



Final Protocol

September 2, 2021

This is the Final Protocol, which will govern the West Hempstead Compassion Fund (the “Fund”), developed by the Administrators, incorporating feedback from the Steering Committee (“Committee”), the *National Compassion Fund*, the greater community, and the general public; including those present at the Town Hall meeting held by the Administrators on Thursday, August 26, 2021.

The financial benefits paid by the fund are a gift to which no person has a legal claim or entitlement. All aspects of this Final Protocol including, without limitation, the classifications of applicants, the distribution criteria, the application process, timetable, and amounts to be awarded, may be revised, and are subject to the full and complete discretion of the Administrators.

This Fund was financially assisted by Stop & Shop and was enhanced through the generosity of businesses, foundations, and individual donors. The Fund will be used to assist those families of the victims who were killed, the victims who were physically injured, and the victims who were present at the West Hempstead Stop & Shop and experienced psychological trauma, on April 20, 2021 during the attack (the “West Hempstead Attack”). The National Compassion Fund, LLC (Federal Tax ID #30-0022798) is a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization (Federal Tax ID #30-0022798).

TO BE ELIGIBLE FOR BENEFITS, ALL APPLICATIONS MUST BE SUBMITTED ONLINE NO LATER THAN THURSDAY, OCTOBER 21, 2021. IF THE VICTIM IS UNDER THE AGE OF 18, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM’S BEHALF.

The payments from the Fund are to be apportioned to the victims in accordance with the severity of the injuries arising from the West Hempstead Attack. Determination of the amounts for each eligible applicant will depend upon the following: (1) the balance in the Fund on Sunday, October 31, 2021; (2) the receipt of updated data regarding the nature and the number of physical injuries and the number of individuals physically present in the designated geographic area; (3) completion of the review of all submitted applications; and (4) review and approval by the Administrators.

The Distribution classifications are outlined below:

CATEGORIES OF ELIGIBLE APPLICANTS

A. Application for Death Benefits

Eligible applicants for deceased victims killed as a result of the West Hempstead Attack will receive the highest category of payment under the scope of this Final Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

B. Individual Physical Injury Applications for Victims Requiring Overnight Hospitalization

Eligible applicants who were physically injured and hospitalized for one or more nights between Tuesday, April 20, 2021, and Thursday, October 21, 2021 (the last day to submit an application to the Fund), due to physical injuries resulting from the West Hempstead Attack will receive payment under the Final Protocol.

C. Individual Physical Injury Applications of Victims Treated on Out-Patient Basis

Eligible applicants who were lawfully present in the Stop & Shop store, who were physically injured by gunshot wound as a result of the West Hempstead Attack, and who received medical treatment on an out-patient basis no later than Friday, April 23, 2021, will receive a payment under the Final Protocol.

D. Application for Witnessing the Attack

Eligible applicants who visually witnessed the Attack, were in close proximity to the gunman, and were at risk of imminent death, will receive payment under the Final Protocol.

E. Individuals Experiencing Psychological Trauma

Any individuals who experienced psychological trauma which led them to seek, no later than Wednesday, October 20, 2021, ongoing counseling or mental health treatment with multiple sessions, are eligible to receive payment under the Final Protocol provided that they either (1) were lawfully present in the store at the time of the attack, or (2) were not present but had previously been subject to harassment or threats by the perpetrator of the attack which were reported to and documented by Stop & Shop. A higher level of benefit may be provided to individuals who discovered the victims or rendered direct assistance to the victims.

PROCESS AND PROCEDURES

Eligible applicants must file an application for benefits in order to receive a payment from the Fund. **THE APPLICATION MUST BE SUBMITTED BY THE DEADLINE OF THURSDAY, OCTOBER 21, 2021.** The application will provide the opportunity to specify whether the applicant is seeking benefits for deceased victims, for physical injury, and/or for psychological trauma. A single application for benefits should be submitted for each eligible applicant.

The process and procedures for consideration of eligible applications will be as follows:

A. The Fund will be administered by the *National Compassion Fund*.

A link to submit an online application for benefits (application) and a link to this Final Protocol, will be emailed to all known potential applicants who have provided the necessary information to the *National Compassion Fund* (NCF) by submitting their information through the Fund's online contact form. The Final Protocol and information concerning the application process will also be available on the nationalcompassionfund.org website beginning on Tuesday, September 21, 2021. Representatives from NCF (the "Fund Administrators") will administer and process the applications. **Only one application should be submitted by, or on behalf of, each victim.** The application must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed on the application) no later than Thursday, October 21, 2021. Questions regarding the completion of an application can be sent via email to NY@NationalCompassionFund.org.

B. Access to the online application will be available at www.NationalCompassionFund.org beginning Thursday, September 23, 2021. Applicants who lack access to the Internet are invited to call the toll-free applicant assistance number at 855-4VICTIM (855-484-2846) for guidance on alternative filing assistance.

C. In the event that an applicant submits an incomplete or deficient application (e.g., the applicant failed to include required documentation or failed to fully complete the application), a representative from the Fund Administrators' office will send an e-mail notification to the applicant in an effort to cure any such deficiencies.

D. Payments will be issued shortly after the deadline for submission of all contributions and the final review and determination of all eligible applications by the Fund Administrators. The Fund Administrators will submit final payment determinations to the Steering Committee for approval of transmission of the payments, by check or electronic transfer, to each eligible applicant.

E. An application filed for a deceased victim will require the spouse or legal partner's signature if the deceased individual was married at the time of death, and shall also include information pertaining to individuals (e.g., spouse, children, parents, siblings) who may be eligible to receive compensation under the local probate law of the jurisdiction where the deceased victim was domiciled. In cases where the victim was not married, the

personal representative legally authorized to administer the Estate must submit the application. If the deceased did not leave a Will, the personal representative must prepare a proposed plan of distribution of the funds among the decedent's legal heirs and beneficiaries. In circumstances where the deceased was, at the time of their death, engaged to be married, cohabitating with an intimate partner, or separated from a spouse, the Administrator may, in its discretion, require a fiancé, intimate partner, or children of the deceased to be included in the proposed distribution plan. The proposed plan will be distributed to all such legal heirs, beneficiaries, fiancé, or cohabitating intimate partner, each of whom must consent to the proposed distribution. If agreement among the heirs cannot be reached as to who will serve as the personal representative, or with regard to the proposed distribution, the applicants will be required to obtain legal authorization from the Probate Court having jurisdiction to determine who is the legally-responsible person eligible to file the application. Under those circumstances, the Fund Administrators will, in their discretion, withhold funds until an agreement is reached, or deposit the affected funds with the Probate Court having jurisdiction, to be held in a separate account, and to be distributed only upon resolution in accordance with a valid court order.

F. An application for a minor child must be submitted and signed by a parent or legal guardian. An application for an incompetent adult will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*.

G. An application filed for physical injury must include an authorization to release medical information which confirms: (i) date of admission to the hospital, (ii) date of discharge from the hospital, and (iii) the nature of the injury and that the injury was sustained as a result of the West Hempstead Attack.

I. An application filed for psychological trauma must have the applicant's presence corroborated by employment records or law enforcement records. The Fund Administrators will be responsible for obtaining this information, not the applicant. Applicants must also submit an affidavit attesting to their symptoms and the treatment sought, as well as an authorization to release medical records.

J. The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend applicants consult their tax advisor for any questions regarding tax liability for these payments.

K. When all distributions have been completed, a full examination of the West Hempstead Compassion Fund will be conducted according to Agreed Upon Procedures by an independent auditing firm. The results of these Agreed Upon Procedures will be made available to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

OUTREACH

A. NCF may conduct outreach to victims of the West Hempstead Attack by telephone, mail, in person, and other forms of electronic communication to provide them with information on the application process, to answer questions related to the filing of applications, to assist victims in curing deficiencies on applications, and

to work to ensure that all eligible persons who wish to submit applications are able to do so before the Thursday, October 21, 2021 filing deadline. *NCF* does not guarantee that all who may be eligible will be contacted, nor does it guarantee that all eligible persons who are in contact with *NCF* are included in the Final Protocol. It is the responsibility of the person eligible to file an application to make sure that the application is timely filed and received. Contact information that is held by law enforcement is *never* shared with *NCF*, and there should be no assumption that anyone who is eligible will be contacted simply because they have shared their contact information with either law enforcement or the New York Victims of Crime Compensation Program, without sharing it with *NCF* via the Fund's online contact form.

B. The Final Protocol and application information will be disseminated to all known victims who have registered with *NCF* via the Fund's online contact form and made available on the NationalCompassionFund.org website beginning on Tuesday, September 21, 2021. The Fund Administrators will work directly with applicants as requested so that applications are submitted by the Thursday, October 21, 2021 deadline.

C. Optional face-to-face or telephonic meetings with the Fund Administrators will be scheduled at the applicant's request. All applications will be processed during the period between Thursday, September 23, 2021 and Sunday, November 21, 2021. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between Thursday, September 23, 2021 and Thursday, October 21, 2021. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please send a request via email to NY@NationalCompassionFund.org.

PROPOSED WEST HEMPSTEAD COMPASSION FUND TIMELINE

- April 20, 2021: Shooting occurs
- April 26, 2021: Launch contact form
- May 17, 2021: Announce Steering Committee membership
- July 13, 2021: First meeting of Steering Committee; approve Draft Protocols and send for translation
- July 19, 2021: Get Draft Protocol back from translation resource
- July 20, 2021: Publish Draft Protocol; public comment period begins
- Week of August 27, 2021: Town Hall meeting; public comment period ends
- Week of August 30, 2021: Steering Committee meets to approve Final Protocol
- September 2, 2021: Get Final Protocol back from translation resource
- September 3, 2021: Final Protocol published and available on the Fund website
- September 21, 2021: Application available; application instructions to be disseminated to all known and potential applicants who registered through the Fund's online contact form
- September 21 – October 21, 2021: Applications completed and submitted to the Fund Administrators along with the required documentation
- October 21, 2021: Deadline for submission of applications
- October 15, 2021: Fund closes to donations

- September 21 – October 21, 2021: All personal meetings requested with the Fund Administrators completed
- September 21 – November 21, 2021: All applications reviewed by the Fund Administrators and recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval
- Week of December 6, 2021: Distribution plan approved
- December 13, 2021: Payment distribution to approved eligible beneficiaries begins on a rolling basis.
- Three weeks after the end of the month in which all disbursements are completed: AUP by auditors begins