Survey of Victims’ Views on Safety and Justice* (Oakland: Alliance for Safety and Justice, 2019), 10, <https://allianceforsafetyandjustice.org/wp-content/uploads/2019/04/Crime-Survivors-Speak-Report.pdf>.

155 Barnes-Anderson, interview.

turmoil, and grief that often follow violent victimization can make complying with bureaucratic processes, such as filing a claim for victim compensation, particularly burdensome.

With only one year to file a claim for victim compensation, survivors are fighting the clock. Ultimately, if OVS were to adopt a trauma-informed approach and extend the allotted time during which victims and survivors can file claims, more New Yorkers could access the compensation they are entitled to.

## BUREAUCRACY

For those who are eligible to apply for victim compensation, the filing process can become difficult or even insurmountable. Jessica Peñaranda of Common Justice, who has interacted with OVS as a service provider for more than 15 years, describes repeatedly hitting “roadblocks” when assisting clients in filing their claims. Despite providing rigorous documentation and other information for her clients, she estimates that she has had fewer than five successful applications throughout her career.<sup>156</sup> Providers like Jessica Peñaranda underscore that going through the filing process as it stands can further harm victims and survivors, as they may experience self-doubt, exhaustion, and frustration.<sup>157</sup>

Illustrating this, one survivor—referred to here as Jackie Smith—shares that she struggled to obtain all of the information she needed to successfully file for victim

compensation. Jackie Smith was kidnapped and sexually assaulted nearly 30 years ago. When the person who harmed her was slated to be released from prison in 2016, her social worker advised her to install a security system in her apartment because she lived alone.

She filed a claim with OVS to be reimbursed for the security system she purchased. The OVS investigator working on her case said she failed to include the NYPD precinct number in which the crime occurred and that her application could not move forward until she provided it. Because the crime occurred years ago, Jackie Smith had to file a Freedom of Information Law (FOIL) request to obtain this information.<sup>158</sup> It took three months to receive the records. When asked if she had yet submitted these records to accompany her claim, Jackie Smith said she had further delayed as a result of busyness and frustration, noting, “I became so disenchanted with them; I really did. I just moved away temporarily from it, because I was about to lose it.”<sup>159</sup>

The trauma that victims and survivors endure from their victimization can also make bureaucratic processes more challenging. Jackie Smith underscores this, saying, “I felt that it was so old in my memory bank, because a lot of things I blocked out. . . . I couldn’t even remember the precinct, anything like that. And I couldn’t remember the gown that I had on. If I couldn’t remember the gown that I had on that night, how do you expect me to remember the precinct?”<sup>160</sup>

<sup>156</sup> Peñaranda, interview.

<sup>157</sup> Peñaranda, interview.

<sup>158</sup> To read more about FOIL, see New York State Department of State, “Freedom of Information Law (FOIL) Frequently Asked Questions,” (Albany, NY: New York State Department of State, 2015), <https://opengovernment.ny.gov/system/files/documents/2021/05/freedom-information-law-faqs.pdf>.

<sup>159</sup> Jackie Smith, interview via Zoom by Alice Hamblett, February 1, 2022.

<sup>160</sup> Jackie Smith, interview.

Jackie Smith intends to submit the requested records as soon as possible, but advises other survivors to “get your ducks in order and be prepared to be frustrated. . . . You have to do all the work yourself.”<sup>161</sup> Jackie Smith’s experience is indicative of the bureaucratic hurdles that many victims and survivors face when they attempt to file a claim with OVS for victim compensation.

Greg Jackson echoes Jackie Smith’s sentiments, explaining that he does not think he would have been able to receive compensation if not for his parents’ help. At the time he applied for and received victim compensation, he was exhausted, getting around on crutches, and taking pain medication. As he reflects, “I didn’t have the patience nor headspace to chase down receipts and all of that. I think that’s a part that is overlooked sometimes; you can’t just do it yourself.”<sup>162</sup>

Data from OVS also illustrates how bureaucracy can prevent victims and survivors from accessing the compensation they are due. For example, during New York State’s fiscal year 2019-2020, OVS rejected 868 applications from being processed “because they were

missing required information about the claimant and/or the crime and could not be investigated.”<sup>163</sup> In addition, approximately 438 applications were rejected due to an unsigned application or “no authorization submitted.”<sup>164</sup> According to OVS, it is the agency’s policy to “contact claimants or work with a victim service provider assisting a victim whose application is incomplete to obtain any missing information.”<sup>165</sup> In practice, some victim service providers report that the thoughtful implementation of this policy varies by OVS investigator. In fiscal year 2019-2020, OVS also issued 3,612 “no-award decisions” for claims they investigated and determined to be ineligible for compensation. Approximately 48 percent (1,758) of no-award decisions were ineligible “because individuals failed to provide necessary documentation and/or information for OVS to make a decision.”<sup>166</sup>

The bureaucracy that characterizes the filing process has a disproportionate impact on those who are already underserved by social services and systems. According to a report by the National Alliance of Trauma Recovery Centers, “people who are homeless, young and who have less education are more likely to face challenges navigating the victims’ compensation system, and . . . successfully submitting an application. Without extensive outreach, disadvantaged and young crime survivors are less likely to file applications.”<sup>167</sup> To navigate the

“If I couldn’t remember the gown that I had on that night, how do you expect me to remember the precinct?”

- Jackie Smith, survivor

<sup>161</sup> Jackie Smith, interview.

<sup>162</sup> Jackson, interview.

<sup>163</sup> New York State Office of Victim Services, *2019–20 Annual Report*, 9.

<sup>164</sup> New York State Office of Victim Services, *2019–20 Annual Report*, 9.

<sup>165</sup> New York State Office of Victim Services, *2019–20 Annual Report*, 9.

<sup>166</sup> New York State Office of Victim Services, *2019–20 Annual Report*, 11.

<sup>167</sup> National Alliance of Trauma Recovery Centers, *Trauma Recovery Centers: Addressing the Needs of Underserved Crime Survivors*, 2020, 17, <https://allianceforsafetyandjustice.org/wp-content/uploads/2020/10/TRAUMA-RECOVERY-CENTERSAddressing-the-Needs-of-Underserved-Crime-Survivors.pdf>.

bureaucracy, victims and survivors often rely on victim service providers and other nontraditional support systems to ensure that their claims are filed correctly and thus awarded. Rather than burdening victim service providers with the task of cutting through red tape to get those who have been harmed what they deserve, the onus must fall on OVS to make the filing process itself less arduous.

Victims and survivors seek victim compensation at times of immense vulnerability and, often alone, must complete daunting administrative tasks in order to receive funds. Jessica Mofield stresses that OVS is an agency that serves people who have experienced trauma and harm, and could serve far more victims and survivors who have been made invisible. Mofield implores, “It needs to be inclusive. [OVS needs to] recognize that there is a certain level of care and professionalism that’s needed in these spaces that are going to be supporting people.”<sup>168</sup> Given the integral role OVS plays in helping survivors heal, the agency should play a more active role in assisting people who file claims.

## ACCESSIBILITY

Bureaucratic hurdles are exacerbated by accessibility barriers, particularly for people who do not speak English (or whose dominant language is not English) and those who have disabilities. For these populations, accessibility barriers are often compounded by low and disparate access to victim service providers beyond OVS that

might otherwise aid in the filing process. Margarita Guzman recalls a client at VIP who sought to file a Domestic Incident Report (DIR) with the New York City Police Department (NYPD), but struggled because of a language barrier. “Nobody would listen to her . . . nobody paid attention to her,” Guzman elaborates.<sup>169</sup> “They acted like they couldn’t speak Spanish but she could hear them speaking Spanish to other people [and] she was ignored and turned away.”<sup>170</sup> It was not until the client returned to the precinct with a bilingual advocate that she successfully obtained a DIR, which is necessary to file for victim compensation with OVS. As Guzman argues, the filing process must be made accessible in all of the languages of those who are victimized. She also recommends that training on OVS filing should be provided in multiple languages for victim service providers who are not English-dominant. Providing training in many languages would help providers “ask questions with all the nuance they need to be able to bring to a conversation that is a complicated one,” Guzman says.<sup>171</sup>

Victim compensation must also be made more accessible for people who have disabilities. Although the rate of serious violent crime against people with disabilities is more than three times the rate against those without disabilities, survivors of crime who have disabilities (whether physical, developmental, psychiatric, or sensory) are uniquely barred from receiving victim compensation and services due to accessibility barriers.<sup>172</sup> Examples of

<sup>168</sup> Mofield, interview.

<sup>169</sup> Guzman, interview.

<sup>170</sup> Guzman, interview.

<sup>171</sup> Guzman, interview.

<sup>172</sup> See Nancy Smith, Sandra Harrell, and Amy Judy, *How Safe Are Americans with Disabilities?* (New York: Vera Institute of Justice, 2017), 4, [www.vera.org/downloads/publications/How-safe-are-americans-with-disabilities-web.pdf](http://www.vera.org/downloads/publications/How-safe-are-americans-with-disabilities-web.pdf); and Erika Harrell, *Crime Against Persons with Disabilities, 2009-2014 – Statistical Tables* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2016), 4, <https://bjs.ojp.gov/content/pub/pdf/capd0914st.pdf>.



barriers include physically inaccessible buildings and computers and websites that lack assistive technologies.<sup>173</sup> In considering victim service provision, the Vera Institute of Justice has described the following barriers to access: lack of related training among disability service organizations, “limited awareness and knowledge of effective practices to support survivors with disabilities,” and lack of awareness of the marginalization of those with disabilities.<sup>174</sup>

Victims and survivors who have gone through the filing process often describe it as difficult if not inaccessible. A survivor of physical assault referred to here as Meghan Smith reflects that despite her relative educational and occupational privilege, the paperwork OVS required was challenging due to the brain injury she suffered during the crime. She says, “I could not imagine what it would be like for someone who had a more severe brain injury than I did [or] English isn’t their first language or [who] doesn’t have a support unit.”<sup>175</sup> In order for OVS to reach all survivors, regardless of the language they speak or their disability status, the agency must make its filing processes more accessible.

## DISBURSEMENT ISSUES

When awards are provided, payments are sometimes delayed. This is particularly striking considering the urgency of many requests and because of the unexpectedness of violent victimization. As Jessica Mofield of the NYC Mayor’s Office to Prevent Gun Violence puts it,

“I could not imagine what it would be like for someone who had a more severe brain injury than I did [or] English isn’t their first language or [who] doesn’t have a support unit.”

- Meghan Smith, survivor

“No one wakes up and says ‘I want to be a survivor today.’”<sup>176</sup> When tragedy strikes, victims and survivors cannot afford to wait to receive compensation for the costs associated with their harm.

Anecdotally, some providers report periods of more than a month (up to 40 days) when they do not receive updates on the status of their clients’ cases. Providers say that even emergency awards, though faster, can

“People need funding now. Waiting for so long for it . . . that’s going to put you through strain and stress about, well, how am I going to pay the rent, how am I going to get food, where am I going to stay, and how am I going to pay for the funeral, how am I going to pay for flowers and how am I going to get the lot? There’s so many other things that put mental anguish on top of the mental anguish that you’re going through because of the crime.”

- Michelle Barnes-Anderson, founder and chief executive officer of Melquain Jatelle Anderson Foundation

<sup>173</sup> Smith, Harrell, and Judy, *How Safe Are Americans with Disabilities?*, 24.

<sup>174</sup> Smith, Harrell, and Judy, *How Safe Are Americans with Disabilities?*, 21-22.

<sup>175</sup> Meghan Smith, interview.

<sup>176</sup> Mofield, interview.

still be delayed. Emergency awards are provided for burial expenses, medication, relocation expenses, security devices, lost earnings or support, or emergency medical equipment.<sup>177</sup> According to OVS, an individual's eligibility for an emergency award can typically be determined "within 24 to 72 hours, depending on the information provided and nature of the claim" and can be applied for via an OVS-funded victim assistance program.<sup>178</sup> But some service providers report that this is not always done expeditiously.

Even when portions of awards are expedited, such as for funerals, the amount provided is not always sufficient. Michelle Barnes-Anderson notes that half of the total funeral fund amount OVS can award (\$3,000) is often not enough to pay a funeral home. As she explains, funeral homes "are not going to bury your child if you don't give them the money. They don't come up with payment plans at the funeral home."<sup>179</sup>

Jessica Mofield echoes this, noting that some funeral homes will be "good partners," while others refuse to move forward without full payment.<sup>180</sup> She also stresses that many families do not have life insurance and are otherwise financially unprepared for catastrophic events such as death. As an advocate she has called funeral homes on behalf of families, promising that the money is coming and explaining where it is coming from (whether from OVS or a nonprofit organization).<sup>181</sup>

"No one wakes up and says 'I want to be a survivor today.'"

—Jessica Mofield, executive director of  
the New York City Mayor's Office to  
Prevent Gun Violence

For most forms of compensation, receipts—or at the very least, estimates—are required to process a claim.<sup>182</sup> Again, because victims' and survivors' needs are so often urgent, this practice often results in victims and survivors paying up front and receiving compensation after the fact. This is a financial burden many people cannot bear. As survivor Jackie Smith says, "You have to lay this money out for yourself—which I thought . . . was totally unfair, because a lot of people do not have that type of money, they don't have that resource, and then a lot of their family members don't have it because people are struggling, [especially] during this pandemic."<sup>183</sup> Jackie Smith highlights the way victims and survivors from impoverished communities are disproportionately affected by delayed payouts. The privilege of paying in advance for costs associated with harm is one that many survivors do not have.

Issues with disbursement—such as delayed payouts and receipt requirements—exacerbate the financial burdens that victims and survivors face, causing additional stress. As Michelle Barnes-Anderson explains, "People need funding

<sup>177</sup> New York State Office of Victim Services, *2018–19 Annual Report*, 14.

<sup>178</sup> New York State Office of Victim Services, *2018–19 Annual Report*, 14.

<sup>179</sup> Barnes-Anderson, interview.

<sup>180</sup> Mofield, interview.

<sup>181</sup> Mofield, interview.

<sup>182</sup> New York State Office of Victim Services, *Personal Injury and Death Claims Investigation Procedures Manual*.

<sup>183</sup> Jackie Smith, interview.

now. Waiting for so long for it . . . that's going to put you through strain and stress about, well, how am I going to pay the rent, how am I going to get food, where am I going to stay, and how am I going to pay for the funeral, how am I going to pay for flowers and how am I going to get the lot? There's so many other things that put mental anguish on top of the mental anguish that you're going through because of the crime."<sup>184</sup> Ultimately, financial relief must be provided expeditiously to victims and survivors, who face the payment demands of external entities such as

funeral homes and moving companies in addition to the burden of the harm they have experienced.



<sup>184</sup> Barnes-Anderson, interview.



# CONCLUSION

Locally and nationally, communities, advocates, and elected officials are being forced to contend with the problem of violence—how to interrupt it; how to prevent it; and how to heal and stabilize communities that have already experienced it. The solution can be found only by centering victims' and survivors' needs in a way that promotes healing for everyone. Reforming victim compensation processes will help New York State provide financial support to victims and survivors who have been disparately and systemically under-resourced, ultimately creating healthier, safer communities. As Jessica Mofield explains, "We live in a capitalistic society, and access to capital . . . controls what your survivorship looks like and what opportunities you have access to. If there's a way that we can close that disparity and that gap, I think we would be better positioned to have a healthier community."<sup>185</sup>

Too often, support is provided only to victims and survivors who are perceived as "innocent" and who have the resources and privilege required to overcome complex bureaucratic hurdles. Meanwhile, victims and survivors who are poor or are people of color—as well as those who have perpetrated harm or have been criminalized—are all but excluded from opportunities to heal. Given the disproportionate impact of violence on people who are marginalized, if New York State continues to restrict access to victim compensation inequitably, the goals of reducing violence and promoting healthy communities will remain out of reach. To further safety, healing, and justice, New York State must engage in a collaborative effort to break down the barriers to accessing victim compensation so that all survivors can heal with support, dignity, and hope.

<sup>185</sup> Mofield, interview.





# THE FAIR ACCESS TO VICTIM COMPENSATION CAMPAIGN

In response to barriers to accessing victim compensation, Common Justice and its partners launched the Fair Access to Victim Compensation Campaign in 2021. This statewide media and legislative campaign works to educate

the public about New York State's victim compensation program, uplift the voices of survivors who have come into contact with the program, and propose legislative bills to eliminate the barriers that victims and survivors face.

**To share your story or participate in advocacy, please visit our campaign page:**  
<https://action.commonjustice.org/favc-campaign-act-now>



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Common Justice develops and advances solutions to violence that transform the lives of those harmed and foster racial equity without relying on incarceration.

In New York City, we operate the first alternative-to-incarceration and victim-service program in the United States that focuses on violent felonies in the adult courts. Locally and nationally, we leverage the lessons from our direct services to transform the justice system through partnerships, advocacy, and elevating the experiences of those directly impacted.

Common Justice's policy and organizing work seeks to build power in marginalized Black and Brown communities that have been disproportionately impacted by violence. We advocate for and center the needs of survivors of violence, as well as those who have been adversely impacted by violence, including interpersonal, community and state violence. Ultimately, the Advocacy Team seeks to end mass incarceration and help Black and Brown communities find paths to healing that alleviates some of the harm caused by the carceral system and systemic racism.

Rigorous and hopeful, we build practical strategies to hold people accountable for harm, break the cycles of violence, and secure safety, healing and justice for survivors and their communities.

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For more information about this report, contact Common Justice at [info@commonjustice.org](mailto:info@commonjustice.org)





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