

SUBCOMMITTEE NO. 4 and 5

**Senator Loni Hancock
Senator Joel Anderson
Senator Jim Beall**



**Senator Richard D. Roth,
Senator Steven M. Glazer
Senator Janet Nguyen
Senator Richard Pan**

**Thursday, April 21, 2016
9:30 a.m. or upon adjournment of session
State Capitol - Room 2040**

Consultants: Samantha Lui and Julie Salley-Gray

PART A

INFORMATIONAL HEARING

“Programs for Victims of Crime”

I. Department Overview

- **Gina Buccieri-Harrington, Assistant Director, Grants Management, Office of Emergency Services**
- **Valinda Roberts, Administrative Deputy, California Victim Compensation and Government Claims Board**

II. Perspectives

- **Anita Lee, Legislative Analyst’s Office**
- **Christine Ward, Crime Victims Assistance Network Foundation**

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California funds services to victims of crimes through 47 separate programs, administered by different entities, including: the Victim Compensation and Government Claims Board (VCGCB), the Governor's Office of Emergency Services (OES), the Department of Justice (DOJ), and the California Department of Corrections and Rehabilitation (CDCR). The purpose of the informational hearing is to present the various roles of the departments that, directly or indirectly, provide services to victims of crime; examine how departments can improve coordination; and assess whether outcomes are being appropriately measured or delivered in an intentional manner.

GOVERNOR'S BUDGET

Victim Compensation and Government Claims Board (VCGCB). The budget proposes \$125 million for VCGCB in 2016-17. Of that amount, \$111 million would be dedicated to victim compensation, \$89 million for direct services at the local level, and \$36 million for state administrative operations. The budget also assumes that \$2.9 million will be available from Proposition 47 for the expansion of trauma recovery centers. Similar to the 2015 proposed budget, the Governor's budget proposes shifting the Government Claims Program to the Department of General Services, effective July 1, 2016. This would result in a shift of nine positions and approximately \$1.2 million in funding to support the positions. This proposal will be discussed further in Part B of today's hearing.

Office of Emergency Services. The Governor's budget proposes \$8.3 million (\$1.3 million General Fund) for state operations costs associated with administering the victim services programs housed at OES, and proposes \$169 million for local assistance for victims services projects.

BACKGROUND

Office of Emergency Services

The Office of Emergency Services (OES) is the Governor's lead response agency during disasters and emergencies. In 2004-05, when the Office of Criminal Justice Planning (OCJP) was eliminated, OES absorbed many of the state's victim grant programs; despite, according to the LAO, OES not having expertise in these program areas at that time. The OES largely serves as a pass-through entity, and provides state and federal funding to the majority of the state's victim services grant programs.

How does OES distribute funds? In 2014-15, OES provided over \$105.8 million (\$21.5 million General Fund, \$65.7 federal funds, and \$18.7 special funds) to various victim programs.¹ According to OES, allocation amounts are based on "historical funding levels and historical reversion rates in determining funding ranges for specified programs. Individual project allocations are [based on] service area population, population and crime statistics, as well as recommendations of advisory groups." If funds for victim services are unused at the end of the

¹ Governor's Office of Emergency Services Grant Management, Criminal Justice and Victim Services Division, *Joint Legislative Budget Committee Report* (January 2015), <http://www.caloes.ca.gov/GrantsManagementSite/Documents/2015%20JLBC%20Report.pdf>

grant period, funds revert back to the state, or federal government for federal awards. It is unclear the amount of state or federal reversion that occurs.

Monitoring performance. The OES provides the Joint Legislative Budget Committee (JLBC) an annual report detailing statistical and funding data for its criminal justice and victim service grant activities. The report evaluates quantitative outputs, such as the number of services provided for sub-recipients, as opposed to qualitative outcomes that indicate if an activity has the intended impact to improve a victim's safety or emotional wellbeing. In addition, OES conducts programmatic site visits at least once every three years, as well as state and federal financial and compliance reviews. The OES also indicates it conducts audits "when deemed necessary," but no additional specificity was provided as to what circumstances would trigger an audit.

Funding requirements. Federal and state requirements often govern the use of funding for victim grant programs. However, these requirements are typically broad and provide the state a significant degree of flexibility in determining the number and type of victim programs the state administers. For example, federal funding sources specify minimum amounts to be spent on various types of programs, such as requiring that a minimum of 30 percent of federal Violence Against Women Act (VAWA) funds be spent on direct services to victims.

Federal funds conditions do not require the state to fund specific programs or a number of programs. For programs that receive state funds, OES has significant flexibility to determine allocation amounts because funding for these programs is generally appropriated in aggregate in the annual departmental budget, without allocated amounts for each program. Along with the discretion to determine funding levels for programs, OES also can establish new programs, and does so based on the recommendations of its advisory task forces.

Victim-Related Task Forces. The OES administers five victim-related task forces, which collect and disseminate information on victim needs and best practices for programs serving victims. These task forces can recommend the creation of new grant programs, or changes to existing programs, as well as recommend how to allocate funding associated with its various victim programs. The five task forces are:

- Domestic Violence Advisory Council.
- State Advisory Committee on Sexual Assault.
- Children's Justice Act Task Force.
- Child Abduction Task Force.
- Violence Against Women Act Implementation Committee.

Stakeholders. Representation on each task force is primarily based on statutory or funding requirements. According to OES, if representation is not dictated, OES consults with current stakeholders to select who will represent victim groups previously prioritized by OES. The stakeholder selection and identification process begins with a formal solicitation for members,

applicant scoring, and selection based on highest combined score. The OES director makes the final approval in the selection process.

Victim Witness Assistance Program. The OES administers the Victim Witness Assistance Program, which provides grants to 58 counties and the City of Los Angeles for victim witness assistance centers. These centers serve approximately 150,000 victims each year, and primarily focus on assisting victims through the justice system and accessing other victim programs through the help of a victim advocate. For example, advocates at the centers accompany victims to court and assist them in applying for compensation from the California Victim Compensation Program (CalVCP) within the VCGCB (discussed below). Assistance centers are located statewide, with 51 victim witness assistance centers based in district attorney's offices; three in county probation departments; three in community-based organizations; one in a county sheriff's department; and one in the Los Angeles City Attorney's Office. In 2013-14 and 2014-15, approximately \$10.8 million was provided to the program. For 2013-14, around 55,000 crisis intervention services were provided to victims of crime, and 144,600 new victims of crime were served.²

Various Other Victim Grant Programs. The OES administers 39 additional grant programs that fund local agencies and community-based organizations, such as rape crisis centers that provide counseling services, self-defense training, and staff who can accompany victims to hospitals or other appointments. Some programs also provide training and other assistance to law enforcement, first-responders, and community-based providers in developing effective approaches to assisting victims.

California Victims Compensation Government Claims Board

The VCGCB is a three-member board comprised of the Secretary of the Government Operations Agency, the State Controller, and a gubernatorial appointee. It administers four victim programs: the CalVCP, trauma recovery center (TRC) grants, the Good Samaritan Program, and the Missing Children Reward Program. The board also administers the Government Claims Program, which processes claims for money or damages against the state, and a program that pays claims to wrongfully imprisoned individuals.

The CalVCP, which is responsible for providing compensation to victims of crimes who have been injured, or face the threat of injury, is the largest of VCGCB's programs. CalVCP provides an array of services, including mental health and medical services, which a victim's insurance policy may not cover. The Restitution Fund is the primary source of funding for CalVCP, with the majority of this funds revenue stemming from restitution fines, diversion fees, and orders and penalties paid by criminal offenders. For example, when a defendant is found guilty of a crime, as part of the court's ruling, a defendant may be ordered by the court to pay a series of fines and penalties. The collected money is divided among several parties, in accordance with state law. Depending on the situation, the compensation can be provided directly to the victim, or to the provider of services. A portion of the money collected by defendants is deposited directly into

² Pursuant to the federal VOCA statistical requirements, the number of victims served and number of services are counted once, so figures may be underrepresented.

<http://www.caloes.ca.gov/GrantsManagementSite/Documents/VW%20done.pdf>

the Restitution Fund. Restitution Fund revenues are used as a match to draw down federal funds under federal Victims of Crime Act (VOCA) grant program. The CalVCP receives 60 cents in matching federal VOCA grant funding for each dollar spent to provide victims with services.

Application to VCGCB. Individuals can submit an application directly to VCGCB themselves, or with the assistance of others, such as private attorneys or victim advocates. Victim advocates are individuals who are trained to assist victims and work for locally-run victim witness assistance centers. Because applicants must submit additional information after the initial application, such as a copy of the crime report to verify eligibility for the program, an advocate typically assists in these subsequent steps.

Trauma Recovery Centers. The VCGCB also administers a grant program that funds trauma recovery centers (TRCs), which provided services such as: cooperation of victims with law enforcement; mental health treatments; community-based outreach; and referrals to other state and community services. There are currently six TRCs across the state. Currently, VCGCB provides a total of \$2 million (Restitution Fund) over the next two years in grants to three TRCs:

- **Children’s Nurturing Project (CNP)**, located in Fairfield, will receive \$426,341 in grant funds from CalVCP. It is partnering with LIFT3 Support Group to provide trauma-informed mental health treatment, case management, and community outreach.
- **Fathers and Families of San Joaquin**, a community-based organization (CBO) that has been serving at-risk populations and trauma victims since 2003, is receiving an award of \$716,932 to open the **Stockton Trauma Recovery Center (STRC)**. It is partnering with San Joaquin Behavioral Health Services to provide comprehensive mental health and recovery services to victims of crime.
- **Special Service for Groups (SSG)**, a community-based organization that serves south Los Angeles, will receive \$856,727 this year. The SSG TRC provides mental health services to underserved crime victims through a partnership with the Homeless Outreach Program Integrated Care System (HOPICS), local service providers, and the District Attorney’s Victim Assistance Center.

Any portion of funding not used within the specified grant period will revert to the Restitution Fund. Last year’s awardees, the Downtown Women’s Center in Los Angeles and California State University, Long Beach, will be receiving funding through the end of fiscal year 2015-2016.

The tables below reflect the various grants awarded and recipients during the last three TRC grant cycles.

Fiscal Year	Agency	Amount Awarded	Contract Length	Contract Start	Contract End
2013-14	CSU Long Beach TRC	\$534,579	12 Months	4/7/2014	4/6/2015
	Special Services for Groups (Los Angeles)	\$611,392	16 Months	3/1/2014	6/30/2015
	UC San Francisco	\$854,029	24 Months	7/1/2014	6/30/2016
	Total Awards	\$2,000,000			
2014-15	CSU Long Beach TRC	\$1,330,403	24 Months	4/7/2015	4/6/2017
	Downtown Women's Center (City Los Angeles)	\$669,597	24 Months	3/1/2015	2/28/2017
	Total Awards	\$2,000,000			
2015-16	Special Services for Groups (Los Angeles)	\$856,727	24 Months	7/1/2015	6/30/2017
	Stockton TRC	\$716,932	24 Months	7/1/2015	6/30/2017
	Solano County TRC (Fairfield)	\$426,341	24 Months	7/1/2015	6/30/2017
	Total Awards	\$2,000,000			

Beginning in 2016-17, funding for TRCs will increase as a result of Proposition 47 (November 2014). Proposition 47, which reduced the penalties for certain crimes and reduced the number of inmates in state prisons, will provide state savings (discussed below in "Issues to Consider." Under the measure, these savings will be deposited into a special fund with 10 percent of the funds provided to VCGCB for TRCs.

Other Programs for Victims

CDCR Programs. Although the majority of CDCR's workload relates to supervising offenders in state prison and on parole, the department also offers certain services to victims. For example, CDCR collects the criminal fines and fees owed by inmates in its facilities, such as: (1) restitution orders (payments owed directly to victims), and (2) restitution fines (paid into the Restitution Fund). Typically, when CDCR collects fines and fees owed by offenders, it transfers them out of inmate accounts (accounts, similar to bank accounts, maintained for inmates). When CDCR is collecting restitution orders for victims, the department transfers the funds from an inmate's account to VCGCB, who then provides the funds to the victim. In addition, when requested, CDCR will notify victims of certain changes in an inmate's status, such as if an inmate is eligible for parole, or escapes from prison. The CDCR also administers a program that provides a limited amount of funding to assist victims with the cost of travel if they choose to attend a parole hearing.

DOJ Programs. The department provides victim assistance in cases directly prosecuted by DOJ or when DOJ is seeking to uphold a conviction on appeal. These services are similar to those provided by victim witness assistance centers, and primarily involve assisting the victim through the justice system. DOJ notifies victims on the status of all cases that are appealed.

Where are we now?

2015-16 Context. Last year, the Administration proposed shifting the Government Claims Program to the Department of General Services (DGS), while keeping the administration of VCGCB's remaining programs, primarily victims programs, with the board. According to the Administration, the Government Claims Program is better aligned with the mission of DGS to provide services to departments statewide.

In response to, and during the consideration of the proposed reorganization, the Legislature adopted supplemental reporting language (SRL) as part of the 2015 Budget Act, with a report due to the Legislature on January 10, 2016. The SRL directed the Administration (VCGCB and OES) to outline a plan "to reorganize the administration of the state's victim programs to bring all of the state's victim programs under the same administering entity." The SRL required the report to "include a proposed timeline for the new administering agency to develop a comprehensive strategy for victim programs that, at a minimum: (a) evaluates and recommends changes to the number, scope, and priority of state victim programs, and (b) ensures that the state receives all eligible federal funds for victim programs."³

Report to the Legislature. On January 8, 2016, the Administration submitted a two page report that, aside from providing background on VCGCB and OES and their existing collaborative efforts (e.g., regional trainings, outreach materials), concludes: "[T]he Administration does not believe that a consolidation of victim programs is warranted at this time," noting that "existing programs are working together to ensure that victims are well-served and able to easily access the programs available to them."

Legislative Analyst's Office Comments and Recommendations

A March 2015 LAO report⁴ found significant weaknesses in the state's programs for victims, specifically: (1) programs lack coordination; (2) the state is possibly missing opportunities for federal VOCA grants; (3) many programs are small and appear duplicative; (4) narrowly targeted grant programs undermine prioritization; and (5) limiting advocates to victim witness assistance centers limits access to CalVCP. To address these weaknesses, the LAO recommended to, among other recommendations:

- **Restructure and Shift All Major Victim Programs to the Restructured VCGCB.** Shift all non-victim programs out of VCGCB to allow the board to focus solely on administering victim programs. In order to facilitate the restructured responsibilities of VCGCB, change the board's membership to add specific expertise in victim issues. The restructured board could administer all of the state's major victim programs. As such, shift all of the victim programs administered by OES to VCGCB.

³ The SRL can be accessed on page 32 of the document, <http://lao.ca.gov/reports/2015/supplemental/2015-16-supplemental-report.pdf>

⁴ *The 2015-16 Budget: Improving State Programs for Crime Victims*

- **Utilize Proposition 47 Funds to Improve Program Access.** Beginning in 2016–17, the state will begin providing additional grants to trauma recovery centers (TRCs), as required by Proposition 47 (approved by voters in 2014). Ensure these funds are used to improve access to victim services, such as expanding TRCs to additional regions of the state and allowing them to have victim advocates.

ISSUES TO CONSIDER

No Administration-Generated Plan for Reorganization. The SRL required the Administration provide the Legislature with a plan to reorganize the administration of victim programs under one entity, as well as a proposed timeline for that new entity to develop a comprehensive strategy for victim programs. However, the report the Administration provided failed to do so; instead it provided information about its existing practices and noted the, “Administration does not believe a consolidation is warranted.” The Administration attributed the shortcomings of the report to a lack of funding and staff resources.

What is the Legislature’s role to empower departments? In early conversations with the Administration, there appears a willingness to have thoughtful discussions about an impartial evaluation, which incorporates direct feedback from the community, is conducted in a manner that is respectful of departments’ and community-based organizations current expertise, and does not disrupt, or jeopardize, federal or state grants. The subcommittees may wish to: (1) re-submit an identical reporting requirement that outlines specific workgroup topics and deadlines and requires legislative staff participation; (2) require the LAO to write a follow-up report to its 2015 release; or, (3) empower the departments (OES, VCGCB, CDCR, and DOJ) to identify and fund an entity to assess the state’s victims services programs and provide recommendations.

Re-thinking Outcomes and Competitive Grants. When OCJP was eliminated in 2004-05, OES, with its expertise in federal grants management and despite some concerns that it may not be the “right home,” assumed responsibility for victims services program. Nearly twelve years later, the Legislature is considering how the state can better coordinate victim services in a manner that is client-centered. However, it appears some of the same issues that plagued the OCJP persist today. In 1998-99, the LAO recommended eliminating the OCJP’s Evaluation Branch because, although it had a \$2 million ongoing consulting contract to fund studies on whether measure can be developed to assess OCJP programs, “the branch has no plans to evaluate the effectiveness of the OCJP program.” Instead, OCJP reviewed agency compliance with grant requirements and regulation, similar to OES’ current quantitative compliance review. As such, the subcommittees may wish to consider working with OES to define metrics that are more qualitative and informative and can be provided back to the state in a streamlined manner. Further, the subcommittees may wish to consider whether the current competitive grant structure inadvertently encourages organizations, that serve similar populations of victims, to be less collaborative; and whether it is fair for organizations that are well-resourced to compete with smaller organizations.

Show Me the Money. On December 17, 2015, OES notified the Joint Legislative Budget Committee (JLBC) that it was awarded an additional \$233 million from the federal Victims of

Crime Act (VOCA) Formula Grant Program. The letter indicated that OES intended to allocate these funds to eight existing programs and eight new programs under the expenditure authority provided to OES in the 2015 Budget Act. The OES reportedly received notification of this influx of federal funds as early as 2014, yet the Legislature was not notified until December 2015.

When questioned by the JLBC regarding the budget authority that would allow the department to expend \$233 million in unanticipated federal funding without legislative approval, the department noted it has approximately \$1 billion in excess budget authority for the allocation of federal funding. However, this funding authority was included to allow for the receipt of federal funds related to disaster assistance, not for victims-related funding.

In light of OES's interpretation of budget authority and its grant award process, the subcommittees may wish to consider the following:

- Is it appropriate for the federal budget authority line item to include both disaster and victims-related service funding?
- How can the Legislature statutorily ensure that providers, local governments (cities, counties, etc.), legislative members, community organizations, and advocates are included in a transparent and public stakeholder process?

The subcommittees may wish to require OES, in its budget display, to split funding -- those intended, and allocated for, disaster-response and those related to victims services.

Mission-tasked. OES is primarily responsible for the state's readiness, response, and recovery from natural disasters and man-made emergencies. In response to California's wildfires, the department appropriately redirected staff and resources to the emergency. It appears potentially problematic for the state's victim services programs to be administered by the same entity whose mission requires the dispatching of personnel across the state in response to emergencies, possibly disrupting services for and diverting resources from victims of crime. The subcommittees may wish to ask the department how it ensures that victim services programs are uninterrupted during state emergencies.

Creating a Focused Entity to Assist Victims of Crimes. The LAO report and recommendations make clear the lack of collaboration among the various entities that serve to assist victims of crimes. As such, the subcommittees may wish to consider how it should restructure and broaden membership of the VCGCB to include representatives of victims services providers, the district attorneys, and trauma recovery centers; and whether creating a single entity within a more appropriate agency, such as the Health and Human Services Agency, which is accustomed to leading multiple different departments in providing federal and state benefits to vulnerable or at-risk populations, or a different division, may allow OES to focus its existing strengths in victims services.

Investment in Trauma Recovery Centers. Initial Department of Finance estimates suggest that the amount of savings due to Proposition 47 is much less than originally anticipated. Rather than the \$10 million to \$20 million range in new funding for TRCs suggested by the LAO, the budget includes less than \$3 million for TRC expansion. Penalties in a determinate sentencing system

like California's have been informed greatly by victim advocates. In addition, victim compensation has developed as an important response to crime, which is rooted in a growing awareness of the impact of crime on victims. The TRC model focuses on healing harm. Although some community-based advocates are concerned about expanding TRCs, arguing instead to enhance current programs, like victim witness, rape crisis centers, or domestic violence programs, the subcommittee may wish to consider how TRCs and organizations that service specific victims populations may be better equipped to work cohesively, so that one does not undermine the other.