



Legislation Text

File #: Res 0025-2022, **Version:** *

Res. No. 25

Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

By Council Members Narcisse, Cabán, Hanif, Rivera, Brannan, Hudson, Joseph, Ossé, Nurse, Menin, Won, Louis, Gutiérrez, Schulman, Avilés, Farías, Sanchez, Hanks, De La Rosa, Ung, Krishnan, Barron, Brewer, Marte, Velázquez, Lee, Stevens, Ayala, Williams, Restler, Brooks-Powers, Richardson Jordan, Riley, Gennaro, Bottcher, Abreu and Feliz

Whereas, The Crime Victims Fund (“Fund”), which was established by the Victims of Crime Act (VOCA) of 1984 as a scheme to compensate victims and survivors of crime, is a major funding source for victim services across the United States (U.S.); and

Whereas, As of December 31, 2021, the Fund has a balance of over \$2.7 billion and includes deposits from criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys’ Offices, federal courts, and the Federal Bureau of Prisons, paid by convicted federal offenders, as well as from gifts, donations, and bequests by private parties; and

Whereas, The Office for Victims of Crime, established by VOCA, administers the Fund to federal, state, and tribal victim assistance programs in the form of formula grants, discretionary grants, and set-asides according to an established annual allocation process; and

Whereas, The state crime victim compensation program formula grants supplement state funds for directly reimbursing to or on behalf of victims of violent crimes for out-of-pocket expenses that result from the crime, including medical costs; funeral and burial costs; mental health counseling; and lost wages or loss of support; and

Whereas, In New York State (“NYS” or “State”), the Office of Victim Services (OVS) provides

financial assistance and reimbursement to victims for crime-related out-of-pocket expenses via subgrants funded, in part, by the VOCA Victim Compensation Program; and

Whereas, OVS is a payer of last resort, which means a victim or survivor of a crime or family member must exhaust all other sources of compensation, such as benefits from health or other insurance policies or workers' compensation, before the agency can provide financial assistance; and

Whereas, In order to be eligible for OVS' victim compensation, the victim/survivor must (1) be an innocent victim of the crime; (2) have been physically injured as a result of the crime (if between the ages of 18 and 60); (3) report the crime within one week to police or another criminal justice agency; (4) file a claim with OVS within one year of the crime; and (5) cooperate with police, the district attorney's office and OVS in the investigation of such crime; and

Whereas, According to OVS' October 1, 2019 - September 30, 2019 Victim Compensation Formula Grant Program Annual Performance Measures Report, which is the latest accessible report, nearly 11,000 people applied for victim compensation benefits during the reporting period (October 2018 - September 2019); and, of the victims, the majority (40 percent) identified as white, compared to 29 percent Black, 21 percent Latinx and 4.5 percent Asian; and

Whereas, According to the Center for Victim Research, in the U.S., less than three percent of all victims receive any victim compensation due to restrictive eligibility requirements that make it inaccessible for many Black, Indigenous, People of Color (BIPOC), members of the LGBTQI+ community, working class people, disabled people, and immigrants; and

Whereas, Nationally, Black men under age 35 living in urban areas with annual incomes below \$25,000 are more likely to be victimized than any other group yet are least likely to receive victim compensation, while the largest recipients of victim compensation are white women above the age of 55 living in non-urban areas with incomes greater than \$75,000 a year, per a 2019 Center for Victim Research report; and

Whereas, Victim/survivor advocates report that victims and survivors often do not report crimes for a

variety of reasons, including fear of retaliation, mistrust in law enforcement, the age and/or other demographics of a victim/survivor, or the dynamics of an intimate partner relationship; and

Whereas, LGBTQI+ victims/survivors often fear reporting crimes: over 30 percent of LGBTQI+ victims of homophobic and transphobic violence who reported to the police said they were verbally abusive and 16 percent said they were physically abusive, per a 2017 National Coalition of Anti-Violence Programs report; and

Whereas, Immigrant victims/survivors also often avoid reporting crimes due to fear that it may result in the person who harmed them being deported, or that they themselves might be deported or lose their pathway to citizenship, per a 2017 New York Times article; and

Whereas, According to the National Crime Victimization Survey (NCVS), 5,813,410 violent victimizations occurred in 2019 and, of those victimizations, 59 percent were not reported to law enforcement; and

Whereas, NVCS also reported that in 2019, only 7.7 percent of victims/survivors of violent crimes received assistance from victim service agencies, suggesting that more than 90 percent of victims and survivors are not likely to receive necessary services or support due to non-reporting; and

Whereas, A.8619A/S.7573, sponsored by State Assembly Member Demond Meeks and State Senator Zellnor Myrie, respectively, would remove the State's onerous mandated law enforcement reporting requirement by expanding eligibility for victims and survivors of qualifying crimes, via (1) increasing the time a victim/survivor may file a claim with OVS from one year to seven years; (2) removing the requirement that a crime be reported to a law enforcement agency "promptly" and within one week of the occurrence of the crime and instead, allowing for reporting "within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation"; and (3) allowing alternative forms of evidence to be provided to show that a qualifying crime was committed; and

Whereas, Enacting A.8619A/S.7573 would not only refine current law, but provide greater access of

funds to many neglected victims and survivors of violence, including LGBTQI+ victims and survivors, immigrant victims and survivors, victims and survivors of color, and victims and survivors of domestic violence, gun violence and police violence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, A.8619A/S.7573, which would expand eligibility for victims and survivors of crime to access victim compensation funds.

LS 7343
02/10/2022
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