

Testimony of Common Justice
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My name is Alice Hamblett and I am a Senior Policy Manager at Common Justice. I am speaking today to urge you to include Senator Myrie's and Assemblymember Meeks' Fair Access to Victim Compensation bill, S.7573/A.8619A that expands eligibility for victims and survivors of crime to access victim compensation funds in the FY 2023 budget.

Common Justice is a restorative justice-based project that addresses crime in a way that meets the needs of victims and survivors, reduces recidivism and improves participants' satisfaction with the criminal legal system. The first program of its kind in the country, it is both an alternative to incarceration for young people who commit serious crimes and a victim service program for those they harm. The project presents a ground-breaking approach to violent crime that gives victims and survivors more options and reaches those currently underserved by current programs, including young men of color (who make up 70% of the victims Common Justice serves).

At Common Justice, we see the struggles that survivors face first hand, including the limited reach of our state's victim compensation program. Victim compensation is state-administered, federal funding that provides financial reimbursement for costs associated with crimes, such as hospital bills, burial expenses, mental health counseling, temporary housing, and replacing locks. This funding helps survivors regain stability after experiencing traumatic events by providing basic support and by helping reduce the accumulation of debt.

We applaud Governor Hochul for her commitment to increasing the dollar amount that victims of violent crime can receive for Essential Personal Property loss from \$500 to \$2,500. This amount has not been increased since 1998, and must be altered to account for increases in cost of living. However, this is not the only alteration that New York's victim compensation program requires. Survivors from marginalized communities have been systematically excluded from receiving these funds for multiple reasons, including denial of compensation due to alleged contributory conduct, definition of harm restricted to physical injury, strict filing time constraints, and, most pressingly, onerous law enforcement reporting requirements.

Law enforcement reporting as a threshold requirement for victim services has been widely recognized as problematic due to the pervasive lack of reporting by marginalized populations, including LGBTQIA+ survivors, survivors of color, immigrant survivors, gun violence survivors and survivors of police violence. Black men are more likely to be victimized than any other group, yet are the least likely to receive victim compensation due to a reluctance to interact with law enforcement. LGBTQIA+ survivors often fear reporting to the police with over 30% of those who

did so in 2017 stating that police were verbally abusive and 16% stating that police were physically abusive. Immigrant survivors fear that calling the police may result in the person who harmed them being deported or that they themselves might be deported or lose their pathway to citizenship. In all of these instances, despite their need for life-saving funds, survivors are excluded from collecting victim compensation due to fear of or reluctance to interact with law enforcement.

All told, in 2019, over 50% of violent victimizations in the United States went unreported to law enforcement. Survivors may not report the harm that they have experienced for a number of reasons, including a belief that police could not do anything to help, fear of retaliation, distrust in law enforcement, the dynamics of an intimate partner relationship or a fear that the process of reporting to the police may be re-traumatizing and/or make them less safe.

The State can remove this burdensome and unnecessary barrier to victim compensation eligibility and ensure that all survivors have access to healing funds they need by including and enacting Fair Access to Victim Compensation--S.7573 (Myrie) / A.8619A (Meeks)--in the FY 2023 budget. This bill increases access to, and the equitable distribution of, victim compensation funds for vulnerable populations by removing mandated interactions with law enforcement. The legislation achieves this by expanding the type of evidence survivors may use to show that a qualified crime has occurred to include attestations from victim service providers, medical personnel, witnesses to the crime.

We commend and support the Clean Slate and Tuition Assistance Program (TAP) initiatives, which have already been included in the budget. These efforts, combined with those aimed at making victim compensation more equitable, specifically S.7573 (Myrie) / A.8619A (Meeks), are crucial to ending cycles of violence and promoting true rehabilitation in communities throughout New York State. As such, we urge the inclusion of Fair Access to Victim Compensation (S.7573 (Myrie) / A.8619A (Meeks)) in the FY 2023 budget.

Thank you for your time.