

February 13, 2025

**Testimony by Oresa Napper Williams
Chief Executive Officer, Not Another Child**

Joint Legislative Public Hearing on 2025 Executive Budget Proposal: Public Protection

My name is Oresa Napper Williams, and I write to testify regarding my experience after the innocent murder of my beloved son, Andrell Daron Napper in 2006. I also write to testify on behalf of the countless families who have lost loved ones to gun violence and who have sought support from the organization I founded in Andrell's memory, Not Another Child.

Through programs, workshops, and events, [Not Another Child](#) provides a continuum of proactive and reactive support to individuals and families impacted by violence. Much of our work consists of creating and sustaining relationships, working to assess the needs of survivors, and designing creative services to support them on their healing journey. From peer support groups to sports programming to leadership training to violence prevention, it is the goal of Not Another Child to strengthen and heal communities, especially communities of color.

Not Another Child is also a member of the Steering Committee for the [Fair Access to Victim Compensation \(FAVC\) Campaign](#), which seeks to reduce barriers to accessing victim compensation in New York State. At Not Another Child, we know firsthand just how important financial relief can be for victims and survivors of violence, many of whom struggle to pay for medical bills, relocation, crime scene cleanup, funeral services and more. New York State's victim compensation program provides key support by helping survivors recoup costs associated with their harm. As such, we are glad to see that Governor Hochul has included victim compensation program reforms in her budget proposal.

Specifically, **Not Another Child applauds Governor Hochul's proposal to raise the maximum victim compensation award for burial expenses to \$12,000.** Currently, survivors can only receive up to \$6,000 from the Office of Victim Services (OVS) to lay their loved ones to rest. This is the same amount of money that was available when I lost Andrell nearly 20 years ago. Just as the price of groceries and housing has risen in the past two decades, so have burial costs. According to the [National Funeral Directors Association](#), in 2023 the average cost of a funeral with a burial, viewing, and vault (required by most cemeteries) in the mid-Atlantic region (New York, New Jersey, Pennsylvania) was \$10,268. Many families whom I have supported have paid far more. By raising the maximum victim compensation award for burial expenses to \$12,000, New York State can substantively meet the needs of survivors of violence who, amidst grief and trauma, are struggling financially to bury their loved ones with dignity.

Another issue with New York State's victim compensation program that I have seen time and time again in my work at Not Another Child is that of "contributory conduct." Currently, victims

and survivors can be denied or received reduced victim compensation awards due to their or their loved ones' alleged involvement (“contributory conduct”) in their own harm. Governor Hochul has proposed eliminating OVS’ consideration of contributory conduct in cases involving homicide. This is a step in the right direction, as grieving parents should not lose out on financial support due to the alleged behavior of their children, nor should they be made to hear from OVS that their child is allegedly not an “innocent victim,” a requirement that was stated at the top of the application form I submitted when I lost my son in 2006.

However, the Governor’s proposal to address contributory conduct is simply not enough. **Not Another Child urges Governor Hochul and the New York State Legislature to support survivors to the full extent possible by removing contributory conduct considerations in *all* cases, not just homicide.**

No survivor deserves to be blamed for their own trauma especially when assessments about their behavior can be subjective and inequitable. In New York State, due to contributory conduct considerations, survivors who seek victim compensation are judged for who their friends are, where they were when they were harmed, what they were doing when they were harmed, and more. As a result, they miss out on key financial relief, which can make all the difference when it comes to healing. This is unacceptable. Survivors, and our communities, deserve more.

In 2024, the federal Office for Victims of Crime (OVC), which funds and guides state victim compensation programs, released proposed rule changes. Notably, OVC encouraged states to prohibit contributory conduct considerations apart from in exceptional circumstances. While these proposed rule changes were withdrawn in early January 2025 due to “the scope of comments and the limited time remaining in the current Administration,” OVC released a “Dear Colleague” letter on January 17, 2025, in which they noted their continued support of states reexamining their contributory conduct policies and highlighted the issue of evidentiary gaps and the arbitrary nature of contributory conduct determinations. OVC's recommendation that states do away with contributory conduct considerations in all cases is worth heeding. Indeed, the state of [Maryland](#) has already done so and, effective July 1, 2025, will no longer blame victims and survivors seeking compensation for their own harm.

This is a racial justice issue. [The Associated Press](#) collected and analyzed data on victim compensation claims from 23 states for the period of 2018-2021. Their analysis revealed that “Black applicants were almost three times as likely as applicants of other races to be denied for behavior-based reasons, including contributory misconduct.” There is also evidence of the racially inequitable impacts of contributory conduct policies right here in New York State. Associate Professor Jeremy Levine of the University of Michigan analyzed data from all victim compensation applications and decisions made between January 1, 2015, and December 31, 2022, in New York State. Results revealed that Black men are both disproportionately denied and most likely to be denied compensation due to contributory conduct.

Due to racial discrimination and criminalization, Black men and boys are [often assumed to be responsible for violence](#) and blamed for their own trauma, even if they themselves were harmed.

In reality, Black men and boys under the age of 35, living in metropolitan areas and with annual earnings less than \$25,000 are [most likely to be violently victimized](#). The day I lost Andrell, I received a call from the detective assigned to the case. I will never forget what he said to me: “I will let you know if your son was involved, after than you can apply for victim compensation.” Seemingly by default, my son, a young Black man, was falsely presumed to be responsible for his own harm. This is the last thing a victim, or a victim’s family, needs or wants to hear in the wake of violence and loss. This re-traumatization is unacceptable in *all* cases.

To ensure that victims and survivors across New York States get the financial relief they need to heal, Not Another Child strongly urges the Legislature to pass and the Governor sign into law the [Survivors First Act](#), sponsored by Senator Julia Salazar and Assemblymember Monique Chandler-Waterman.

Sponsored by Senator Julia Salazar and Assemblymember Monique Chandler-Waterman, this bill wholistically addresses barriers to accessing victim compensation. Specifically, the Survivors First Act would:

- Raise the maximum victim compensation award for burial expenses from \$6,000 to \$12,000, so that New York State can adequately meet the needs of survivors who have lost loved ones.
- Eliminate reductions and denials of victim compensation awards based on a victim or survivor’s contributory conduct *for all victims*, not just in homicide cases, so that all New Yorkers have access to the support they need without being blamed for their own harm.
- Expand eligibility for reimbursement for crime scene clean up to anyone who assumes the cost, preventing unnecessary hardship and making victim compensation more responsive to real-life needs.
- Eliminate the consideration of private donations and crowdfunding as a collateral source, ensuring that victims are not penalized for receiving financial support from their communities.
- Require OVS to publicly disclose more detailed data on crime victim service programs, victim compensation performance metrics, and efforts to make victim compensation benefits more accessible, so that lawmakers and advocates can better understand what is and is not working for victims and survivors and make improvements accordingly.
- Strengthen language describing OVS’ statutory obligation to promote public awareness about victim compensation, so that information about this crucial program reaches communities across New York State, especially those impacted by systemic racism, language barriers, and economic hardship.

Not Another Child is an organization founded by a survivor, for survivors and their communities. We know firsthand the tremendous pain of violence and loss, as well as the key importance of victim compensation. We believe that *all* survivors deserve to be treated with dignity and respect, and that when survivors heal, we all heal. Governor Hochul’s proposal, though admirable, is simply not enough. **New York State lawmakers should prioritize meeting the**

needs of those who have endured violence by passing and signing into law the Survivors First Act as soon as possible.

The [Survivors First Act](#), gives Governor Hochul and the New York State Legislature an opportunity to put survivors first, and survivors cannot wait.

Thank you for your consideration.

For questions or additional information regarding my testimony, please contact me via email at oresa@notanotherchild.org.