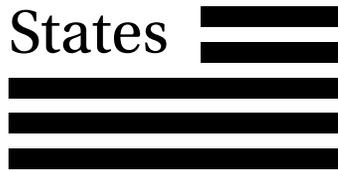


States 

have

millions of \$

to help victims of crime,  
but seven ban aid for people  
with criminal records.



A close look at two states  
shows how this hurts



**black families** the most.

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This story is a  
collaboration with [Reveal](#)  
from [The Center for](#)  
[Investigative Reporting](#)  
and the USA TODAY NETWORK

After his father was murdered in Sarasota, Florida, in 2015, Anthony "Amp" Campbell was in shock. Not only had he lost his role model and supporter, he also worried about coming up with \$10,000 to pay for the funeral and burial.

Campbell, an Alabama State University football coach, emptied most of his savings but still could not cover the whole cost. Sarasota police urged him to apply to Florida's crime victim compensation fund for help. Every state has such a fund to reimburse people for the financial wallop that can come with being a victim.

The answer was no. His father, Johnnie Campbell, had been convicted of burglary in 1983 after a late-night break-in attempt at a local business, and Florida law is clear: people with certain types of felonies in their past cannot receive victim's aid. It did not matter that the elder Campbell had changed in 30 years—the Sarasota City Commission called him a "prominent citizen" a month after his death—or that his son had never committed a crime.

Florida is one of seven states that bar people with a criminal record from receiving victim compensation. The laws are meant to keep limited funds from going to people who are deemed undeserving. But the rules have had a broader effect: an analysis of records in two of those states—Florida and Ohio—shows that the bans fall hardest on black victims and their families, like the Campbells.



Anthony "Amp" Campbell was denied victim compensation to help with the burial costs for his father, Johnnie Campbell, who was murdered in Florida in 2015. CARY NORTON FOR THE MARSHALL PROJECT

"Nobody came and questioned or asked. It was just, 'no,'" said Campbell, 43, who lives in Montgomery, Alabama. "I just felt like they turned their backs on us."

Administrators of the funds do not set out to discriminate. They must follow state law directing who can receive compensation. But critics call the imbalance a little-known consequence of a criminal justice system that is not race-blind. Multiple studies show, for example, black people serve harsher sentences than white people for the same crimes and are more often charged with drug offenses, even though they use and sell drugs at about the same rates as white people.

"People with money and power are treated differently in our justice system. They're not policed the same way," said David Singleton, a Cincinnati civil rights attorney and executive director of the Ohio Justice and Policy Center.

In Florida, the ban applies to anyone who has been convicted as an adult of one of a constellation of felonies, including burglary and aggravated assault. In that state, about 30 percent of people who listed their race when applying for victim compensation in 2015 and 2016 were black. But black applicants made up 61 percent of people denied aid for having a criminal record, according to the analysis by The Marshall Project and Reveal from the Center for Investigative Reporting, in conjunction with the USA TODAY Network.

The racial disparity was similar in Ohio, which denies compensation to people not just convicted of a felony in the past 10 years but simply suspected of certain felonies, even if they were never found guilty or committed the crime as a juvenile. In Ohio, 42 percent of victims who applied for reimbursement in 2016 and listed their race were black. But 61 percent of people turned down for having a record were black.

Some compensation funds struggle to cover costs, bolstering one argument in favor of limits: money should be saved for the most worthy victims. But the funds in Florida and Ohio routinely close out the year with lots of leftover cash. Florida ended 2017 with a balance of \$12 million, and Ohio with \$15 million.

Matthew Kanai, chief of the crime victim services division for the Ohio state attorney general, which administers that state's compensation fund, said funds have to follow rules set by legislators. "It's in no way saying you are less of a victim," he said. Whitney Ray, a spokesman for the Florida attorney general, declined to comment on that state's ban other than to note that they, too, must comply with the law.

Victims and their families said the rigid policies make it seem like states are separating crime victims into two kinds of people: those who matter, and those who do not. Many said the rejection letters are written in cold and confusing legalese.

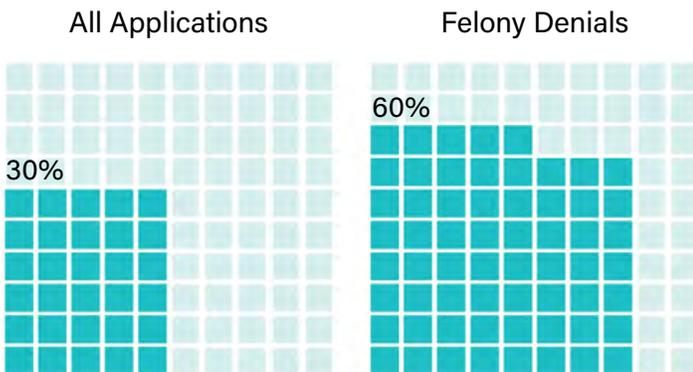
Andre Winston, 38, was fatally stabbed in July 2015 when he tried to protect a woman who was being threatened at an apartment complex in Fairborn, Ohio, prosecutors said.

Kenna Rodriguez, the mother of his fiancée and grandmother to his child, stepped in to pay for a funeral. She took out payday loans and maxed out her credit cards to cover the \$4,500 bill and then applied to the state victims' compensation program for help.

But Winston had been convicted of possessing cocaine in 2008, so Rodriguez's application was denied. About a quarter of the 552 denials for having a criminal history in the Ohio analysis were families applying for help after a loved one's murder. And in 74 percent of those homicides, the murder victim, like Winston, was black.

Rodriguez appealed to the Ohio Court of Claims. Her attorney argued the state should adopt a "good Samaritan" exception for people like Winston, but she lost.

"He gave his life so someone else could live," Rodriguez said. "And then they just say, 'The dude was a felon, too bad.'"

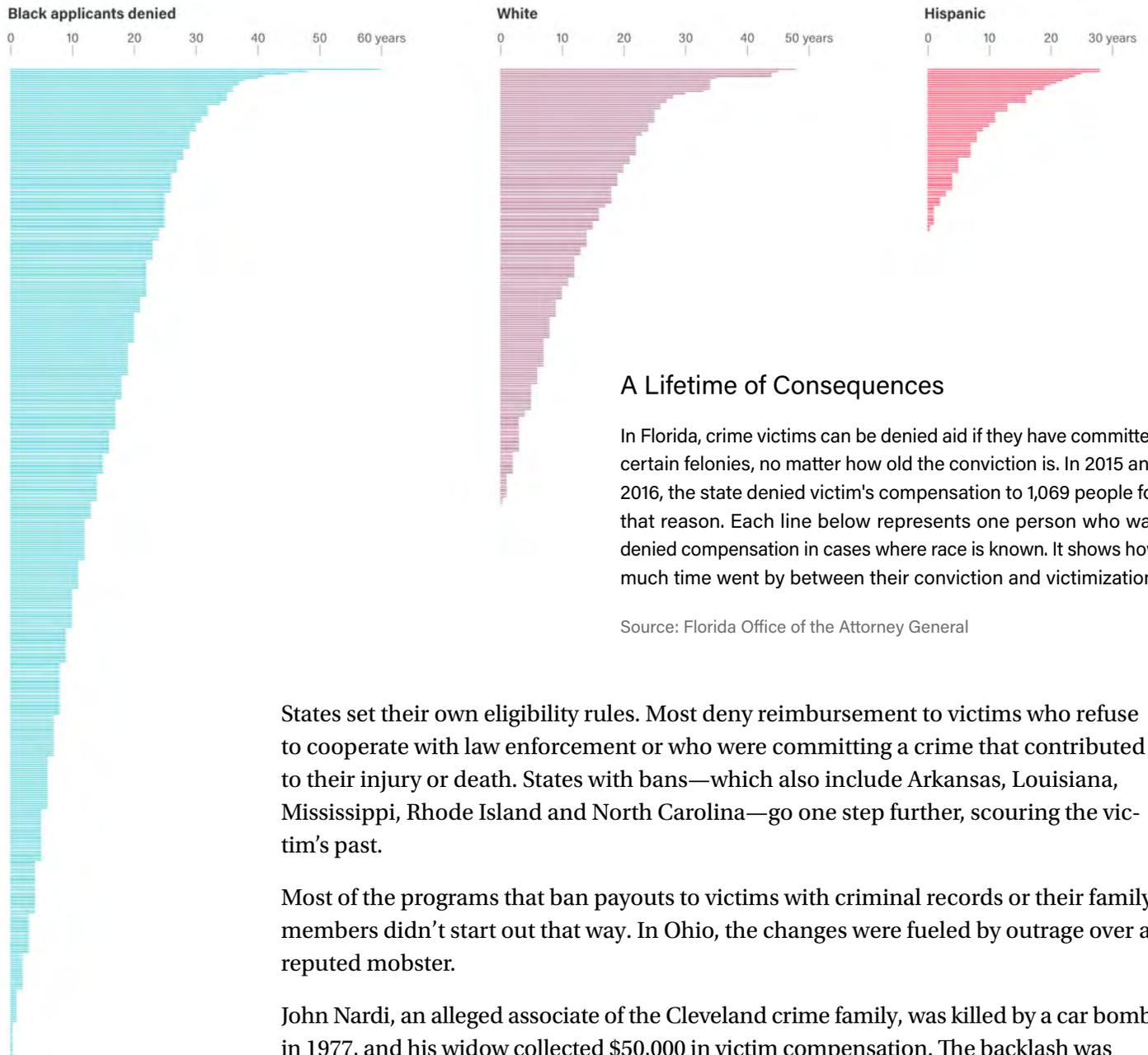


### Most denied for criminal history in Florida are black

Black people made up 30 percent of the applicants for victim's compensation in Florida in cases where race is known from 2015 and 2016. Of those denied based solely on their criminal history, 61 percent were black.

Source: Florida Office of the Attorney General

Every year, hundreds of thousands of victims apply to state compensation funds, which in total paid out more than \$348 million in 2016, the most recently available federal data. Court fees and fines support most fund budgets, with an additional chunk coming from the federal government. To get reimbursements—which are capped anywhere from \$10,000 to nearly \$200,000—victims first must exhaust all other resources, such as insurance.



## A Lifetime of Consequences

In Florida, crime victims can be denied aid if they have committed certain felonies, no matter how old the conviction is. In 2015 and 2016, the state denied victim's compensation to 1,069 people for that reason. Each line below represents one person who was denied compensation in cases where race is known. It shows how much time went by between their conviction and victimization.

Source: Florida Office of the Attorney General

States set their own eligibility rules. Most deny reimbursement to victims who refuse to cooperate with law enforcement or who were committing a crime that contributed to their injury or death. States with bans—which also include Arkansas, Louisiana, Mississippi, Rhode Island and North Carolina—go one step further, scouring the victim's past.

Most of the programs that ban payouts to victims with criminal records or their family members didn't start out that way. In Ohio, the changes were fueled by outrage over a reputed mobster.

John Nardi, an alleged associate of the Cleveland crime family, was killed by a car bomb in 1977, and his widow collected \$50,000 in victim compensation. The backlash was fierce. Lawmakers unsuccessfully sued the attorney general to block the payment and, by 1982, the first version of Ohio's felony restriction law sailed through the legislature.

Nardi had never been convicted of a crime, leading lawmakers to include an unusual provision: the ban would apply not just to people with convictions but also to people whose records show a "preponderance of evidence" that they may have committed a felony in cases involving violence or drug trafficking.

That standard means that even though juvenile records are technically not convictions, Ohio courts have ruled they still count as a strike against victims.

In 2014, Antonio Mason was a student and basketball player at Cuyahoga Community College in Cleveland, studying to be a gym teacher, when his car was rammed by a speeding drunk driver. He was paralyzed from the chest down.

Mason, 26, applied to the state compensation fund to help make his house and car wheelchair-accessible. Ohio victims can get up to \$50,000.



After Antonio Mason was paralyzed from the chest down by a drunk driver, he was denied compensation because he had been convicted in juvenile court of drug trafficking when he was 16. MICHAEL MCELROY FOR THE MARSHALL PROJECT

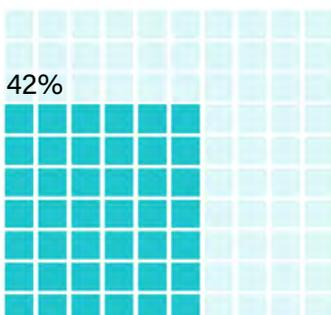
But Mason was disqualified because when he was 16, he was found guilty in juvenile court of drug trafficking. Drug trafficking is among the most common reasons people with criminal histories are denied aid in Ohio. The most common—1 in 5 denials—is drug possession.

“They always say that your juvenile record is sealed, they can’t use it against you as an adult. And yet they still found a way,” Mason said.

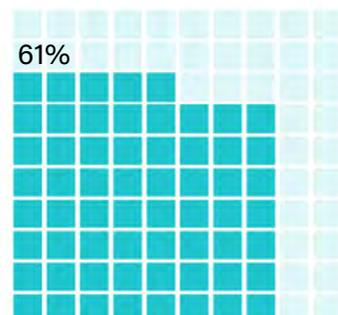
Ohio also has ruled out people based on just an arrest or indictment, victims’ lawyers say.

“The fact that a prosecutor has looked at all the evidence and decided not to pursue a case, that doesn’t stop the attorney general from using that information to deny a victim’s claim. I think that’s very wrong,” said Matthew Shaughnessy, a former police officer and firefighter who now works as an attorney specializing in victim compensation appeals. “It’s disheartening.”

All Applications



Felony Denials



Most denied for criminal history in Ohio are black

Black people made up 42 percent of the applicants for victim's compensation in Ohio in cases where race is known in 2016. Of those denied based solely on their criminal history, 61 percent were black.

Source: Florida Office of the Attorney General

After Nakesha Phillips, 31, was stabbed in Toledo, Ohio, in 2016, she missed months of work at her job with a window installation company. Her request for reimbursement was denied because a year earlier she had been charged with a felony: assaulting a police officer who came to her house to investigate a noise complaint. The officer said she was scraped when Phillips shoved her into a screen door; Phillips said the officer pushed her and hit the door during the confrontation. The case was reduced to a misdemeanor, but the officer's accusation was enough to disqualify Phillips.

"When they denied me like that, it was like being stabbed again," she said.

## State-by-state laws barring victim's compensation

State	Disqualification	Timespan
 ARKANSAS	Conviction of a felony that resulted in injury to, or death of, a person	Lifetime
 FLORIDA	One conviction of a "forcible" felony, including burglary, or multiple convictions that qualify as violent or "habitual" under state law	Lifetime
 LOUISIANA	One felony conviction; people under any kind of correctional supervision, such as jail, prison, probation or parole (except for victims of sex crimes)	3 years <sup>1</sup>
 MISSISSIPPI	People under any correctional supervision for a felony conviction	5 years
 OHIO	Conviction of any felony or misdemeanor child endangerment or domestic violence <sup>2</sup> ; a "preponderance of evidence" that a felony connected to violence or drug trafficking was committed <sup>3</sup>	10 years
 NORTH CAROLINA	Major felony conviction, ranging from selling drugs in a school zone to murder	3 years
 RHODE ISLAND	Violent felony conviction	5 years

Notes:

<sup>1</sup> Reduced from five years in 2018

<sup>2</sup> Misdemeanor ban applies only to people applying on behalf of a victim

<sup>3</sup> Does not apply to certain claims from minor dependants

**T**he question of which crime victims deserve financial help has been raised since states first started setting up compensation programs in the 1960s and '70s.

Until 1999, North Carolina denied claims involving women injured or killed by a live-in partner because cohabiting before marriage was a misdemeanor. Utah used to routinely deny claims from sexual assault victims over a lack of evidence or refusal to cooperate with law enforcement. Now, the fund starts with the assumption that women are telling the truth, said Gary Scheller, the director of Utah's Office for Victims of Crime.

Louisiana first started banning payouts to people with criminal histories in the mid-1990s, said Bob Wertz, who has overseen the state's Crime Victim Reparations Board since 1986. "It was set up to assist true innocent victims of crime," Wertz said. "Innocent



Jamie Reavis, of Jefferson Parish, Louisiana, holds a photograph of her daughter during a meeting of the Louisiana Crime Victims Reparations Board in May. Reavis's daughter Taylor Friloux was murdered during a robbery at a fast-food restaurant where she worked. EDMUND D. FOUNTAIN FOR THE MARSHALL PROJECT

meaning not just at that very moment, but what's the history of that particular person.”

Louisiana’s 11-member board has the discretion to overlook a victim’s criminal record and award compensation, but that almost never happens, multiple board members conceded.

Having a criminal past is one of the most common reasons people are denied in Louisiana, and the families of young black murder victims bear the brunt.

Louisiana, whose fund is chronically short of money, does not track the race of its applicants. But a review of 91 victim claims that were denied solely because of a criminal history from 2015 through 2017 showed that close to 80 percent were black crime victims or their families. Most of the victims were men under 35 years old, and the vast majority of them had been murdered.

Louisiana’s ban used to apply to anyone who had been convicted of a felony or was under correctional supervision—including probation or parole—in the five years before becoming a victim. But last month, at the request of the board, that period was reduced to three years. The ban does not apply to claims from sexual assault victims.

“We just felt five years was maybe a little harsh, but we thought it was important to keep the rule in place,” said Gary “Stitch” Guillory, a police officer named to the board in 2017, one of several recent appointments that turned the board majority black. “When you get arrested, you lose certain rights. And I think that should be one.”

Mississippi also reduced its restrictions in 2013, narrowing the review period from a lifetime to anyone under correctional supervision for a felony in the past five years. In late

August, Missouri ended its ban, which had denied compensation to anyone convicted of two felonies, at least one involving drugs or violence, over the previous decade.

But just to the south, in Arkansas, the Crime Victims Reparations Board voted last year against asking legislators to lift the state's lifetime ban on people with certain felony convictions. The Rhode Island legislature has declined to take up a proposal that would make the state fund pay for any victim's funeral, regardless of previous criminal record.



Calcasieu Parish Sheriff's Office Chief Deputy Gary "Stitch" Guillory talks during a meeting of the Louisiana Crime Victims Reparations Board.

EDMUND D. FOUNTAIN FOR THE MARSHALL PROJECT

**K**anai, of the Ohio state attorney general's office, said that his office has tried to work with the legislature to widen eligibility. In recent years, the office eliminated a two-year statute of limitations for victims to file claims.

After years of considering other changes, Republican Attorney General Mike DeWine, who is running for governor, submitted a measure to the legislature last month that would expand the definition of victim, allow people with criminal histories to get help on behalf of a minor, and reduce the review period from a decade to five years. The analysis of Ohio's denials found that the median time between a felony conviction and becoming a victim was about four years.

His announcement came while this story was being reported. It took The Marshall Project almost a year and the intervention of a lawyer to obtain records from Ohio, which has faced some public criticism of its stringent rules.

In Florida, a measure was introduced last year to remove low-level burglary convictions from the list of disqualifying felonies. The bill went nowhere. Burglary was



Johnnie Campbell, far right, Pearl Campbell, second from right, and their son, Amp, second from left, at Michigan State University. CARY NORTON FOR THE MARSHALL PROJECT

among the most common reasons Florida denied compensation to 1,069 people with criminal histories in 2015 and 2016.

Limiting the review period in Florida would likely bump up the number of people who could get help. The median time between the year someone was convicted of a felony and when he or she became a victim was about 10 and a half years, the analysis showed. In nine cases, at least 40 years had passed.

For 65-year-old Broward County resident John Phelis, the time between those two events was close to half a century. Phelis almost died when his throat was slit by a roommate in 2015, but he was disqualified from receiving victim compensation because he stole beer off a truck in 1970, when he was 17. Phelis said he has repeatedly tried and failed to get the conviction expunged.

The murder of Johnnie Campbell, who was fatally shot by a neighbor over a petty dispute, still pains his son. He said he is comforted by memories, including one from 1998, when Amp Campbell was a Michigan State University football standout. His NFL prospects ended when he was nearly paralyzed on the field during a game. His dad moved in with him for almost a year, helping him bathe and dress until he recovered.

“He was always there for all of his kids,” said Amp Campbell, who has four siblings.

For years, Johnnie Campbell lay in an unmarked grave because his son could not still not afford the \$4,000 headstone. A small flag was staked there in the interim, and several times it was swept away in bad weather.

The stone was finally placed on the gravesite in March, when Amp made the last payment.