

Strengthening Victim Services in California: A Proposal for Consolidation, Coordination, and Victim-Centered Leadership

A Report to the Legislature

Prepared by the California State and Consumer Services Agency

Pursuant to AB 2435 (Jackson, Statutes of 2002)

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Foreword and Executive Summary

by Aileen Adams, Secretary, California State and Consumer Services Agency

Our country has long recognized that the aftermath of crime can be devastating to victims -- physically, psychologically, and financially. As a result, every state has established a victim compensation program that helps victims pay for needed services, which may include mental health counseling, medical costs, and funeral expenses. California's compensation program, the first and largest in the nation, last year provided \$117 million to compensate over 50,000 victims for crime-related expenses.

In addition, hundreds of local victims' programs in California provide assistance to hundreds of thousands of victims who need services such as crisis counseling, advocacy, and accompaniment throughout the criminal justice system. These victim assistance programs include battered women's shelters, rape crisis centers, victim-witness offices, elder abuse advocacy programs, child abuse treatment centers, and others that assist underserved victims, including those whose loved ones have been killed or injured by drunk drivers or whose relatives have been murdered.

This report, *Strengthening Victim Services in California: A Proposal for Consolidation, Coordination, and Victim-Centered Leadership*, provides options for restructuring California's programs at the state level. These programs currently are spread across numerous state departments, which have been criticized over the years for failing to provide coordination, strategic planning, and appropriate oversight and technical assistance for the local victim assistance programs that receive funds through state grants. The report is issued pursuant to AB 2435 (Jackson, Statutes of 2002), which designated the State and Consumer Services Agency to: (1) study victim service programs throughout the state; (2) compare California's services to other state programs; and (3) explore alternative funding methods to ensure seamless, integrated services.

To develop this report, we met with hundreds of knowledgeable people, including victims, their advocates, service providers, law enforcement representatives, victim-witness coordinators, prosecutors, corrections officials, members of the judiciary, mental health providers, legislators, and their staff. We also talked with dozens of victim service providers in other states; reviewed numerous studies and reports; and analyzed recent critiques of victim services funding completed by the California State Auditor, the Legislative Analyst's Office, the Little Hoover Commission, and the Urban Institute.

RECOMMENDATIONS

Based upon the analysis in this report, our agency makes the following five recommendations:

- **Consolidation**: Establish a single state entity to distribute the more than \$245 million in state and federal funds spent by the three major state funding sources for direct victim services:
 - The Victim Service Division of the Office of Criminal Justice Planning (OCJP);
 - The victim compensation functions of the Victim Compensation and Government Claims Board (VCGCB); and
 - The Battered Women's Shelter Program within the Department of Health Services (DHS).

For the purpose of this report, we refer to this potential new entity as the Office for Victim Services (OVS). It is possible that some of the other 11 victim programs should also be consolidated within the new entity. As a related item, this report also recommends moving the government claims functions of the VCGCB into the Office of Administrative Hearings within the Department of General Services.

- **Oversight Board**: Establish a board of five to nine people to oversee the proposed Office for Victim Services. Board members should have expertise in victims' issues. Such a board could hold open meetings, gather input from the field, oversee needs assessment and strategic planning, supervise the program's executive officer, and coordinate victims' programs throughout state government.
- **Advisory Committee**: Create a Victim Services Advisory Committee to provide the oversight board with input from diverse, concerned, and informed citizens. Members could include victims, advocates, law enforcement professionals, and service providers knowledgeable about crime victims' issues. Most importantly, this committee and the proposed board could help ensure close cooperation between victims' representatives, law enforcement, and others in the field.
- **Coordination by a High-level Executive**: Designate a high-level executive, preferably a Cabinet Secretary, to coordinate all state victims' programs that are currently spread across four Cabinet-level agencies, the Governor's office, two other constitutional offices, and at least eleven state departments. The executive should convene regular meetings among these departments to ensure their input into strategic planning. This function should pass to the new victims' office when and if it is formed.
- **Hearings**: Conduct public hearings to discuss the options presented in this report regarding the role and structure of a consolidated victim services office. These hearings should be held by the Legislature in coordination with the new administration. Options include: (1) locating OVS within the Governor's

administration as an independent department; (2) placing it within an agency structure, such as the Office of Homeland Security, the Health and Human Services Agency, or the State and Consumer Services Agency; or (3) locating OVS within the Office of the Attorney General. The pros and cons of these options are discussed later in this summary.

Until a permanent new structure is adopted, the Department of Finance has recommended in its interim plan that OCJP's victim services programs be transferred temporarily to the Office of Emergency Services within the Office of Homeland Security for the remainder of the 2003-04 fiscal year.

FINDINGS

Our review resulted in several important findings that may assist in informing discussions about the best ways to structure, fund, and coordinate programs for crime victims:

1. Fragmented Funding and Governance

Oversight of victim services funding (more than \$245 million in state and federal funds) and service delivery for crime victims' programs is spread across four Cabinet-level agencies, the Governor's office, two other constitutional offices, and at least 11 different departments. There is little coordination among these funding streams and programs.

The following three state entities provided the major sources of funding for crime victim services in fiscal year 2002-2003:

- The **Victim Compensation and Government Claims Board**, which reports to the Governor's Office through the State and Consumer Services Agency (SCSA), paid out \$117 million to compensate 50,000 victims for medical, mental health, funeral, income loss, and other costs;
- The **Office of Criminal Justice Planning**, which reports directly to the Governor's Office and will be eliminated on January 1, 2004, distributed \$102 million to more than 500 local victim service programs such as battered women's shelters and rape crisis centers; and
- The **Department of Health Services**, within the Health and Human Services Agency (HHS), provided \$23 million to nearly 100 domestic violence shelters for training, prevention, and education programs through the Battered Women's Shelter Program.

Most of OCJP's \$102 million in FY 02-03 funding came from federal grant programs, with about \$34 million from state sources. State restitution fines, penalty assessments, and federal grant reimbursements support the Victim Compensation Program. The state's General Fund provided the \$23 million for the Battered Women's Shelter Program.

2. System Weaknesses

Recent studies and extensive input from people involved in victim services have documented serious weaknesses in the current structure, including:

- Lack of coordination among government agencies resulting in conflicting and duplicative policies;
- Inadequate planning for victim services causing uncertainty in funding from year-to-year and changing program requirements;
- Poor communication among state advisory committees that serve as informal policy-making bodies;
- Failure to consult victims and service providers on significant policy issues;
- A top-heavy administrative structure in the departments that deal with these issues, which produces excessive overhead costs that reduce the dollars available to victims; and
- Poor grant management, including inadequate technical assistance to grantees and a failure to conduct thorough program evaluations.

3. Learning from Other States

Unlike California, where victim assistance is located within OCJP and compensation is located within the VCGCB, the majority of states (28) consolidate federal victims' assistance and compensation funds within one department. Among these, there are two preferred consolidation models: 13 states have consolidated programs within a criminal justice agency under the Governor's Administration, and nine states have consolidated their programs within the state Attorney General's Office.

This consolidation allows many states to:

- Provide comprehensive needs assessments;
- Create strategic plans for providing services to all crime victims; and
- Develop innovative strategies for reducing administrative costs.

All of these strategies should be considered in California.

OPTIONS FOR REORGANIZATION

The State and Consumer Services Agency recommends that the Legislature hold hearings to determine how to organize and fund victim services in California. These hearings should be held in close coordination with the new administration, the Attorney General's Office, victims, and the people who serve them. Time is running out. Effective January 1, 2004, the Legislature has decided to abolish the Office of Criminal Justice Planning, which in the past has administered much of the funding for victim assistance programs. In order to minimize disruption in the flow of almost \$102 million

per year in OCJP funding to over 500 local providers, a decision regarding which state entity will be responsible for administering these funds must be made in the very near future. Options include the following:

1. Consolidation of Major Funding Departments

One office, which we provisionally call the Office for Victim Services (OVS), could manage the three major funding sources for victim services and help to coordinate victims' programs spread throughout state government. This proposed consolidation of the Victim Services Division of OCJP, the victim compensation functions of VCGCB, and the Battered Women's Shelter Program within DHS will achieve substantial savings in dollars and positions, which ultimately would make more money available for services. The Victim Compensation Program, which has about 250 staff members, could provide the administrative, legal, personnel, and other support functions for a new entity, which would also include about 40 current OCJP staff and six DHS staff. In addition, there may be other programs within state government, such as the DHS Epidemiology and Prevention of Injury Control Program and the Office of Child Abuse Prevention, which should also be part of the new office because of their overlap with current OCJP programs.

The functions of the proposed Office for Victim Services could include:

- Management of all victims' grants;
- Administration of the victim compensation program;
- Strategic planning with the field;
- Identification of "best practices" with strategies for replication;
- Coordination of all departments within government that provide services to crime victims; and
- Development of strategies for reducing costs of administration and enhancing revenue.

These responsibilities should be administered with guidance from service providers and victims' organizations. If there is agreement regarding this consolidation proposal, a decision must be made about where to place such an office.

2. Placement Options

If OVS is to be located in the Governor's Administration, a board of five to nine people representing diverse constituencies could oversee it, or it could be administered by an appointed executive officer. Open board meetings could ensure more public input than has characterized past practices. The board could also include representation from the Attorney General's Office and the Legislature, or legislative input could be assured through confirmation hearings.

If OVS reports to the Governor's Office, the Governor could retain a majority of appointments on the proposed oversight board or appoint the executive officer. The

office could be located within any of the agencies listed below; it could be an independent department that reports directly to the Governor, as was OCJP; or it could be placed within the Attorney General's Office.

The Office of Homeland Security (OHS)

Pros: The California Coalition Against Sexual Assault, the Victim Witness Coordinating Council, the Statewide California Coalition for Battered Women, and other crime victims' groups have advocated that a new office be placed within the Office of Homeland Security where it is likely that law enforcement grants will be located when OCJP is abolished. These groups emphasize that co-locating victim grant programs with law enforcement grant programs, as was done at OCJP, will ensure the continued synergism between the two entities. In addition, the co-location facilitates designation of more funds for victims' services from traditional federal public safety grants. For example, OCJP recently allocated about \$3 million in public safety funds for a variety of victims' programs.

Another advantage is that the Office of Homeland Security's function to prevent terrorism has a nexus to providing comprehensive services to victims of terrorism and disasters. The October 1, 2003, decision by the Department of Finance to place temporarily OCJP victims' programs under the Office of Emergency Services (OES), which is currently housed at OHS, provides an argument that the programs should not be moved a second time. In addition, another benefit is that OES has experience in administering over \$2 billion in federal funds.

Cons: Concerns were expressed by a number of victims' groups, including the California Alliance Against Domestic Violence and the Coalition for Crime Victim Services, that OHS might not give high priority to issues related to victim services because of its intense focus on homeland security. In addition, the permanent structure of OHS is unknown. OHS may not, therefore, provide the stability needed to streamline and coordinate victim services. Additionally, some groups were concerned that the leadership of OHS is dominated by law enforcement officials, whose focus and background do not always provide the perspective needed in responding to victims' special needs. Some domestic violence service providers do not want their programs to be placed within OHS because they believe that the law enforcement image could discourage immigrant clients and communities of color from seeking services. Also, others argued that the temporary location of the OCJP grant program within OHS should not become the permanent location through inertia, but that options should be scrutinized after the move.

The positive effects of association with law enforcement grant programs, a priority for many victims' groups, could be achieved through other means, such as continued physical co-location of both victim and law enforcement grant programs, as well as law enforcement representation on the proposed oversight board and advisory committee.

The Health and Human Services Agency (HHS)

Pros: The Health and Human Services Agency has experience in administering many state and federal programs that provide direct services for health care, social services, public assistance, job training, and rehabilitation. Placement of OVS in this agency could help ensure the integration of the public health perspective with that of law enforcement. It could also ensure the integration of social services and job training with victim services programs. This could prove to be a considerable advantage, especially for victims of domestic violence, sexual assault, and alcohol and drug related crimes. HHS also focuses on prevention programs geared toward avoiding crimes in the first place -- an important priority for many victims' organizations.

Cons: The future administrative structure of this agency is unclear. It may not have the capacity to oversee or prioritize victims' issues. The close coordination with law enforcement grant programs desired by some victim groups may be more difficult from within this agency.

The State and Consumer Services Agency (SCSA)

Pros: The State and Consumer Services Agency already oversees many state programs administered by boards that have enforcement functions and help protect victims of white-collar crimes. Because it also provides advocacy for the Victim Compensation and Government Claims Board's legislative and budget change proposals, SCSA's staff members are familiar with programs serving crime victims. Furthermore, SCSA has a great deal of experience in coordinating diverse departments and perspectives. For example, the Agency Secretary chairs the Sustainable Building Task Force, which includes over 40 separate departments with varied areas of expertise that work together to design and construct new state buildings in environmentally sensitive and cost-effective ways. SCSA also has experience with grant administration.

Cons: SCSA has less experience administering grants and less expertise in public health issues than the Health and Human Services Agency, and it also has fewer links to law enforcement than the Office of Homeland Security.

An Independent Office

Pros: One advantage of an independent victims' department is that it would have a single focus -- service to crime victims. An individual with a background in the field of victim services could lead the office, or it could be headed by the proposed oversight board. While most departments in state government are organized under a Cabinet-level agency, there are many independent departments that do not have agency oversight and report directly to the Governor's Office. These include the Seismic Safety Commission, the California Arts Council, and the Office of Administrative Law. OCJP has traditionally been an independent department. A stand-alone department would emphasize symbolically the importance of crime victims' issues within the new administration.

Another way to organize a stand-alone department would be to include both victims' and law enforcement grant programs. This would probably require oversight by a board with strong representation from both groups. The advantage of this approach is that they would continue to be linked and co-located, just as they are currently at OCJP.

Cons: With this option, there is no Cabinet Secretary to serve as an advocate for the office's agenda and priorities. Often, independent departments do not receive needed oversight and advocacy within government. In addition, the documented failures of OCJP throughout the years may indicate that its programs and administration need greater oversight.

The Attorney General's Office (AG)

Nine states that have separately elected Attorneys General have successfully located victim services programs within their AG's offices. If the OVS were to be placed in the Attorney General's office, it could be governed by a board or an executive officer appointed by the Attorney General.

Pros: One advantage is the obvious synergy between victims' programs and law enforcement. Victims' programs are likely to be a top priority if placed in this office. In addition, the Attorney General's Office has significant experience in administering grant programs. At the federal level, many victim service functions are located within the Attorney General's Office, although some are located within the Department of Health and Human Services. The problems faced by OCJP over the many years it has been located within the Governor's Administration may be an indication that this function would be better performed within the Attorney General's Office.

Cons: Because the AG's Office currently receives some grant funding from the OCJP for the DOJ Office of Victim Services and other programs, placement here may raise conflict of interest issues. In addition, unless law enforcement grant programs were also transferred to the AG, placement here might inhibit needed coordination between the two grant programs.

THE VICTIM SERVICES ADVISORY COMMITTEE

Whatever the ultimate location of the OVS, the program should include a Victim Services Advisory Committee to ensure that actual providers and victims themselves have a voice in the policy debate and a role in decision-making. The Committee should be comprised of victims, victims' advocates, and service providers knowledgeable about crime victims' issues. Committee members should represent the ethnic and geographic diversity of the state. This broad-based committee should assist the office in identifying service gaps, preparing a strategic plan, and ensuring a high level of coordination between all government entities that provide or fund services to crime victims. Representatives from each state department involved with victim issues could also serve on this committee.

LOOKING TOWARD THE FUTURE

In addition to reorganizing victims' programs at the state level, policy-makers should turn their attention to the following issues:

- **Focus on federal funding** – With a decline in the amount of fines and penalties collected at the federal level, federal funding for state and local programs may soon drop. California needs to advocate strongly for increased federal efforts. The Governor's Office should work with Congressional leadership to develop a federal strategy for ensuring continued funding for victims' programs.
- **Conduct a needs assessment** – To facilitate the strategic planning of victim services for the state, a comprehensive needs assessment should be conducted similar to those completed in other states, such as Oregon and Wyoming. Given the state's limited resources, every effort should be made to seek federal funding from the U.S. Office for Victims of Crime, as well as support from private foundations.
- **Write a strategic plan for all victim services** – To expend resources in the most effective way, a strategic plan should be developed with significant input from victims and providers. This plan should be updated bi-annually. One upcoming opportunity to begin to develop such a plan is the major victims' conference sponsored by the National Organization for Victim Assistance, which will be held in Sacramento in summer 2004.
- **Streamline state administration of programs** – More dollars could be provided for direct services if responsibility for grant distribution was shifted from state government to non-profit statewide coalitions that could provide funding and technical assistance to local victims' programs. This structure has met with success in Pennsylvania and Illinois. The state should also consider placing other functions of the state compensation system at the local level. It may also be possible to take better advantage of technology, as has been done in other states, to streamline the system. Locating functions at the local level, however, would require more effort at that level to collect fines, penalty assessments, and restitution to pay for compensation to crime victims.
- **Increase resources** – Given the current strain on State General Fund resources, the state should increase its collection of fines, penalties, and restitution from offenders. In conjunction with the Judicial Council, the Victim Compensation Program should intensify its current effort to identify "best practices," especially those of counties that have effective collection procedures, so that their practices can be adopted statewide. The State should also consider:
 - Creating a statewide court information system to enhance the collection of restitution;
 - Identifying all potential federal funding streams; and

- Exploring how to maximize federal funding that can be used for victim services. For example, if sexual assault exams were paid for at the state level, instead of at the local level, a significant portion of the cost could be recouped through federal victim compensation funding. About 15 other states, including Texas, handle sexual assault exam payments through the victim compensation program to increase the federal contribution.

Finally, based upon my thirty years of experience as an advocate for crime victims, I believe that the most essential component of providing successful victim services is not administrative structure. Rather, it is victim-centered leadership. The most important step that California should take to develop comprehensive and quality victim services is to put people in charge who have experience with, expertise in, and dedication to victims' issues. As many national leaders have pointed out, if everyone involved has a commitment to victims' issues and focuses on the common purpose of providing the best quality and level of service, the system will work effectively -- no matter how it is organized.

I Victim Services Funding in California

California operates the largest state-level crime victims' program in the nation with more than \$245 million in annual funding, serving several hundred thousand victims. While the majority of victim services are provided at the local level, the state is the principal funder of victim assistance programs and serves as the primary policy-maker for these programs. Thus, the structure of the state programs that distribute state and federal funds or reimburse victims for crime-related expenses strongly influences the quality of victim services.

The provision and funding of many services is spread across several state departments and agencies that currently have little interaction. These include four Cabinet-level agencies, the Governor's office, two other constitutional offices, and at least 11 state departments. Of these departments, the following three provided the major sources of funding for crime victim services in fiscal year 2002-2003:

- The Victim Compensation and Government Claims Board (VCGCB), which reports to the Governor's Office through the State and Consumer Services Agency (SCSA), provided \$117 million to compensate over 50,000 crime victims for medical, mental health, funeral, income loss, and other costs;
- The Office of Criminal Justice Planning (OCJP), which reported directly to the Governor's Office and distributed \$102 million to more than 500 local victim service programs, will be eliminated as of January 1, 2004; and
- The Department of Health Services' Battered Women's Shelter Program provided \$23 million to nearly 100 domestic violence shelters for operations, training, and prevention and education programs.

This report focuses on these three entities because they provide the major portion of victim services funding. In addition to these three entities, the following eight departments also play an important role in the provision of victim services:

- Department of Justice/Attorney General's Office;
- Secretary of State;
- Department of Corporations (within the Business, Transportation and Housing Agency (BT&H));
- Department of Social Services (within the Health and Human Services Agency (HHS));
- Department of Mental Health (within HHS);
- Department of Corrections (within the Youth and Adult Correctional Agency (YACA));
- California Youth Authority (within YACA); and

- Department of Housing and Community Development (within BT&H).

Appendices A and B provide further details about the programs within these agencies and funding for victim services in California.

A. Three Major Sources for Funding Victim Services

The three entities listed below provide the major sources of funding for victim services in California.

The Victim Compensation and Government Claims Board (VCGCB): \$117 Million in Claims to over 50,000 Crime Victims in FY 2002-2003¹

A three-member board comprised of two Governor's appointees and the State Controller oversees this program. The State and Consumer Services Agency handles its legislative and budget change proposals. The board runs the Victim Compensation Program² and the unrelated Government Claims Program. In FY 2002-03, the Board began processing over 61,000 claims and paid out over 50,000 claims.

The Victim Compensation Program assists victims of violent crime and their family members in paying for medical bills, counseling expenses, loss of support, funeral costs, and other expenses related to violent crime. The headquarters in Sacramento oversees 22 offices in victim assistance centers located in local district attorneys' offices, county probation departments, or non-profit agencies throughout the state. Funding for the program comes from state restitution fines and penalty assessments paid by offenders, as well as a federal Victims of Crime Act (VOCA) grant. Federal funds reimburse the program for 60% of the amount awarded to victims during a previous year. No General Fund money is used to support the Victim Compensation Program.

In 1990 the Board began a concerted revenue recovery effort and since that time has engaged in numerous activities to maximize the revenue available to the Victim Compensation Program. Through its revenue recovery section, the Board provides focused outreach and training for deputy district attorneys and other county agencies, including probation departments. It also provides training for the judiciary, court administrators and clerks, public defenders, county collection entities, and victim advocacy organizations.

The Victim Compensation Program had many achievements during the last few years -- from responding to national tragedies with comprehensive services to creating partnerships with the criminal justice system and those providing services to victims. The Victim Compensation Program received applications from more than 63,000 victims and their families in Fiscal Year (FY) 2001/02, paying out a record \$124 million in compensation.

Continuing to serve record numbers of victims in FY 2002/03, California's safety net for victims of crime came dangerously close to running out of funds. By taking immediate action and reducing program benefits, the Board averted a potential budget shortfall, ending FY 2002/03 with a positive Restitution Fund balance of \$30 million. Immediately following the tragedy of September 11, 2001, the Board reached out to more than 350 California survivors and family members, providing nearly \$4 million in reimbursement. Through a federal Office for Victims of Crime's grant and state legislation enacted with an urgency clause, the Board expanded compensation benefits during this national tragedy and facilitated monthly support and educational group meetings with counseling staff from the University of California, San Francisco Trauma Recovery Center. By seeking policy input from a newly created Victim Compensation Program Advisory Committee and serving on committees such as those sponsored by the Administrative Office of the Courts and the Attorney General's Task Force On Domestic Violence, the Board works in close collaboration with providers of services to victims, victim-witness assistance centers, joint powers agencies, law enforcement agencies, prosecutors, probation officers, the judiciary, and other victim service programs throughout the state to ensure comprehensive and compassionate services to California's crime victims.

The Office of Criminal Justice Planning (OCJP): \$102 million in Grants to More Than 500 Service Providers in FY 2002-2003³

The Office of Criminal Justice Planning funds law enforcement and victim services programs that affect crime prevention, crime victim services, and public safety. OCJP has two main divisions: Public Safety and Victim Services. Four branches within the Victim Services Division (Children's, Domestic Violence, Sexual Assault, and Victim-Witness) provided \$102 million in grants last year to more than 500 local service providers. The Victim Services Division served approximately 387,000 victims and the Public Safety Division served 72,500 victims.

Federal grants (including VOCA, the Violence Against Women Act (VAWA), the Family Violence Prevention and Services Act (FVPSA), the Rape Prevention Education Fund (RPE), and the Edward Byrne Formula Grant) comprise the largest portion of OCJP funding. The program receives additional funding from state penalty assessments and the state's General Fund.

OCJP has made a number of changes in the last year to improve its grants administration, including the implementation of: 1) a new past performance policy and revised Appeals Guidelines to address the concern of the appearance of arbitrary decisions regarding grant funding; 2) a new system to track grantee expenditures that will better prevent the reversion of funds; 3) a simplified Request for Proposal/Application (RFP/RFA); and 4) an improved process to evaluate OCJP's programs.

OCJP is also taking the initiative to provide leadership on some victim services planning. Recently, OCJP's Victim Programs Advisory Committee (VPAC) was selected for training and technical assistance in a competitive application process by the federal U. S. Department of Justice/Office for Victims to help create a statewide strategic plan on victim services. VPAC is composed of representatives from OCJP, a domestic violence coalition, the sexual assault coalition, the Victim Witness Coordinating Council, a children's representative from the field, and a representative from the California Victim Compensation and Government Claims Board.

OCJP is also continuing to pursue federal funds. This year, OCJP submitted four competitive applications to federal victim services agencies, three of which were selected for funding. In addition to the training for Strategic Planning project, OCJP was selected for funding for a Mentoring of Children of Prisoners Discretionary Grant Program by the U.S. Department of Health and Human Services. OCJP was also selected for funding by the federal U. S. Department of Justice/Office on Violence Against Women, for a Rural Domestic Violence/Child Victimization (RDVCV) Program.

Other major accomplishments are in the area of sexual assault and domestic violence. OCJP has been meeting with the domestic violence coalitions to begin establishing a 40-hour training requirement for domestic violence advocates, as well as guidelines to be used in the next Domestic Violence Assistance Program Request for Application. These requirements and guidelines are patterned after the requirements and guidelines currently used in the sexual assault field. In that vein, OCJP's rape crisis working group, which consists of representatives from the field as well as the sexual assault coalition, also made revisions to its 40-hour training requirement, Certification Application, and Resource Guide.

The Department of Health Services (DHS) Battered Women's Shelter Program: \$23 million in Grants to 94 Programs in FY 2002-2003⁴

In 1994 the Legislature provided financial support from the General Fund to create the Battered Women's Shelter Program (BWSP) within the DHS Maternal and Child Health Division. The Battered Women's Shelter Program (also referred to as the Domestic Violence Assistance Program) provides funding for three grant programs:

- Direct Services;
- Unserved/Underserved populations; and
- Prevention.

These programs support domestic violence shelters and programs, as well as prevention and education efforts by other community-based organizations. The State General Fund provides \$23 million to this grant program.

Over the last two years, the Battered Women's Shelter Program and OCJP have worked to improve coordination of efforts between the two programs. Joint staff

meetings focused on greater coordination were held in 2002 and 2003. In addition, OCJP staff participated in developing the BWSP's site visit survey tool, and findings from site visits were shared with OCJP staff. The BWSP hosted two meetings for executive directors of grantee programs, in April 2002 and June 2003, at which OCJP was invited to participate.

B. Federal Support for Victim Services

In addition to monies collected through state fines, fees, restitution orders, and penalty assessments, as well as some General Fund money, OCJP and the VCGCB receive major sources of federal funding pursuant to two federal laws:

The Victims of Crime Act (VOCA) --The federal Department of Justice Office for Victims of Crime distributes these grants, which are funded through collection of fines and penalties paid by offenders convicted of federal crimes. VOCA funds available to state programs nationwide total about \$550 million per year.

The Violence Against Women Act (VAWA) -- These funds support two grant programs, one in the federal Department of Justice and another in the federal Department of Health and Human Services. These two grant programs contribute about \$350 million each year to state programs nationwide.

Additional federal funding comes through the Family Violence Prevention Act, the Children's Justice Act, and the Edward G. Byrne Grant.⁵

C. Other State Programs That Fund or Deliver Victim Services

An additional 16 state entities, listed below, provide direct services or funding for victim services. Details for these programs, which include figures from fiscal year 2002-2003, appear in Appendix C.

- **DHS Epidemiology and Prevention of Injury Control Program (EPIC)** provided \$1.6 million to help fund domestic violence and sexual assault prevention programs;
- **Department of Housing and Community Development (HCD)** provided \$800,000 to 23 domestic violence shelters;
- **California Department of Corrections** received \$114,000 from OCJP to help fund their Office of Victim Services and Restitution;
- **California Youth Authority (CYA) Office of Prevention and Victim Services** received \$206,000 from OCJP to help fund services for victims of youthful offenders;
- **Department of Justice (DOJ) Office of Victim Services** received \$280,000 from OCJP to assist victims in capital and appellate cases;

- **DOJ Crime and Violence Prevention Center (CVPC)** received \$5.6 million from the General Fund and supplemental grants to provide services;
- **DOJ California Witness Protection Program** received \$3 million from the General Fund to provide protection for victims and witnesses;
- **Secretary of State’s “Safe at Home” Program** received \$226,000 from the General Fund to provide a mail forwarding service for victims;
- **Department of Mental Health, Early and Periodic Screening, Diagnosis and Treatment (EPSDT)** funded mental health treatment for victims of child abuse who are eligible under Medi-Cal;
- **Department of Social Services, Office of Child Abuse Prevention (OCAP)** provided assistance in the field of child abuse prevention;
- **Department of Consumer Affairs** oversees more than 40 professional licensing boards that discipline service providers in response to allegations of misconduct by white collar crime victims and victims of physical and sexual abuse or exploitation;
- **Department of Fair Employment and Housing** assisted people who had been victims of discrimination in employment or housing, as well as victims of hate crimes;
- **Department of Corporations’ “Seniors Against Investment Fraud”** received \$400,000 from OCJP to provide assistance to victims of fraud;
- **Department of Aging California Long Term Care Ombudsman Program** investigated elder abuse complaints in long-term care facilities and in residential care facilities for the elderly; and
- **California Judicial Council** received \$587,000 from OCJP for their Violence Against Women Education Project, an effort that provides the courts with informational materials, education, and training on domestic violence and sexual assault.

II Weaknesses in State-level Management of Victim Services

A. Recent Studies

State-level management of victim services has been the subject of considerable scrutiny, and several studies have recommended reorganizing California's funding mechanisms. California was one of six states profiled in a recently completed Urban Institute nationwide review of VOCA fund use. All of these studies, which are summarized below, documented major shortcomings and demonstrated the continuing need for:

- More collaboration;
- Comprehensive strategic planning; and
- Consolidation of similar programs.

Little Hoover Commission Study Recommends Eliminating OCJP⁶

A July 2003 study by the Milton Marks Commission on California State Government Organization and Economy (Little Hoover Commission) recommended the elimination of OCJP. The study criticized OCJP's business practices and pointed to a serious failure of leadership in recent years. Major criticisms included the lack of statewide planning; a top-heavy administrative structure; inconsistent grant process management; inadequate technical assistance to grantees; and a failure to conduct thorough evaluations of the effectiveness of programs.

LAO Study Recommends Shifting OCJP Functions⁷

The Legislative Analyst's Office (LAO) analysis of the 2003-04 budget documented a similar series of problems at OCJP and recommended shifting its responsibilities "to other departments because OCJP's missions and programs overlap significantly with those of other departments and because of OCJP's history of poor performance in the administration of its programs." The LAO also recommended transferring victim service programs to the Victim Compensation Program, moving juvenile justice programs to the Board of Corrections, and placing public safety programs in the Department of Justice. The analysis pointed out that OCJP had not properly planned its evaluations and "lacked established guidelines and a structured review process for denying funding for applicants based on past performance."

BSA Study Recommends Increased Collaboration⁸

An October 2002 Bureau of State Audits (BSA) study recommended that OCJP, DHS and the Legislature consider the following options for collaboration between OCJP and DHS on domestic violence programs:

- Coordinate shelter-based funding programs;
- Create one joint funding application; and
- Combine shelter-based programs (currently divided by DHS and OCJP) should within one department.

The BSA audit also noted that the DHS program could be transferred to OCJP with fewer disruptions to the field than would occur if the programs were consolidated at DHS. This is because the guidelines for federal funding at OCJP are complex, and all the victim grants are inter-related. As a result, it would be difficult to move one isolated block of funds (such as domestic violence) away from the department that manages the other funds directly connected to it.

Urban Institute Study Urges Effective Collaboration⁹

The National Institute of Justice funded a recent study by the Urban Institute to evaluate the use of federal VOCA monies in state victim compensation and assistance programs. Released in March 2003, the study recognized the need to restructure state programs to produce meaningful collaboration. The report, which analyzed California and five other states in depth, noted that:

- All victim compensation and victim assistance programs should engage in active collaboration;
- Coordination should be increased by consolidating funding streams into a single agency or by adopting mechanisms such as shared advisory boards; and
- Co-location of compensation and VOCA assistance programs may influence the success of coordination efforts. Closely aligned programs had significant logistical advantages in terms of shared office space, ease of communication among program staff, and frequency of formal and informal communications.

B. Views from the Field

In preparation for this report during the spring and summer of 2003, State and Consumer Services Agency staff and the Secretary met with hundreds of victim service providers and advocates. Those interviewed described some of the major strengths and weaknesses of the current system and suggested improvements in funding and organizing crime victim services. The views of a few organizations that submitted written proposals are set forth in Appendix F.

Although there was a divergence of views, many stressed two important strengths: (1) the co-location of victim and law enforcement grant programs within OCJP and (2) the multiple funding streams at OCJP and DHS, which ensures that both law enforcement and public health perspectives inform funding decisions.

Representatives of rape crisis centers, some domestic violence programs, and victim-witness programs strongly advocated that any new state funding entity include both law enforcement and victim grant programs. These groups emphasized the importance of a strong link between victim advocates and law enforcement and noted that co-location helps reinforce that important bond.

A few domestic violence service providers opposed consolidation of departments, indicating that multiple funding sources provide a measure of stability because increased funding from other sources can sometimes offset declining support from one source. They also noted an advantage to having both the public health and the law enforcement perspectives involved in funding decisions. Moreover, the fact that DHS funding can be used for administration, prevention, and education, in addition to shelter and counseling, provides additional flexibility that OCJP funding does not allow.

While many interviewees appreciated these strengths, they also expressed a number of concerns about a wide range of deficiencies, including several important functions that are ineffective or lacking. Areas where the existing system has weaknesses include the following:

No Statewide Strategic Planning

Although several groups and professionals concerned with victim services have developed strategic plans, there is no comprehensive statewide plan for the entire field. However, very recently representatives from OCJP's Victim Program Advisory Committee attended a training session on statewide strategic planning. This Committee, comprised of staff from OCJP, VCGCB, CAADV, CALCASA, Victim-Witness Coordinating Council, and the children's field, has committed to working on a statewide strategic plan during this next year.

Lack of Cohesive Leadership

The lack of a single lead agency on crime victims' issues at the state level results in limited collaboration, ineffective partnerships, and the absence of a statewide strategic approach to funding decisions. Leadership of OCJP and VCGCB have rarely consulted one another prior to making important funding and policy decisions that could affect both agencies, directly or indirectly. The two departments do not coordinate as they develop legislative proposals or monitor legislative agendas. Even at the highest level they report to different officials in the Governor's Cabinet.

Little Coordination Between OCJP, DHS, and VCGCB

OCJP, VCGCB, and DHS generally have not coordinated on reporting regulations, eligibility criteria, timing of funds release, or training. In part this may be due to different federal and state requirements for their programs. However, many service providers noted that OCJP and DHS have duplicative and overlapping grant applications and

forms, while performance reports required from the field often serve similar, if not identical, purposes. This redundancy creates an unnecessary administrative burden and can diminish the resources available for crime victims. Another problem is that timelines for funding or for payment are not synchronized. OCJP reimburses grantees on a monthly basis, while DHS reimburses quarterly. In addition, OCJP and VCGCB have inconsistent eligibility criteria for certain services, creating difficulty for providers who use both sources of funding. Training and conferences often have not been coordinated among funding departments or among operating agencies.

While OCJP and VCGCB staff have worked together on some projects, such as the standards for child abuse treatment, such collaborations are the exception rather than the rule. The two departments could work together much more closely on: training for victim advocates and claims specialists; outreach and publicity; funding of staff in victim-witness assistance centers; and coordination of funding for mental health treatment. Co-location of the functions of these two programs would likely increase opportunities for collaboration.

OCJP and DHS have about 90 domestic violence programs in common as sub-grantees. The 22 victim-witness assistance centers with which the VCGCB contracts to process claims are also OCJP sub-grantees. Despite all of these commonalities, there has been little coordination of monitoring or evaluation of joint programs.

No Organized Communication Among Advisory Bodies

At the three major departments, there are more than a dozen separate advisory committees that have little interaction.¹⁰ Some of the committees, such as the California Council on Criminal Justice, are statutory and others fulfill federal requirements, such as the VAWA Task Force. However, there are some with similar missions, such as the OCJP and DHS domestic violence advisory committees. Communication between advisory committees is not always consistent. This lack of communication often results in duplicative or conflicting standards and inconsistent policies. Only at DHS are the minutes of any advisory committee publicly posted on a web site.¹¹

Few Avenues for Collaboration

No systemic method exists for communication and collaboration among the many public and private providers who serve crime victims. Collaboration on crosscutting victims' issues, such as victims' rights and increased federal funding strategies, is the exception. The collaboration that does take place is generally ad hoc, haphazard, and depends on individual personalities and preferences. Effective coordination is often confined within certain specialties, such as domestic violence or sexual assault.

Insufficient Victim and Service Provider Input

State agency managers make some funding decisions in isolation, which can generate confusion and instability in the field. Although advisory groups like the VAWA Task Force set some funding priorities for OCJP, major funding decisions have emerged from state agencies without input from the field. However, there have been recent significant efforts to seek input from the field.

In summary, while the current system has some strengths, its weaknesses suggest a need for restructuring. Steps should be taken to ensure effective collaboration, communication, and planning.

III Learning From Other States

Because California can learn from successes in other states, the State and Consumer Services Agency analyzed practices in other states that are acknowledged as leaders in the United States.¹² This section summarizes some of the “promising practices” we found:

- **Consolidation of Services:** Most states (28), unlike California, consolidate VOCA assistance and compensation funds within one department. At least nine of these states’ programs are governed by appointed boards. In addition, the vast majority of states (at least 33) consolidate VAWA and VOCA assistance funds within the same entity, as does California.
- **Needs Assessment and Strategic Planning:** Oregon, Illinois, and Ohio are among the states that use needs assessment and planning to guide statewide development and implementation of victim services.
- **Collaboration Models:** Cross-disciplinary collaborations in Colorado, Iowa, New York, Pennsylvania, and Texas address areas of mutual concern such as enforcement of crime victim rights, federal and state funding, training, and development of standards for victim services.
- **Funding:** States use a variety of mechanisms to deliver funds to the field, such as granting the authority to statewide coalitions to sub-grant funds to member agencies.
- **Importance of Leadership:** Regardless of how victim services funding is organized, other states have recognized that victim-centered leadership is essential to the success of any state service delivery system. Thus, they have developed criteria for those who head victim-funding programs to ensure the highest level of leadership.

A. Consolidation

Most States Consolidate VOCA Assistance and Compensation Programs

In California, OCJP has traditionally distributed VOCA assistance funds, and VCGCB distributes VOCA compensation funds. This dual funding process contrasts with the majority of states (28) that have consolidated VOCA compensation and victim assistance funding into one department, enabling the programs to collaborate more effectively and reducing administrative costs.¹³

Placement of Consolidated VOCA Programs

The 28 states with consolidated programs organize their services in the following five ways:

- 13 states have consolidated programs within a criminal-justice related agency under the Governor's administration;¹⁴
- Nine states have consolidated programs within the State Attorney General's Office;¹⁵
- Three states, including New York, New Mexico, and Vermont, have independent agencies that report directly to the Governor and are dedicated solely to victim services;
- Two states organize consolidated programs under a social services agency within the Governor's administration;¹⁶ and
- One state operates all its victims programs from within the judicial branch.¹⁷

VOCA and VAWA Are Co-located in 33 States

In 33 states, including California, VOCA and VAWA assistance funds are administered by the same entity.¹⁸ At least 20 of those 33 states also distribute some other federal and state funding for domestic violence and sexual assault services from that same entity.¹⁹ In some states, VOCA and VAWA funding is co-located within a state law enforcement agency, such as a criminal justice planning agency or justice department. In other states, federal funds supporting domestic violence or sexual assault may be handled in a social services or public health department.

Nine Consolidated Programs Are Governed by Boards

Nationwide, at least 26 states²⁰ have boards governing their victim compensation programs, as California does. Of those 26 states, 9 have boards that oversee both victim compensation and victim assistance funding. These states include: Arizona, Colorado, Iowa, Michigan, Minnesota, New Mexico, New York, Pennsylvania, and Utah. A brief description of the structure of each of their boards follows:

Arizona: The Arizona Criminal Justice Commission is comprised of 19 criminal justice system professionals appointed by the Attorney General and is a part of the Department of Justice. This commission oversees funding for law enforcement activities, as well as crime victim services and compensation.

Colorado: The Colorado Department of Public Safety Office for Victim Programs has a 22-member advisory committee appointed by the Governor. This entity distributes federal funds through two different types of boards appointed at the local level. In each county, the district attorney appoints a governing board to make decisions about victim compensation. In each judicial district, the chief judge appoints a five-member board

that makes decisions about local victim assistance funding. Colorado is unusual in that it has a decentralized program run by locally appointed boards.

Iowa: The Iowa Attorney General appoints the seven-member Iowa Crime Victim Assistance Board. By statute the board consists of a sworn peace officer, a prosecutor, a medical professional, a mental health provider, a victim service provider, a correctional officer, and a victim of crime. This board has jurisdiction over compensation decisions and victim service funding.

Michigan: The five-member Michigan Crime Victim Services Commission is comprised of a practicing attorney, a county prosecutor, a law enforcement officer, a member of the medical profession, and a community-based victim advocate. The Commission not only governs compensation, but also administers funds to state and local victim assistance programs. The Governor appoints members with the advice and consent of the Senate.

Minnesota: Minnesota victim programs are currently being reorganized and consolidated within the Department of Public Safety. The five-member Crime Victim Reparations Board governs the compensation program, which is co-located with victim service funding. The Commissioner of Public Safety appoints the board from among the membership of the state's Crime Victim and Witness Advisory Council.

New Mexico: The five members of the New Mexico Crime Victims Reparations Commission are appointed by the Governor and oversee both compensation and victim service funding.

New York: The five members of the New York State Crime Victim's Board are appointed by the Governor and are unique in that they occupy full-time, paid positions as board members. This board oversees compensation and VOCA and state victim service grants. The board also appoints an advisory council, who are members of the field and whose responsibilities are set out in statute.

Pennsylvania: The 45-member Pennsylvania Commission on Crime and Delinquency (PCCD) is appointed by the Governor, as is the Victim Services Advisory Committee (VSAC). These bodies govern the compensation and victim assistance programs in Pennsylvania. While the PCCD consists of members of law enforcement, the VSAC is representative of the crime victim community as a whole.

Utah: The Utah Crime Victim Reparations Office oversees compensation and assistance. A seven-member board, made up of a member of the bar, a crime victim, a licensed physician, a representative of law enforcement, a mental health care provider, and two other private citizens appointed by the Governor, administers the Office. The Crime Victim Reparations Office is within the Commission on Crime and Juvenile Justice (CCJJ). CCJJ membership consists of professionals from law enforcement, corrections, and the judiciary, as well as a representative from Utah's Crime Victim Council.

B. Needs Assessment and Strategic Planning

California Lacks a Statewide Plan for All Victim Services

The experience of three states suggests that the lack of a statewide plan is a serious weakness in California. It is encouraging that notable strategic plans for two important areas of victimization have recently been developed in California: the CALCASA 2001 Strategic Forum Report, “A Vision to End Sexual Assault”;²¹ and the DHS 1998 “Preventing Domestic Violence: A Blueprint for the 21st Century”.²² However, California lacks a plan that encompasses all major victim services participants, and the State offers no forums to share strategies and discuss the implementations of individual planning documents.

Additionally, there is no statewide source for detailed data on crime victimization or the utilization of crime victim services. California also has struggled to find methods for measuring the effectiveness of interventions and the outcome of grant programs.²³ Needs assessment, evaluation of current programs, and plans for future development help states make the most effective use of limited resources. Thus, California may be able to learn from planning efforts undertaken in Oregon, Illinois, and Ohio in these regards.

Oregon Needs Assessment

The Oregon Department of Justice Crime Victims’ Assistance Section recently released its final assessment of Oregon crime victims’ needs.²⁴ The Regional Research Institute for Human Services at Portland State University conducted the assessment, identifying victims’ needs for information, support, offender accountability, system improvements, communication between victim services, funding for services, and financial assistance. Both the grant-funding and compensation divisions of the Crime Victim’s Assistance Section produced action plans based on the results of the needs assessment.

The 18-month study cost \$285,000, which was funded with state funds collected from offender fines and penalty assessments.

Illinois’ Strategic Plan

In 2001, the Illinois Criminal Justice Information Authority (ICJIA) issued a plan that deals extensively with crime victim issues.²⁵ The plan details research and funding actions that need to be taken in data collection, training, collaboration, criminal justice system accountability, and the provision of basic victim services.

The Illinois Coalition Against Sexual Assault reports that the ICJIA uses the plan consistently. According to Carol Corgan, Assistant Director of the Illinois Coalition Against Sexual Assault, “When we collaborate with ICJIA on funding applications and other projects, we always refer to the appropriate section of the plan.”²⁶ The plan provides guidance for collaborations, pulls people together, and provides focus for projects.

Ohio's Needs Assessment

Ohio began a needs assessment and planning process in 1998 spurred by two events: a substantial increase in federal VOCA assistance funding and passage of a constitutional victims' rights amendment. The needs assessment analyzed gaps in services by geographic area and types of crime and was used to determine funding priorities. The Ohio Attorney General appointed a 16-member planning board that included victims, victim service providers, criminal justice professionals, judges, and legislators. The Board still meets twice a year to review funding policies and staff recommendations on grant applications.

Unfortunately, California has never conducted these types of assessments or produced a strategic plan for all victim services. As a result, coordination of victim services is fragmented, and no single set of principles guides funding or policy-making.

C. Collaboration

Federal Government Encourages Collaboration

The federal government encourages extremely close collaboration among all programs serving victims within the criminal justice system – especially between state entities administering VOCA compensation and victim assistance funds. In *New Directions From the Field: Victims Rights and Services for the 21st Century*, the U.S. Office for Victims of Crime (OVC) urges VOCA compensation and assistance programs to coordinate on outreach strategies, establish cross-training programs, and ensure that victims' needs are met comprehensively throughout the state -- something California has not done. OVC also recommends that compensation programs use excess funds to support victim assistance.²⁷

Lack of Effective Statewide Venues for Collaboration in California

As with the need for statewide strategic planning discussed above, California may be able to learn from the experience of five states that have formalized avenues for collaboration.

While some non-profit groups in California provide opportunities for people working in victim assistance to communicate within their own areas of expertise, there is no statewide venue for collaboration across all victim services fields. Examples of individual venues include the California Coalition Against Sexual Assault (CALCASA), the California Alliance Against Domestic Violence (CAADV), the Statewide California Coalition for Battered Women (SCCBW), California Mothers Against Drunk Driving, and the Victim Witness Coordinating Council. Although at times OCJP has convened a workgroup consisting of the directors of CALCASA, CAADV, SCCBW, a children's advocate, and the president of the Victim Witness Coordinating Council, there is no independent statewide organization that crosses disciplines to coordinate activities of all crime victims' groups. On the contrary, there is only limited communication between

groups. In addition, some groups of victims, such as child abuse treatment providers, have no statewide collaborative body.

There are multiple advisory bodies for various state agencies such as OCJP and VCGCB, but those committees advise the agencies on a single issue like violence against women, child abuse, or compensation.

As a result, California lacks permanent, effective collaborations in victim services. No one group is concerned with all victim issues. A statewide group could address areas of mutual concern such as enforcement of crime victim rights, federal and state funding, training, and development of professional standards for victim service practitioners and agencies. California may be able to adopt practices from the following five states.

Working Together in Pennsylvania

Dynamic collaboration is a key element in ensuring successful delivery of victim services, whether funds are distributed from within one department or several. The Pennsylvania Commission on Crime and Delinquency (PCCD), a 24-member commission appointed by the governor, oversees all criminal justice issues in the state, including victim services.

In turn, that office has its own advisory body, the Victim Services Advisory Committee (VSAC). VSAC reports both to the PCCD and to the Governor. Two different agencies administer Pennsylvania's victims programs -- the PCCD and the Department of Public Welfare (DPW). One reason for the successful partnerships that have developed there is that VSAC membership always includes representatives from the DPW.

VSAC has seven active subcommittees, including a funding subcommittee, a training subcommittee, a STOP VAWA subcommittee, and a compensation subcommittee, as well as 19 workgroups, with membership drawn from all over the field -- including victim-witness programs, sexual assault programs, domestic violence programs, mental health providers, homicide victim advocates, and children's advocates. In 1997, VSAC coordinated a needs assessment that has guided planning over the last few years. VSAC guides development of all sectors of victim services in Pennsylvania in a way that contrasts with California's lack of coordination or planning between agencies and branches of the field. For example, through the coordinated activism of VSAC members, members of the juvenile justice system, and others in the field, Pennsylvania recently enacted a bill of rights for victims of crimes committed by juveniles, along with a new funding stream to provide services for those victims.

Sharing Information on a Regular Basis in Texas

The Texas State Agency Task Force on Victim Services, comprised of representatives from 13 different departments within state government that are concerned with crime victim issues, has been meeting regularly since 1994. Representatives from the Governor's Office, the Department of Health, the Attorney General, the Department of Human Services, the Texas Youth Commission, the Department on Aging, the Texas Information and Referral Network, and the District and County Attorney's Association,

among others, share information and build partnerships through this group. The group can also help identify problems, inconsistencies, and duplications of effort.

Creating Coalitions in Colorado, Pennsylvania, Iowa, and New York

Other states use statewide non-profit organizations and coalitions to work on legislative issues important to all crime victims such as constitutional amendments, rights to notification, and restitution. They also offer a forum for collaboration on training, funding issues, awareness campaigns, and development of statewide conferences. In Pennsylvania, Colorado, and Iowa, non-profit organizations provide opportunities for collaboration. The New York Crime Victim's Board has instituted regional interdisciplinary coalitions to coordinate victim services issues throughout the state.

In Pennsylvania, the Coalition of Pennsylvania Crime Victim Organizations (COPCVO) was instrumental in the original development of the Victim Services Advisory Committee (VSAC). The Accreditation and Certification Committee of the VSAC has since given responsibility for the new victim advocate certification process to the coalition.

The Colorado Organization for Victim Assistance (COVA) organizes an annual conference, presents annual awards to a range of local victim advocates, and has just received a grant to establish a Colorado Victim Assistance Academy, modeled on the National Victim Assistance Academy, a multi-disciplinary training course for victim advocates. California has not had a statewide conference for all victim advocates since the mid-90's, and, though California is home to one of the sites of the National Victim Assistance Academy in Fresno, the state has not taken advantage of that institution to explore creating a statewide academy. Colorado is also one of two states to have received a Victim Services 2000 coordination grant from OVC to create a seamless service delivery system for victims of crime.

The Iowa Organization for Victim Assistance (IOVA) provides an informal forum for advocates from the larger domestic violence and sexual assault coalitions to meet with victim-witness coordinators, homicide victim advocates, corrections professionals, mental health providers, and crime victims. IOVA sponsors statewide conferences and annual legislative summits.

New York's Crime Victims Board has both an advisory council whose members are drawn from the field and regional coalitions that are organized geographically. The regional coalitions, composed service providers from all sectors of victim services, meet at least quarterly to network and attend in-service trainings.

As can be seen from the experiences in the above five states, it is advantageous to develop statewide organizations that bring together all segments of the victims' field for strategic planning and training.

D. Funding Mechanisms

Sources of Funding

All 50 states have access to the same sources of federal funding for crime victim services. These funds always include the Victims of Crime Act (VOCA), the Violence Against Women Act (VAWA), the Family Violence Prevention and Services Act (FVPSA), which funds domestic violence shelters, and the Rape Prevention Education Fund, which traditionally funds sexual assault prevention programs in schools and communities. Many states also make extensive use of other federal resources, such as Temporary Aid to Needy Families (TANF) and Housing and Urban Development (HUD) funds that can be used by domestic violence shelters, and Medicaid funding for child abuse treatment, known as Early and Periodic Screening, Diagnosis and Treatment (EPSDT). California takes advantage of many of these forms of funding at some level, but an effort should be made to identify all potential federal funding streams that can be used for victim services and optimize current use of federal funds. California needs to create a coordinated strategic plan for the use of federal funds and conduct a detailed examination of how other states administer them.

Many states supplement the federal funding of local crime victim programs with state funds, as California does. In other states, these supplemental funds may be generated through fines and penalty assessments leveled against state offenders, special taxes, license plate fees, marriage license fees, appropriations, and other strategies.

Possible Strategies for Reducing Administrative Costs

One way to increase the dollars available for victim services is to reduce the amount spent on state administration of programs. Some states attempt to accomplish this by reducing their grant management role. Some share local control over grant management and compensation decisions. Because California has been criticized on both the grant-making and compensation sides for high administrative costs, the experiences of Illinois, Pennsylvania, Colorado, Arizona, and Washington, outlined below, indicate that various strategies used elsewhere should be considered in California.

Streamlined Grant Funding: Illinois and Pennsylvania

Several states reduce their role in day-to-day grant management by block granting victim service dollars directly to statewide coalitions of victim services providers. Coalitions then sub-grant the funds to member agencies. Illinois and Pennsylvania have successfully managed sexual assault and domestic violence funds this way for 25 years.

Illinois

Unlike California, where the state makes all of the funding decisions through OCJP, in Illinois the non-profit Illinois Coalition Against Sexual Assault (ICASA) administers all of the grant funds that go to sexual assault programs. The funds come as a block grant

from two sources in state government: the Illinois Criminal Justice Information Agency (ICJIA) administers the VOCA assistance and VAWA funds, and the Department of Human Services (DHS) administers state funds for sexual assault and federal Rape Prevention Education Funds (RPE). Both ICJIA and DHS block grant these funds to ICASA where two staff positions distribute \$13 million to member programs.

The Contract Review Committee of the ICASA board, which is made up of a representative from each member center, reviews grant applications and monitors grants after they are awarded. ICASA has a strong conflict of interest policy, and members are not allowed to participate in the discussion of their own grants. Every board member is required to serve a term on the Contracts Review Committee. Programs that are members in good standing and in compliance with service standards and other requirements can count on continued funding.

“Peer review is unparalleled in terms of the skill and experience that are brought to the table. All site visit reports are sent to the Contract Review Committee, and their task goes beyond the review of applications into an analysis of the ongoing performance of each program. The Committee reads the site visit reports and monitors each sub-grantee very closely. They are able to spot problems and recommend timely, relevant technical assistance,” according to Carol Corgan, Assistant Director of the Illinois Coalition Against Sexual Assault.

Pennsylvania

The Department of Public Welfare (DPW) in Pennsylvania block grants state and federal funds to the Pennsylvania Coalition Against Domestic Violence (PCADV) and the Pennsylvania Coalition Against Rape (PCAR). The DPW administers other grant programs, including legal services, refugee programs, and homeless assistance programs, in this manner as well.

PCADV administers a total of \$20 million in grant funds. When new competitive funds are awarded, a team of professionals who have expertise in the field, but who are not affiliated with member agencies, review grants, and make funding recommendations. The DPW participates in final decision-making regarding the awards. Carol Alexy, Director of Contracts at the Pennsylvania Coalition Against Domestic Violence, asserts, “Providers are much tougher on each other than monitors would ever be.”

PCAR distributes \$10 million in funding to 64 programs in 52 counties. One goal of the coalition has been to make sure that every county has access to services. Contracts are based on a formula: 90% of the funds are divided according to a set amount each year, and the remaining ten percent is adjusted based on factors including the number of counseling hours provided, clients served, and educational programs presented, in addition to the population of the area. Two staff members administer this program, and programs receive site visits on a three-year monitoring cycle. Contracts are awarded on a five-year basis. “Bureaucracy can’t grow here...[W]e put our funds toward quality

technical assistance, training, and direct services,” says Richard Price, grant monitor at the Pennsylvania Coalition Against Rape.

Local Control and Responsibility in Colorado, Arizona, and Pennsylvania

Rather than using non-profits, Colorado and Arizona use local government to distribute victim service funding. Colorado has a decentralized compensation system. Each county has its own compensation program, partially funded by the collections in that county and partially funded by VOCA awards distributed by the state compensation office. Unlike any other state in the nation, Colorado’s local compensation boards set victim compensation benefits, which differ from county to county. Some state and federal victim assistance dollars are allocated by judicial district in Colorado. Local policy boards apply directly to the state for state and federal dollars. They then distribute the awards among programs in the community. Some fines and assessments are collected at the local level and remain in the jurisdiction to fund programs.

Arizona also has a decentralized compensation system, with some of the characteristics of both the Colorado and California systems. Each of the 15 counties in the state has their own compensation staff within the District Attorney’s Office. Benefit levels, operating policies, and funding are centralized within the Arizona Criminal Justice Commission, however. Unlike California, which has processing offices in only 21 of 58 counties and processes about one-third of applications at the state office in Sacramento, Arizona processes all applications at the local level.

In Pennsylvania, the PCCD awards some of its grants -- those not directed toward PCAR or PCADV -- directly to its 64 counties through local victim service policy boards. County awards are calculated using a formula based on collection rates, population, and crime rates. Local awards are dependent in part on the amount of restitution collected locally – a factor that tends to stimulate collection rates.

Washington’s Non-competitive Funding System

The Office of Crime Victim Assistance (OCVA) funds Washington State’s sexual assault programs. In 1996 the OCVA moved from competitive funding to a system of accreditation to ensure that each of its 35 regions receives a guaranteed baseline of funding, plus an additional amount based on population. The Washington Coalition of Sexual Assault Programs (WCSAP) helped develop the accreditation standards and provides training and technical assistance to the local service providers. Accredited local providers are eligible to receive a share of state and federal funds.

According to the director of the OCVA, the competitive grant process left some areas without access to services. As in California, providers with the expertise or infrastructure to write successful grants often won funding. Sometimes areas where programs were less likely to have infrastructure, such as underserved urban areas or rural areas were less likely to win competitive funding. OCVA therefore developed a new process to ensure development of services in all parts of the state. Funds are awarded to a region, most of which encompass one county, and divided among

programs in a region if there is more than one program there. In King County, the largest region, five programs divide the money.

Local programs supported this new system, which helps to fund new programs, even though it meant a reduction in some of their funding levels. OCVA is looking into ways to fund new programs as underserved communities are identified.

As can be seen from a review of victim services in these five states, innovative models exist that California may want to explore as options for reducing administrative costs and sending more dollars directly to local service providers.

E. Importance of Leadership

Victim-Centered Leadership is Essential

California should consider following the example of states that have recognized the importance of establishing explicit criteria and experience requirements for those who oversee their victim services programs. New York requires advisory council members to have expertise in victims' issues. Many states, such as Iowa, Minnesota, Michigan, Pennsylvania and Utah, specify that board members be drawn from fields that provide services to crime victims.

According to Steve Derene, Executive Director of the National Association of VOCA Assistance Administrators, a state's successes are more dependent on the skills, determination, and leadership of the people involved in the work than on the particular structure of funding in that state: "Attitude, environment, and policies make the difference; not always the structure. If everyone involved keeps their eyes on the common purpose of providing the best quality and level of service, the system will work - no matter how it is organized. VOCA, VAWA and other federal funds provide a variety of services to a range of different victims. However the structure is configured, it's important to coordinate these funds, and, time and again, that points to the need for an overall strategic plan of some kind." ²⁸

IV Options for Restructuring the Funding of Victim Services

This section sets forth many different options for restructuring the funding of victim services. These options include:

- Establishing a board of five to nine members with experience in victim services to oversee a new Office for Victim Services; and
- Possible placement of this office within three different Cabinet-level agencies, including the Department of Homeland Security, the Health and Human Services Agency, or the State and Consumer Services Agency; locating such an office within the Attorney General's Office; or establishing an independent agency.

A. Summary of Options

With the Legislature's action through the FY 2003-04 budget bill to abolish OCJP on January 1, 2004, the stage has been set for a restructuring of victim services. The restructuring process initiated by the Legislature called upon the Department of Finance (DOF) to submit a temporary plan for the administration of OCJP programs through July 1, 2004, since a new structure cannot be put in place during the middle of the fiscal year.²⁹ DOF's interim plan, which was released on October 1, 2003, proposes assigning administration of the OCJP victim services grants to the Office for Emergency Services (OES) until July 2004, with a subsequent Governor's Reorganization Plan to provide a permanent solution.

This report picks up where the DOF plan ends and makes recommendations for a permanent structure for the provision of victim services. As mentioned earlier, this report was mandated by AB 2435 (Statutes of 2002) and requires the Secretary of the State and Consumer Services Agency to recommend reforms for integrating crime victim services.

Based upon many discussions with over 250 members of the crime victims' field and a review of programs in other states, the State and Consumer Services Agency offers the following five recommendations and options for consideration by the administration, the State Legislature, and the field:

1. The three major funding sources for victim services, i.e. the Victim Service Branch of OCJP, the victim compensation functions of the Victim Compensation and Government Claims Board, and the Battered Women's Shelter Program of the Department of Health Services could be consolidated into one office -- **the Office for Victim Services (OVS)**. Such a consolidation could achieve a substantial savings of positions and dollars. Though historically California has divided compensation and victim assistance grants programs, there does not appear to be a solid policy justification for this bifurcation. California should follow the lead of 28 other states that

consolidate this function in order to reduce administrative costs and increase collaboration.

2. Such an office could either be administered by a board of five to nine people representing diverse constituencies or by an executive officer with experience in the field selected by either the Governor or the Attorney General, depending on the placement of the office within state government.
3. If the office is placed within the Governor's Administration, it could be located within one of the following three Cabinet-level agencies: the Office of Homeland Security; the Health and Human Services Agency; or the State and Consumer Services Agency. Alternatively, it could exist as an independent entity without Cabinet-level supervision.
4. If the office is placed within the Attorney General's Office, then the Attorney General should either select a board to oversee the program or an executive officer with an extensive background in the victim's field. If the office is placed within the Governor's Administration, steps should be taken to ensure close coordination with the Attorney General's Office given the AG's work with crime victims.
5. The office's responsibilities, conducted in close coordination with the field, should include:
 - Coordination of all victims' programs within state government;
 - Completion of a statewide needs assessment;
 - Implementation of a statewide strategic plan based upon that needs assessment, including coordinated training opportunities;
 - Close coordination with law enforcement programs, as well as other service providers such as prosecutors, probation officers, corrections officials, and the judiciary;
 - Development of an action plan to ensure comprehensive victim's rights and services in all parts of the state, including programs for victims with disabilities, victims of color, victims who are recent immigrants, and victims of all crimes; and
 - Identification of "promising practices" in the provision of victim services that can be replicated around the state.

B. Decision-Making Structure for the New Office for Victim Services

The OVS Oversight Board

The new entity should ensure a close working relationship with all of the organizations concerned with victims' rights and services. It should inspire respect based upon

leadership with demonstrated experience in the victims' field. Therefore, one option for administration of this program is a board of five to nine members. Victims' organizations and coalitions could nominate candidates. The Governor, or the Attorney General, depending upon the office's placement in state government, could appoint the majority of members. Members could be confirmed by the Legislature, or two members could be appointed by the Legislature.

As demonstrated by the numerous boards throughout California state government, whether in the arenas of consumer and environmental protection, public retirement, state civil service, business regulation, health care, or employee rights, oversight by a board provides the clear advantage of allowing leaders from the field to set policy priorities. A board structure also allows independent and consensus-based decision-making since board members would represent diverse constituencies and have experience in victim services. In addition, board meetings are open to the public, which would ensure greater public input into the decision-making process than has characterized past practices. A measurable benefit would be that funding decisions would be based on advance and collaborative input from affected providers.

Members of the board should have demonstrated an active interest in or have direct experience with the problems, needs, and treatment of victims of crime. Criteria ensuring a background in victims' issues should be established for board members. The Governor, or Attorney General, depending on placement of the office, could designate the chair of the board. Board members should serve set terms staggered to preserve continuity of leadership. The board could make final decisions regarding grant awards and appeals on compensation claims and grant awards.

The Victim Services Advisory Committee

The OVS Board or the executive officer could appoint a Victim Services Advisory Committee (VSAC) to assist with giving all victim service-related organizations a voice in setting state policy. Members of the VSAC could be drawn from the field and reflect the State's ethnic and geographic diversity. Bylaws for the New York Victims Board Advisory Council are reprinted in Appendix E to provide an example of the structure of such a committee.³⁰ As one executive director of a domestic violence program stated, "We need the field to have accountability and to have some power to hold the state agencies accountable [We need] advisory committees, task forces, and coalitions with the ability to speak and act." Members of the Advisory Committee could include:

- Victim services coalition leaders;
- One or more victim service providers;
- One or more law enforcement officers;
- A representative from tribal anti-violence coalitions;
- A licensed mental health provider;
- A physician, nurse, or emergency medical treatment provider;

- A child abuse treatment provider;
- A prosecutor;
- Representatives of various underserved communities and types of crime victims, such as crime victims with disabilities and survivors of homicide victims;
- Representatives from state agencies and other organizations concerned with victim issues, such as the Judicial Council, the Chief Probation Officers Association, the DHS EPIC Branch, the DHS Maternal and Child Health Branch, the Office of Homeland Security, the Department of Justice, the Department of Corrections, and the Youth Authority;
- Members of the public who have an active interest in or professional knowledge of the problems, needs, and treatment of crime victims, and who represent the state's ethnic and geographic diversity; and
- A member of the Senate and a member of the Assembly.

Executive Officer and Staffing

The office could be run by an executive officer either appointed by the Board, the Governor, or the Attorney General, depending on the agreed-upon structure. Qualifications for the executive officer could include substantial experience in the field of crime victim services and knowledge of the issues facing crime victims.

The new office would combine about 40 positions from OCJP, including the entire existing Victim Services Division, approximately 260 staff from the Victim Compensation and Government Claims Board except the staff of the Government Claims Program, and one or two positions from the DHS Battered Women's Shelter Program. By retaining existing program staff, there should be a smooth transition for the victims' programs, and a minimum of disruption to the field.

The following programs and staff would be consolidated:

Office of Criminal Justice Planning

OCJP currently provides \$102 million in victim services grants and has 139 positions. This proposal recommends that:

- About 40 Victim Services Division positions move to the new Office for Victim Services;
- The Juvenile Justice grant program staff move to the Board of Corrections; and
- The Public Safety Division move to the Office of Homeland Security, resulting in an elimination of about 50 administrative positions.

Furthermore in order to help preserve the coordination between law enforcement and victims programs that many providers value and rely on, the Victim Services Division and the Public Safety Division, though not housed under the same state agency could continue to be physically located together in the same building.

Victim Compensation Program

The VCGCB currently has over 260 positions, about 245 of which would move to OVS. The Board handles two functions: 1) Victim Compensation and 2) Government Claims. The Victim Compensation Program provides approximately \$117 million in state and federal funds to California crime victims. This proposal recommends that the entire staff, except for the staff in the Government Claims Program, transfer to the new Office for Victim Services.

Because the VCGCB will be dissolved, a new structure needs to be established to administer its Government Claims functions, which are unrelated to victim services. Therefore one option would be to establish a new three-member board with a revised membership to replace the existing 3-member VCGCB. Members of that board could include the State Controller, the Director of the Department of Finance, and the Director of the Department of General Services. That new board could be named the Government Claims Board and could be housed under the Office of Administrative Hearings in the Department of General Services. The Director of the Office of Administrative Hearings could serve as the executive officer of this Board.

DHS Programs

We make a two-part recommendation for the two DHS victim-related programs -- BWSP and EPIC. First we recommend that the majority of the violence against women funds that flow through BWSP and EPIC be transferred to and administered by OVS. Second, we identify as a potential option for consideration an internal structural change within DHS that could possibly move the BWSP out of the Maternal and Child Health Branch into the EPIC Branch. This option will require further study, but as we indicate below, there may be some potential advantages to doing this. As we have recommended for the two other programs slated for consolidation into OVS, we also recommend that several positions from BWSP move to the proposed OVS.

The U.S. Centers for Disease Control and Prevention (CDC) grants Rape Prevention Education (RPE) funds to the health department of every state in the nation. In California, the DHS EPIC branch (Epidemiology and Prevention of Injury Control Branch) is the recipient of these funds. Currently, EPIC transfers these funds to OCJP for distribution to California's rape crisis centers and to CALCASA. The interagency transfer provides one coordinated funding stream from OCJP, the Rape Crisis Center grant program, and allows for a single application process for the rape crisis centers. The rape crisis centers find this approach of coordinated funding distribution to be beneficial and time-efficient. According to them, not only is the grant application process simplified; duplicative oversight problems that have plagued the domestic violence programs that receive funding from both DHS and OCJP, have been non-existent. Programs enjoy the input of both criminal justice and public health perspectives without the problems of multiple funders. Because the current process appears to be working well, we recommend that it be preserved and the interagency transfer arrangement be moved to OVS.

We identify as an option for consideration that the \$23 million in BWSP funds currently located in the DHS Maternal and Child Health Branch be moved to the DHS EPIC Branch. In addition, we suggest that OVS and DHS establish an interagency transfer similar to the one for RPE funds. This will have the two-fold benefit of improved delivery of funds to the field and keeping the public health perspective through a DHS branch that has a central focus on research and epidemiology. As has been noted by many observers of victim services, a key weakness in California is the lack of sound, scholarly government research and data collection. We believe that EPIC may have the right mix of resources to bring this much-needed focus to all violence against women issues. This change would consolidate grant management in one entity (the Office for Victim Services), but would still keep a department with a strong public health perspective closely involved with the issue.

Divisions Within OVS

The Office for Victim Services could be organized into four sections: victim services grant making, victim compensation, administration, and planning. The first three divisions would assume the current responsibilities of OCJP, the Battered Women's Shelter Program, and the VCGCB. In addition, the creation of a Planning Division would establish a formal structure to coordinate crucial activities. These would include training and outreach, which involve both victim services and victim compensation; activities related to needs assessment and strategic planning; and support for the Advisory Committee and State Agency Council. As discussed above, a chief complaint from victim service providers has been the lack of coordinated statewide planning for victim services. A new division with staff dedicated to coordination and planning is vital to the success of the new office. It should receive the highest priority to avoid the lack of planning that has characterized all three existing departments.

Administrative Functions

In the 2003-2004 Budget Act, the Legislature cut 50 executive and administrative positions from OCJP. In order to accommodate the reduction in positions and still administer the grant programs, some entity will have to absorb the related administrative functions, including fiscal oversight, human resources, information technology, and day-to-day operational functions such as purchasing and equipment maintenance. The Office for Emergency Services (OES) will absorb these administrative functions under the temporary plan proposed by the Department of Finance. The VCGCB, a larger department than OCJP and one with more than 250 staff, would also be in a position to absorb the administrative functions required by a victim services grant program under a consolidated Office for Victim Services.

Special Considerations

Some members of the field have emphasized the necessity of the following items:

- All victim-related research funding should be included in the new entity to ensure that research informs practice and to encourage practitioners to conduct research.
- Whatever interim and permanent structures are selected, the current levels of confidentiality for victims must be maintained, regardless of victims' immigration status.
- During the first two years of the new program, wherever it is located, regular program, funding, and operational evaluations should be conducted and released to the Legislature and the public.
- Consideration should be given to establishing a transition team, which includes representatives from the new administration, the Legislature, and victim service providers to help implement the new entity.

C. Placement Options

If the OVS is within the Governor's Administration, there are four placement options that could be considered. Three options involve placement within a cabinet level agency to ensure advocacy for its needs as well as oversight, and the fourth option would be placement within the administration as an independent office or department. Placement within the Attorney General's Office is discussed as a fifth option.

1. The Office of Homeland Security

Pros: The California Coalition Against Sexual Assault, the Victim Witness Coordinating Council, the Statewide California Coalition for Battered Women, and other crime victims' groups have advocated that a new office be placed within the Office of Homeland Security where it is likely that law enforcement grants will be located when OCJP is abolished. These groups emphasize that co-locating victim grant programs with law enforcement grant programs, as was done at OCJP, will ensure the continued synergism between the two entities. In addition, the co-location facilitates designation of more funds for victims' services from traditional federal public safety grants. For example, OCJP recently allocated about \$3 million in public safety funds for a variety of victims' programs.

Another advantage is that the Office of Homeland Security's function to prevent terrorism has a nexus to providing comprehensive services to victims of terrorism and disasters. The October 1, 2003, decision by the Department of Finance to place temporarily OCJP victims' programs under the Office of Emergency Services (OES), which is currently housed at OHS, provides an argument that the programs should not be moved a second time. In addition, another benefit is that OES has experience in administering over \$2 billion in federal funds.

Cons: Concerns were expressed by a number of victims' groups, including the California Alliance Against Domestic Violence and the Coalition for Crime Victim Services, that OHS might not give high priority to issues related to crime victim services because of its intense focus on homeland security. In addition, the permanent structure of OHS is unknown. OHS may not, therefore, provide the stability needed to streamline and coordinate victim services. Additionally, some groups were concerned that the leadership of OHS is dominated by law enforcement officials, whose focus and background do not always provide the perspective needed in responding to victims' special needs. Some domestic violence service providers do not want their programs to be placed within OHS because they believe that the law enforcement image could discourage immigrant clients and communities of color from seeking services. Also, others argued that the temporary location of the OCJP grant program within OHS should not become the permanent location through inertia, but that options should be scrutinized after the move.

The positive effects of association with law enforcement grant programs, a priority for many victims' groups, could be achieved through other means, such as continued physical co-location of both victim and law enforcement grant programs, as well as law enforcement representation on the proposed oversight board and advisory committee.

2. Health and Human Services Agency

Pros: The Health and Human Services Agency has experience in administering many state and federal programs that provide direct services for health care, social services, public assistance, job training, and rehabilitation. Placement of OVS in this agency could help ensure the integration of the public health perspective, particularly the prevention focus, with that of law enforcement. It could also ensure the integration of social services and job training with victim services programs. This could prove to be a considerable advantage, especially for victims of domestic violence, sexual assault, and alcohol and drug related crimes. HHS also focuses on prevention programs geared toward avoiding crimes in the first place – an important priority for many victims' organizations.

Cons: The future administrative structure of this agency is unclear. It may not have the capacity to oversee or prioritize victims' issues. The close coordination with law enforcement grant programs desired by some victim groups may be more difficult from within this agency.

3. State and Consumer Services Agency

Pros: SCSA already oversees many state programs administered by boards that have enforcement functions and help protect victims of white-collar crimes. Because it also provides advocacy for the Victim Compensation and Government Claims Board's legislative and budget change proposals, SCSA's staff members are familiar with programs serving crime victims. Furthermore, SCSA has a great deal of experience in coordinating diverse departments and perspectives. For example, the Agency

Secretary chairs the Sustainable Building Task Force, which includes over 40 separate departments with varied areas of expertise that work together to design and construct new state buildings in environmentally sensitive and cost-effective ways. SCSA also has experience with grant administration.

Cons: SCSA has less experience administering grants and less expertise in public health issues than the Health and Human Services Agency, and it also has fewer links to law enforcement than the Office of Homeland Security.

4. An Independent Department

Pros: One advantage of an independent victims' department is that it would have a single focus -- service to crime victims. An individual with a background in the field of victim services could lead the office, or the proposed oversight board could head it. While most departments in state government are organized under a Cabinet-level agency, there are many independent departments that do not have agency oversight and report directly to the Governor's Office. These include the Seismic Safety Commission, the California Arts Council, and the Office of Administrative Law. OCJP has traditionally been an independent department. A stand-alone department would emphasize symbolically the importance of crime victims' issues.

Another way to organize a stand-alone department would be to include both victims' and law enforcement grant programs. This would probably require oversight by a board with strong representation from both groups. The advantage of this approach is that they would continue to be linked and co-located, just as they are currently at OCJP.

Cons: With this option, there is no Cabinet Secretary to serve as an advocate for the office's agenda and priorities. Often, independent departments do not receive needed oversight and advocacy within government. In addition, the documented failures of OCJP throughout the years may indicate that its programs and administration need greater oversight.

5. The Attorney General's Office

Nine states that have separately elected Attorneys General have successfully located victim services programs within their AG's offices.³¹ If the OVS were to be placed in the Attorney General's office, it could be governed by a board or an executive officer appointed by the Attorney General.

Pros: One advantage is the obvious synergy between victims' programs and law enforcement. Victims' programs are likely to be a top priority if placed in this office. In addition, the Attorney General's Office has significant experience in administering grant programs. . At the federal level, many victim service functions are located within the Attorney General's Office, although some are located within the Department of Health and Human Services. The problems faced by OCJP over the many years it has been located within the Governor's Administration may be an indication that this function would be better performed within the Attorney General's Office.

Cons: Because the AG's Office currently receives some grant funding from the OCJP for the DOJ Office of Victim Services and other programs, placement here may raise conflict of interest issues. In addition, unless law enforcement grant programs were also transferred to the AG, placement here might inhibit needed coordination between the two grant programs.

In summary, there are at least five placement options that the new Administration and the Legislature should consider. Each has relative strengths and weaknesses; each has precedent in other states; and each has its supporters and opponents. Regardless of location, we do strongly recommend a consolidated Office for Victim Services.

Since there are divergent views within the field on placement of an Office for Victim Services, we decided that this report would be more complete if those views were set forth in an appendix. Appendix F contains letters and proposals from the California Alliance Against Domestic Violence, the California Coalition Against Sexual Assault and the California Victim and Witness Coordinating Council.

D. Guiding Principles

A general consensus on certain guiding principles for restructuring victim services funding developed during numerous meetings held with victim advocates and others in the field of victim services. Participants expressed a desire to create a structure that avoids past mistakes. The following set of guiding principles for a new victim services entity were developed by diverse participants:

- State coalitions, direct service providers, and other victim advocates should have substantial input into the decision-making process at a new agency.
- Leaders of any new entity should have experience in the field of victim services, including with the grant-making process and/or the victim compensation process.
- The new entity should have access to the top levels of government and a strong voice within the system.
- An advisory board representing all sectors of the field should be established to assist with planning and accountability.
- The advisory board should include people representing:
 - Different regions of the state including rural communities and other underserved areas;
 - Victims of color;
 - Victims with disabilities;
 - Victims who speak languages other than English and/or are immigrants; and

- Other underserved communities, including gay, lesbian, transgender, and bi-sexual victims.
- Close coordination with the criminal justice agencies and their grant programs should be a top priority.
- The new entity should ensure effective communication and collaboration with all state departments serving crime victims.
- The new entity should be established in a way that minimizes funding disruption and ensures continuity of services.
- Members of the field should be allowed the opportunity to review and comment on grant criteria and other issues that impact them.
- Consideration should be given to using peer review to evaluate grant proposals.
- The new entity should consolidate various applications and reporting requirements and coordinate the timing of payment disbursements in a way consistent with recommendations from the field.
- Every effort should be made to provide funding which gives the field more flexibility to innovate.
- Prevention of all crimes should be stressed as an important goal.
- The new entity should provide leadership in the statewide planning of victim services by bringing many different victims groups and service providers to the table.
- The new entity should facilitate opportunities for training and conferences in coordination with diverse groups within the criminal justice system.
- The new entity should serve as an advocate for more funding and a catalyst for coordination among all victims' groups to lobby for additional federal funds.
- Auditing and monitoring functions in the new entity should be streamlined and provide greater technical assistance to the field.
- The new entity should explore ways in which the field could perform some of the current functions of government, such as providing the monitoring function, as is done in other states.
- California should continually identify and implement "promising practices" from other states.

Throughout this report, we have tried to set forth options that will create formal avenues for capturing the spirit and substance of these guiding principles.

V Looking Toward the Future

If an equitable system of justice is to flourish in California, more resources should be developed to support existing victim services and address new challenges in the field. The State of California must make significant changes in the way crime victim services are administered in order to correct problems that have developed in the administration of victim service funding, and thrive in the twenty-first century. The State should begin with the following five steps.

A. Conduct a Statewide Needs Assessment

A serious, academically rigorous assessment of the needs of California crime victims should be a funding priority of the new Office for Victim Services. While there is a price attached to such a study, as evidenced by Oregon's recent \$285,000 needs assessment, it will be money well spent.

Evaluation and measurement of the effectiveness of victim services have traditionally been problematic for the three major entities coordinating victim service funding now: OCJP, VCGCB, and DHS.³² The new Office for Victim Services must learn from past mistakes and take a new, collaborative approach to determining victim needs and measuring the effectiveness of interventions such as mental health counseling, crisis intervention, and other services. The Office should consider the changing needs of crime victims; analyze access to victim services across the state and throughout the criminal justice system; evaluate the effectiveness of victim services, including victim compensation; and determine how victims use services.

California also lacks organized repositories of data relating to victimization, utilization of victim services, and effectiveness of victim services. According to the State Domestic Violence Data Collection Inventory Project of the California Department of Justice, Crime and Violence Prevention Center, most data available on victim services for domestic violence victims was "collected because either the federal or state government required the collection of data, rather than for the explicit purpose of research. Thus the data are not necessarily reliable, especially when data are collected as a way of tracking funding performance."³³ Moreover, such reports are intended to let funding agencies know that something happened, but not whether the services provided were effective."³⁴ The California Research Bureau 2002 report, *The Prevalence of Domestic Violence in California*, also concluded that existing data collection systems need to be improved.³⁵ Ongoing needs assessment and research-based measurement of outcomes is needed to create a useable body of knowledge about the needs of victims in California.

Gaps in Current Training Programs

California law calls for professional training of victim advocates, medical providers, and law enforcement officers. The Victim Witness Coordinating Council has set up a full system of certification for victim advocates working in victim assistance centers. For almost a decade, the organization has required a week-long basic training and subsequent advanced training. Continuing education is required every year as well.

Victim advocates in rape crisis centers and domestic violence shelters must have 40 hours of training in order for their communications with victims to be considered privileged in court. In conjunction with OCJP and CALCASA, the sexual assault field has established standards and curriculum requirements for this training. The domestic violence field has not established similar standardized curriculum requirements.

A quick review of training for related victim-service professionals shows that:

- Basic training for law enforcement officers is required to include the following issues: domestic violence, sexual assault, stalking, child abuse, elder and dependent adult abuse, and hate crimes.
- The California District Attorneys Association (CDAA) offers training on violence against women and has published a comprehensive victim rights manual.
- The OCJP-funded California Medical Training Centers were set up by statute in 1995 to offer training to physicians in treatment of domestic violence victims, child abuse victims, and sexual assault victims.
- OCJP and the Office for Child Abuse Prevention in the Department of Social Services jointly fund the Northern and Southern Child Abuse Training and Technical Assistance (CATTAs) Centers at California State University at Sonoma and California State University at the Channel Islands. The Victim Compensation and Government Claims Board, CATTAs and OCJP recently completed standards for treatment of child abuse victims and have been providing training to the field in that area.
- CALCASA, through its Rape Prevention Resource Center, provides training and technical assistance to the state's rape crisis centers. CALCASA organizes an annual conference on sexual assault issues and has been selected to host the 3rd National Sexual Violence Prevention Conference in Los Angeles in 2004.

Detailed analysis into training needs across the state should be part of the needs assessment. A partial list of gaps and problems in training for victim service professionals, as reported by the field, includes the following issues:

- The domestic violence field has not developed standards for training curricula or agreed upon a certification process for advocates or programs, although this year OCJP has begun meeting with the Domestic Violence Coalitions to discuss establishing training requirements.

- The judiciary and related court professionals receive inadequate training in victims' and restitution issues, which can severely hamper restitution implementation and collection, raising the possibility of shifting the burden of providing victim services to the General Fund at some point.
- OCJP has reduced funding to the California Medical Training Center, which provides education to medical providers on treatment of sexual assault, domestic violence, and child abuse cases, resulting in decreased availability of training.
- According to one service provider, demand for training in treatment of child abuse victims far exceeds the CATTA centers capacity. There also is no organized system of providing training or certification on crime victim issues to therapists who treat adult crime victims.
- Training and technical assistance funds available to the domestic violence field are split between OCJP and the DHS Battered Women's Shelter Program, and use of those funds has not been strategically coordinated.
- The Victim Compensation Program has not provided regular training to victim advocates around the state who help crime victims access the program.

Notable Gaps in Services

Many people in the field reported gaps in existing services for victims and described unmet needs in their communities. Due to budget constraints, it was not possible to conduct in-depth research into these gaps and needs, so the list merits further study and expansion via the proposed needs assessment. The list set forth below is not inclusive of all gaps, but is designed to show the breadth of problems for future consideration.

- Crime victims with disabilities, who are victimized at an unusually high rate, have great difficulty accessing services to meet their needs, both in California and around the country. Most victim assistance programs are unable to communicate effectively with deaf or blind victims, and many service providers are not trained to communicate with victims who have cognitive or developmental disabilities.³⁶
- Criminal justice and other victim service providers are often not equipped to meet the needs of victims from diverse cultures or victims who speak languages other than English. As a result, these victims are not informed adequately of the services available to them or of their rights in the criminal justice system.
- Many communities across California do not provide fundamental services for victims and do not have easy access to domestic violence shelters, rape crisis centers, or children's advocacy centers. Basic victim services in some urban and rural areas are still inadequately funded.
- Most victims do not access the victim compensation program in California. Only a small percentage of all eligible victims request services, which indicates a need for greater outreach.

- Access to mental health treatment for children who have been abused is not universal. In many regions of the state there are waiting lists, or children have to travel a long distance to receive therapy. Because of the temporary inability of the compensation program to pay providers in the spring of 2003, some treatment centers had to reduce the number of therapists available to serve children and families.
- Very few services are available to victims of financial crimes in California. These victims, who are often elderly, have no access to compensation to cover their losses or counseling, and they face many difficulties in receiving restitution from offenders.
- Specialized services for survivors of homicide victims and for victims of other violent crime are not widely available across the state.
- California lacks a statewide, automated criminal justice information system to track offender sentences, including restitution orders. Such a system would simplify restitution collection and set the stage for an automated victim notification system.
- Unlike many states (notably Florida, Illinois, New York, Oregon, and Texas), California does not have a statewide, automated victim notification system to advise victims automatically when an offender is released.
- Victim service providers around the state believe that training regarding victims' issues must be enhanced for judges.
- More centers that provide comprehensive services to poor and homeless victims, such as the UCSF Trauma Recovery Center, are needed to ensure that this vulnerable population receives needed services.
- Most victims do not have access to attorneys who will help to enforce their rights when those rights are disregarded within the criminal justice system.

B. Create a Strategic Plan

Needs assessment and program evaluation are crucial first steps to developing a visionary strategic plan for victim services in California. In recent years separate strategic plans have been created to end sexual assault and to prevent domestic violence,³⁷ but there has never been an effort to develop an overall plan that is inclusive of the entire field and the entire state. A comprehensive plan is essential in order to make the most responsible, effective use of the finite resources available to assist victims of crime.

The federal Office for Victims of Crime has invited California to participate in strategic planning training in conjunction with the development of their new publication, a Toolkit for Strategic Planning. In November, 2003, a team consisting of representatives from the California coalitions, a child abuse treatment provider, and staff members from

OCJP and the VCGCB will attend training in Washington, DC, along with teams from five other states. This training will provide a first step toward a strategic planning effort in California.

The proposed new Office for Victim Services should allocate resources to the creation of a collaborative strategic plan. The OVS Board, or the OVS Victim Services Advisory Committee, could oversee the development of a plan. Staff should also be allocated to planning on a permanent basis.

Any plan should address at a minimum:

- Completion of a needs assessment
- Effective and efficient delivery of services to crime victims;
- Enhancement of existing services and creation of new services based on gaps in services identified in the needs assessment;
- Continued financial support for victim services through effective restitution implementation and collection and other means;
- Coordinating grant and contract applications, awards and monitoring; and
- Coordination of a crisis response to potential mass victimization.

A strategic plan is not a static document; it is a process. Any plan that is created should be used to make policy and funding decisions on a daily basis. The successes and failures of the plan should be evaluated continually, and annual progress reports should be issued. The plan should be a tool that everyone in the field can identify with and use.

C. Enhance Communication, Collaboration, and Partnerships

California has no single entity at the state level charged with advocating for crime victims and coordinating all of the victims' programs spread throughout state government. Although different departments, including OCJP, VCGCB, and the Attorney General's Office, look at various victims' rights issues from the perspectives of their own disciplines, there is no independent entity within state government concerned with monitoring the implementation of victims' rights, looking at victims' needs in a holistic manner, and providing a forum for collaboration among diverse government entities. Victims' services do not have the coordination, planning, or close partnerships among state and local entities found in other areas of state government.

Coordinated Interagency Projects

Examples of coordinated interagency projects include the Sustainable Building Task Force, the UC Merced Red Team, and the Build California Initiative described below. These three successful collaborative projects have four common characteristics:

- High-level sponsorship through at least one Cabinet Secretary;
- Formalized membership and meeting schedules;

- Permanent structure; and
- Project ownership by principal decision-makers.

The Sustainable Building Task Force

Established by the SCSA to implement a Governor's Executive Order in 2000 (D-16-00), this task force is a unique partnership among more than forty agencies and departments that work together to promote environmentally responsible building practices in state buildings. This task force, chaired by an Agency Secretary, ensures that new buildings save taxpayer dollars through reductions in energy and other costs, increase the efficient use of natural resources, and contribute to employee productivity through a healthier work environment with more natural light and cleaner air.

UC Merced Red Team

A Cabinet Secretary also heads the UC Merced Red Team, established in 1999 by another Governor's Executive Order (D-13-99), to streamline the construction of the tenth UC campus in one of the poorest regions of the state. This partnership effort includes many state and local agencies, which work together weekly to expedite the building process. Through this team approach, UC Merced will open a year earlier than anticipated and will be the most sustainable campus ever built.

Build California Initiative

The Build California Initiative, announced by the Governor during his 2003 State of the State address, is co-chaired by two Cabinet Secretaries and involves about a dozen departments. These agencies are working together to get \$15 billion in voter approved school construction and housing bond funds out to local communities in record time, creating as many as 500,000 new jobs. Through this initiative, communities are receiving twice the money in half the time compared to the previous bond.

If California has had success in these three areas, then it should be able to apply these mechanisms to the victim services field.

New Avenues for Communication, Collaboration, and Partnership

A history of conflict exists between branches of the field, particularly among state coalitions and among some local service providers. In addition, there has not always been close communication or cooperation between OCJP, VCGCB, and DHS. Many service providers reported frustration with the various conflicts and a lack of communication. One victim service provider wants the State to "[c]arefully examine how funding sources have created competitive situations [between branches of the field such as] victim-witness versus domestic violence and sexual assault providers." The new Office for Victim Services should make sure that discussions and projects include all sectors of the field, all of the time.

The OVS should have a special responsibility to foster communication across the agencies and departments in state government. A collaborative state agency council, similar to the Texas State Agency Council and chaired by a Cabinet Secretary or the Executive Officer of the OVS, could coordinate the functions of state government relating to victims of crime and report back to the OVS Victim Services Advisory Committee on that effort. This council could include:

- High-level representatives from the new Office for Victim Services,
- DHS EPIC,
- DHS Maternal and Child Health,
- Department of Mental Health,
- Department of Social Services,
- Department of Rehabilitation,
- Department of Developmental Services,
- Department of Justice,
- Department of Housing and Community Development,
- Department of Corrections,
- Department of the Youth Authority,
- Department of Alcohol and Drug Programs,
- Department of Homeland Security,
- Department of Consumer Affairs,
- Department of Aging,
- Department of Fair Employment and Housing,
- Employment Development Department,
- Department of Education, and
- Any other state department that has an impact on the lives of victims of crime.

New Ways to Look at Delivering Services

The new office would also be in a position to explore and replicate innovative partnerships in victim service delivery and compensation, such as the 4-year demonstration project at the Trauma Recovery Center at San Francisco General Hospital, designed to explore ways to increase access to mental health services and the victim compensation program for vulnerable, low socio-economic status crime victims. Preliminary data for this project have shown positive results.³⁸

Another recent innovation which could serve as a model for other collaborative efforts is the San Diego Family Justice Center where domestic violence victims and their children

can go to court, talk to the police, get medical help, obtain legal assistance, apply for compensation, and obtain other needed assistance all under one roof.

D. Streamline State Administration of Victim Service Funding

California should work closely with other states that have reduced administrative costs and seek them as possible mentors. The proposed Office for Victim Services could facilitate such a process. There are at least two options to consider.

Reducing the State's Role in Program Management

Reducing the State's role in local program management could result in better quality services overall and significant savings, which could mean more funding for direct services. The difference between the current California system and a grant system with reduced state involvement, similar to Pennsylvania or Illinois, lies in the workload for grant monitoring. The State, through OCJP and DHS, makes and monitors hundreds of individual grants to individual providers. If California chose to streamline some grant funding, there would be less administrative work because the State would be making a few large grants instead of hundreds of smaller ones. In some ways this concept is similar to the block grant approach used for other health and human service programs such as welfare.

For example, the Sexual Assault Branch of OCJP awarded and monitored 119 individual grants in FY 02. 107 of those grants in the Rape Crisis Program and the Sexual Assault Response Team Program provided funding to individual sexual assault crisis programs. If those 107 grants were consolidated into one grant awarded through an RFP process to a statewide sexual assault technical assistance and training entity, such as CALCASA, OCJP would only monitor about a dozen grants in the Sexual Assault Branch.

Similarly, about 270 of the total 280 grants (approximately \$40 million) awarded by the OCJP Domestic Violence Branch and the DHS Battered Women's Shelter Program went to local domestic violence service providers. Of those 270 grants at least 200 went to the same service providers; that is, each of almost 100 agencies got two grants, one from each source. If a statewide domestic violence coalition were awarded an RFP to distribute those 270 grants for the same \$40 million plus a reasonable amount to administer the funds, the coalition could combine them into 100 or 125 grants, monitor them effectively, and consolidate the amount of administrative work each local provider had to do. Less money would be devoted to administration and more could be used for direct services.

Part of the stated missions of entities like CALCASA, CAADV, SCCBW, or CDAA is to provide their memberships with training, technical assistance, and tools for building capacity. Consequently, these local agencies are already performing some of the same functions that state departments like OCJP and DHS perform for their grantees. In addition, each statewide coalition has annual conferences or regional meetings that

provide existing forums for grant management training and technical assistance. This proposed change would have at least three other advantages:

- Grant management in the field would result in more flexible grants and quicker responses to changing needs.
- High-quality training and technical assistance would be readily available through the coalition experts.
- Administrative costs should be somewhat lower – more grant funding could be passed on to direct service providers since the statewide groups or local entities could operate somewhat more effectively than the state.

The proposed system could face some problems. Considerable thought and planning would need to precede any reduction in the state's role in grant making. State coalitions may lack the capacity or desire to administer extensive grant programs. However, the state, in conjunction with the field, could engage in needs assessment and strategic planning to help identify and build capacity in statewide entities that might be able to take on the grant management role. Issues that would need to be considered further include:

- Which coalitions or organizations would be eligible to receive state funds in this manner? Which would have the capacity to administer them?
- What funding sources and which funds would support (a) the proposed state Office of Victim Services, or (b) be granted to the grantee organizations?
- Should California consider obtaining technical assistance from states that already have similar systems in place for victim assistance funding such as Pennsylvania or Illinois?
- What mechanism is needed to ensure independent state oversight?

Streamline Victim Compensation

There have been unprecedented increases in the number of crime victims applying for compensation over the last few years in California and across the nation. Part of the increase in California is due to the award winning, one page application introduced by the program in 2000, which significantly improved victim access to compensation. The new application condensed what had been a complex booklet of a dozen pages to a one-page form. The number of applications filed rose from 42,000 in FY99-00, when the program awarded \$79 million in claims, to a high of over 62,000 in FY01-02, when the program awarded \$125 million in claims.

With the sharp increase in applications and payments, California, like other states, experienced a challenge in funding the compensation program.³⁹ In response, the California VCP reduced expenditures and continues to explore a variety of increased revenue sources. Because it takes time to implement and realize the effect of increases in revenue, the VCP had to reduce some benefits and temporarily hold some payments

for several months during the last fiscal year. Such actions have a great impact on the victims helped by the program and the providers who serve those victims.

In recognition of the need to reduce administrative costs and improve customer service through expedited application processing, the VCP is in the final stage of implementing an updated, web-based case management system. The case management system in use now is expensive to maintain and operate, and it is an antiquated tool in rapidly changing times. Other states, such as Pennsylvania and Minnesota, have recently upgraded their technology with positive results.

The provision of victim compensation is a joint effort between advocates, who often help crime victims apply to the program and are funded by OCJP, and claims processors who are overseen by VCGCB. Because the proposal for a new OVS will co-locate OCJP's Victim Services Division and the VCGCB's Victim Compensation Program, these advocates and claims processors will be able to work in close partnership to improve delivery of victim compensation, upgrade restitution implementation and collection, and ensure the future availability of crime victim compensation to victims.

One other cost reduction and process improvement strategy OVS should consider is further decentralization of application processing. Victim compensation is already partly decentralized in California where 22 local Victim Assistance Centers process applications. A careful analysis should be made of the current system to determine whether further decentralization -- processing a greater percentage of applications locally -- could potentially decrease administrative costs at the state level. Many factors need to be considered. It is often easier for claims processors working in local offices to obtain police reports and other information necessary to verify eligibility, and the program may be able to provide victims with more comprehensive help when their claims are processed in or near their own community. In addition, face-to-face contact with victims is likely to make compensation staff more responsive and decrease delay. Equally important, an entity at the local level with an economic interest in restitution would be more aggressive in determining losses and seeking restitution.

However, victims who are uncomfortable seeking services at their local victim-witness assistance center may still need an alternate method of filing claims. Currently, they can mail them to the VCGCB office in Sacramento. For example, victims in rural areas may be reluctant to turn over wage or mental health counseling information to local advocates, whom they may know personally.

Another reason to preserve an alternate method of filing and processing claims is that sometimes victim-witness centers in district attorneys' offices are less likely to serve victims whose crimes were not prosecuted, because they have less opportunity for contact with them, especially in large, urban areas.

If claims processing is further decentralized, the proposed OVS should maintain a strong role in supervising the process, developing policies, and overseeing the Restitution Fund. A natural conflict may arise when victim advocates are charged with

the competing roles of assisting the victim to the fullest extent possible and assisting the compensation program in recovering costs. That conflict may reduce the State's ability to recover compensation paid. Lastly, there could be a potential loss of confidentiality in documents since district attorney staff may be called to testify in criminal actions. Pursuant to U.S. Supreme Court case law, privileged information, including victim mental health counseling records that may be found within compensation files, may be subject to disclosure by the prosecution if it is in the possession of someone who is considered part of the "prosecution team."

E. Increase Resources

Increased Resources are Needed for Victim Services

Service providers and funders alike who participated in discussions for this study agreed that victim services in California are under-funded. As one director of a domestic violence program put it, "[Our] baseline funding is not enough to adequately support basic services." Another described how her agency was affected by cuts in other social service programs, saying, "[As funding is reduced] for the homeless population and the mentally ill, many end up in domestic violence shelters – increasing the financial burden on shelters."

There has been steady erosion in state and federal victim service funding over the last few years. For instance, due to decreases in the state General Fund funding and in federal VOCA funding, OCJP-funded programs absorbed a 2% cut last year and a more significant cut, about 6%, this year. Even without those cuts and in the absence of inflationary adjustments, victim services programs are facing funding reductions in real dollars as they struggle to keep up with rising costs. In the last few years in particular, unprecedented increases have occurred in worker's compensation costs and health insurance benefits. As budgets for county and city governments become tighter, many programs have also suffered cuts in local funding. One victim service provider stated that one of the three most serious problems facing domestic violence programs was funding and "how hard non-profits are hit by worker's compensation and health insurance costs. [We are] unable to pay decent, competitive salaries."

Two recommendations of this study, needs assessment and strategic planning, must be included in any discussion of resources. These projects will have two effects. Not only are they essential to help manage finite resources in the most effective and fiscally responsible way possible, but they also uncover areas where there are poorly funded services, gaps in services, and new or unmet needs. Even as we identify new needs, we must not forget to support the provision of basic services. We must look for ways to increase our resources in order to strengthen the services we already have in California, and to enhance services to communities that are currently underserved.

It is important to take a careful look at state legislation and budget developments that may have an effect on victim service funding. For instance, two years ago a surcharge

on criminal fines was created to help fund the trial court record-keeping systems. Legislation placed collection of the new surcharge ahead of collection of restitution fines, which support the Victim Compensation Program. Absent significant changes in collection strategies, any new fee is unlikely to generate new revenue – it just redistributes existing revenue. Consequently, the new surcharge is expected to reduce funding for victim compensation by up to \$8 million dollars per year once it is fully implemented.

Federal Funding Issues Should be Monitored Closely

Key developments in federal funding for crime victim services must be watched closely in order to plan for California's future. In the federal fiscal year 2000, Congress instituted a cap on VOCA funding. The cap was \$500 million in the first year, \$537 million in 2001, \$550 million in 2002, and \$600 million in 2003.⁴⁰ VOCA funds two programs – victim compensation and victim assistance. Last year, for the first time in sixteen years, the VOCA funding formula was changed to increase the amount of funding to compensation programs because compensation payments to crime victims have increased 60 percent between 1993 and 2002, with a 45 percent increase just since 1997.⁴¹ However, because of the cap on VOCA funding, that increase in the amount paid to state compensation programs last year resulted in a decrease of 8% in funding for victim assistance programs across the nation. Congress must be encouraged to raise the cap on VOCA funds to at least \$675 million in 2004 just in order to restore VOCA assistance programs to FY 2002 levels of funding.⁴²

Additionally, the rate of collection of the federal criminal fines and penalties that support the VOCA fund has leveled off. This year, for the second year in a row, collections are expected to be less than disbursements, possibly by more than \$80 million. If the overall VOCA cap is raised, as it should be, and collections continue to be less than the amount of the cap, the fund may be in jeopardy. Estimates as to how quickly this may happen differ, but it is a very important development to monitor. If VOCA funds decrease, California will need to address the effect of that change on local victim service programs. At a minimum California needs to advocate strongly that federal efforts be increased to enhance critical collections. In addition California must make every effort at the federal level to increase disbursements to states. The Governor's Office should coordinate with the State's congressional delegation to develop a federal strategy for ensuring continued funding.

One strategy that has been successful over the years is for state and local victim service providers to work with the U.S. Attorneys in their district to educate them about the importance of collecting federal criminal fines and let them know how important the funding is for their community.⁴³ The proposed Office for Victim Services could coordinate such an effort.

The Judiciary is Crucial in Increasing Restitution Collection

The full imposition and collection of restitution fines and orders is key to the future health of all of California's victim services. Existing pilot restitution programs in several California counties including the Court Liaison Project in Ventura County that ensures imposition of restitution in misdemeanor cases and the Restitution Court in Alameda County, are a good start, but more needs to be done. Fortunately, the California Judicial Council has convened a special task force to look at restitution issues.

With its unique role over the courts, the Judicial Council can help enhance restitution collection by encouraging the courts to order appropriate restitution fines and enforce restitution orders. As part of its review the Judicial Council's task force should encourage judges to:

- Impose appropriate fines. Judges need to exercise their discretion and impose fines in excess of the minimums in appropriate cases, especially where a victim has been financially or physically harmed. Similarly, judges need to hold timely restitution hearings, when necessary, to set a dollar amount that can be used for collection.
- Create accurate, enforceable restitution orders. Judges need to be specific on the record during sentencing/restitution hearings to identify the victim(s) and the amount(s) owed to each victim. Court clerks also need to accurately record this information in the minute orders to make collection possible.
- Communicate with corrections institutions, probation departments, parole officers, and county revenue recovery departments to ensure that their orders actually reach the offenders' file and that collection is aggressively pursued. Without judicial involvement in the collection process, restitution orders are frequently meaningless.
- Utilize the Judicial Council Abstract of Judgment form (CR10) to record restitution orders in place of using local forms. Using the CR10 promotes uniform recording of information and eases the victim's burden of getting the order enforced as a civil judgment because it is easily recognized across jurisdictions.
- Provide incentives to offenders for prompt payment of court-ordered fines and orders. The courts are in the best, and typically in the only, position to ensure that offenders actually pay the restitution fines and orders that were imposed at sentencing. Again, judges need to track progress and hold offenders accountable for their willful failure to pay fines and orders.

In collaboration with the Judicial Council, the OVS could provide comprehensive restitution training for judges and court officers. Currently, the VCGCB does in-service training for judges on a limited county-by-county basis and usually attracts only interested judges and court officers. Again, while this is a start, it does not reach all judges. A coordinated, statewide effort with strong support from the Judicial Council is needed.

F. Recommendations

In summary, based upon our analysis of the current state of victim services, our agency makes the following recommendations for further action:

- **Consolidation**: Establish a single state entity, a new Office for Victim Services, to distribute the more than \$245 million in state and federal funds currently spent by the following three major state funding sources for victim services:
 - The Victim Service Branch of OCJP;
 - The victim compensation functions of the VCGCB; and
 - The Battered Women's Shelter Program within DHS.
- **Oversight Board**: Establish a board of five to nine people to oversee the proposed Office for Victim Services. Board members should have expertise in victims' issues. The board would hold open meetings, gather input from the field, oversee needs assessment and strategic planning, supervise the program's executive officer, and provide coordination for victims' programs throughout state government.
- **Advisory Committee**: Create a Victim Services Advisory Committee to provide the oversight board with input from diverse, concerned, and informed citizens. Members could include victims, advocates, law enforcement professionals, and service providers knowledgeable about crime victims' issues. Most importantly, this committee and the proposed board could help ensure close cooperation with law enforcement and others.
- **Coordination by a High-level Executive**: Designate a high-level executive, preferably a Cabinet Secretary, to coordinate all state victims' programs that are currently spread across four Cabinet-level agencies, the Governor's office, two other constitutional offices, and at least eleven state departments. The executive should convene regular meetings among these departments to ensure their input into strategic planning until a permanent entity is formed to oversee this function.
- **Hearings on Placement**: Conduct public hearings to discuss the options presented in this report regarding the role and structure of a consolidated victim services office. These hearings should be held by the Legislature in coordination with the new administration. Options include locating OVS within the Governor's administration either as an independent department that reports directly to the Governor, or within one of the following three agencies: the Office of Homeland Security, the Health and Human Services Agency, or the State and Consumer Services Agency. Another option is placing OVS within the Office of the Attorney General.

As different options are debated, it is important to reconsider that structure is only one element involved in creating a successful reorganization of state victim services funding. The most essential component of providing successful victim services is victim-centered leadership. To develop comprehensive, quality victim services, California should ensure that its program director has experience, expertise, and dedication to victims' issues. As many national leaders in the victims' field have pointed out, if everyone involved has a commitment to victims' issues and focuses on the common purpose of providing the best quality and level of service, the system will work effectively -- no matter how it is organized.

Appendices

Appendix A. Victim Service Funding Details

Synopsis of VCGCB Funding Details, FY02-03 (in millions)¹

Disbursements		Revenue	
Medical and Dental	\$35	Restitution Fines and Fees ²	\$52
Funeral/Burial	\$14	Penalty Assessment ²	\$45
Mental Health Services	\$40	Federal VOCA Grant	\$51
Loss of Support/Income	\$22	Recovery ³	\$5
Other claims payments ⁴	\$6	Other	\$3
Subtotal Claims	\$117	Total	\$156
Administrative costs and special appropriations ⁵	\$48	Beginning fund balance	\$49
Total	\$165	Ending fund balance	\$40

OCJP Victim Services Division Grants Awarded FY 02-03 (in millions)

	Children's Branch	Domestic Violence Branch	Sexual Assault Branch	Victim/ Witness Branch	Total Victim Services Division Grants Awarded	Total Grant Award to OCJP for Federal Fiscal Year FY 2002 ⁶	Total Amount Used to Administer OCJP	Admin Costs as % of Total Grant
State General Fund	\$8.9	\$0.8	\$0.7	\$5.7	\$16.1		N/A	N/A
State V-W Assistance	\$0.9	N/A	\$3.7	\$10.8	\$15.4		N/A	N/A
Federal VOCA	\$10.0	\$9.0	\$9.0	\$12.7	\$40.7	\$42.7	\$1.9	4.6%
Federal VAWA	N/A	\$3.8	\$5.7	\$2.3	\$11.8	\$12.3	\$0.6	5.0%
Federal FVPSA	N/A	\$6.8	N/A	N/A	\$6.8	\$7.4	\$0.4	5.0%
Federal RPE	N/A	N/A	\$7.0	N/A	\$7.0	\$9.7	\$0.09	0.9%
Federal Rape	N/A	N/A	\$0.8	N/A	\$0.8	\$0.8	\$0.02	2.7%
Federal CJA	\$1.3	N/A	N/A	N/A	\$1.3	\$2	\$0.2	10.7%
Federal Byrne Grant	\$0.1	N/A	\$0.1	\$1.8	\$2.0	\$51 ⁷	\$2.1	4.1%
Total	\$21.2	\$20.4	\$24.5	\$34.5	\$101.9	\$125.9	\$5.4⁸	4.3%

¹ Complete financial information will be available in the upcoming VCGCB FY02-03 Annual Report.

² Restitution fines, fees, and penalty assessments collections were \$8 million less in FY 02-03 than 01-02, due in part to a new trial court surcharge that must be collected ahead of the restitution fine.

³ Includes criminal restitution orders, liens on civil suits, recovery from auto insurance, etc.

⁴ Includes relocation, home modification for disabled victims, crime-scene clean up, and other types of payment.

⁵ Includes the cost of claims processing in Sacramento and 22 other centers around the state, as well as special appropriations unrelated to victim compensation.

⁶ The award amounts in this column differ slightly from state totals in the previous column because they represent federal award years rather than the state fiscal year.

⁷ This is the amount of the total Byrne Grant, which also funds programs in the Public Safety Division.

⁸ This represents administrative costs for entire office, not just the Victim Services Division.

DHS Battered Women's Shelter Program Grants Awarded (in millions)

	FY02-03	FY03-04
Direct Services	\$17	\$16
Prevention	\$4	\$4
Unserved/Underserved	\$2	\$2
Total	\$23	\$22

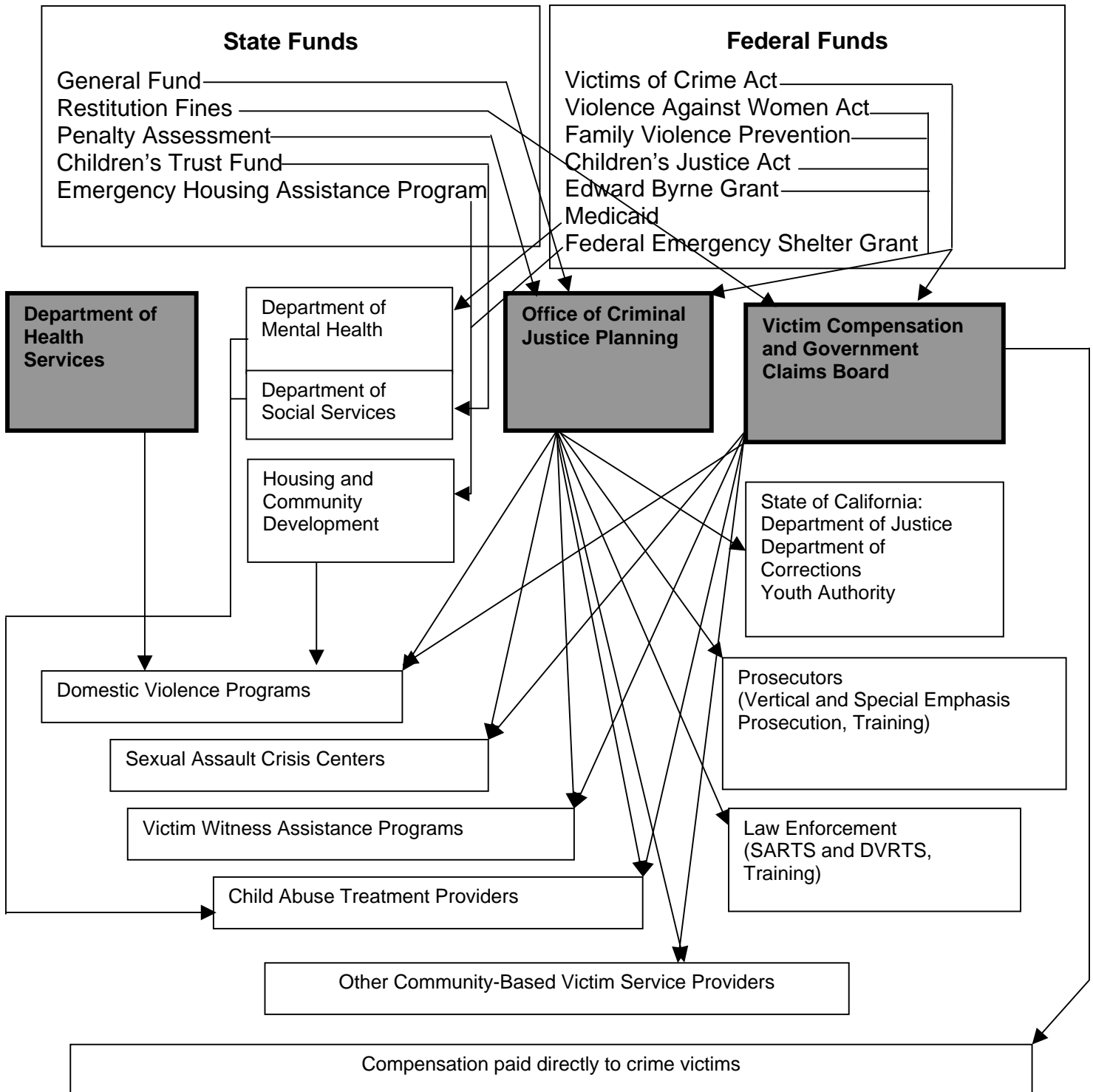
DHS Battered Women's Shelter Fund Program Funding Sources FY03-04 (in millions)

State General Fund	\$22.9
<u>DV Training and Education Fund</u>	<u>\$1.05</u>
Total	\$24

DHS EPIC Branch Funding for Violence Prevention Activities FY03-04 (in millions)

State General Fund	\$0.4
Domestic Violence Training and Education Fund	\$0.75
Federal PHHS Grant	\$0.08
<u>Federal RPE Grant</u>	<u>\$0.2</u>
Total	\$1.43

Appendix B. Diagram of Current Funding Streams



Appendix C. Other State Programs That Fund and/or Deliver Crime Victim Services –FY 2002-2003

1. DHS Epidemiology and Prevention of Injury Control Program (EPIC): \$1.6 Million for Domestic Violence and Sexual Assault Prevention Programs

The EPIC Violence Prevention Program operates training and technical assistance efforts, including programs serving law enforcement officers, judges, home visitors, and members of the faith community. The Federal Centers for Disease Control and Prevention (CDC) provide Rape Prevention Education (RPE) funding to Health Departments in every state.

In California, EPIC passes most of this money through to the Office of Criminal Justice Planning for distribution to sexual assault crisis centers. A portion of the RPE grant and a portion of the Batterer's Education Fine fund the EPIC Violence Prevention Program. DHS currently has \$1.6 million to fund domestic violence and sexual assault prevention programs. These funds also pay for three health education consultants, one domestic violence epidemiologist, and one sexual assault epidemiologist.

2. The Department of Housing and Community Development (HCD): \$800,000 to 23 Domestic Violence Shelters

A small number of domestic violence shelters receive grants from HCD for shelter operations. The HCD office distributes state and federal grants to various emergency and transitional housing facilities throughout the state. The funding unit is comprised of three programs: Emergency Housing and Assistance Program (EHAP) Operations, EHAP Capital, and Federal Emergency Shelter Grant Program (FESGP). These programs provided \$5.5 million in grant funding, of which about \$880,000 supported domestic violence shelters.

3. California Department of Corrections: \$114,000 from OCJP to help fund the Office of Victim Services and Restitution

The California Department of Corrections Office for Victim Services and Restitution (OVSR) provides notification and restitution services to the victims of incarcerated offenders. The OVSR also helps victims submit input regarding proposed parole conditions for offenders.

The budget of more than \$1 million comes from the General Fund, a contract with the VCGCB for restitution collection, and a grant from OCJP. Staff members provide training to Department of Corrections employees on victim issues and train a network of correctional officers assigned as victim advocates in each institution. This year the Department is convening victim impact panels to educate offenders about the effects of their actions, and, at the victim's request, facilitating victim-offender dialogue.

4. California Youth Authority (CYA) Office of Prevention and Victim Services: \$206,000 from OCJP to Help Fund Services for Victims of Youthful Offenders

The CYA Office of Prevention and Victim Services (OPVS) serves victims of crimes committed by juvenile offenders. In addition to notifying victims and obtaining restitution, the CYA:

- Accompanies victims to Youthful Offender Parole Board hearings;
- Helps prepare victim impact statements; and
- Provides referrals for civil recovery, counseling, financial assistance, and restraining orders.

OPVS, nationally recognized for its outstanding programs, also offers the pioneering “Impact of Crime on Victims” classes which are taught at all institutions and camps. Many offenders are also ordered to take the class by the Youthful Offender Parole Board. Funding for OPVS is provided by the Victim Compensation Program, which pays them to collect restitution from youthful offenders, as well as a grant from OCJP.

5. The Department of Justice (DOJ) Office of Victim Services: \$280,000 from OCJP to Assist Victims in Capital and Appellate Cases

The DOJ Office of Victim Services (OVS) objectives are to:

- Provide advocacy to victims whose cases are up on appeal and are being prosecuted by the Attorney General's Office;
- Fill in the gaps by serving the needs of those victims who have fallen through the cracks and are not receiving services from those government agencies and non-profit organizations who provide direct victim services; and
- Bring about positive change at a policy level to further the rights of victims by working with non-profit organizations, government agencies, the Legislature, and the Governor's office.

The director advises the Attorney General on crime victims' issues, reviews and supports legislation, and interfaces with local law enforcement and district attorneys offices on behalf of victims who are frustrated with the criminal justice system. Staff members advocate on behalf of victims in death penalty cases and non-capital cases. Additionally, OVS staff members speak with victims, assess their needs, and make appropriate referrals to non-profits and government agencies that will best serve their needs.

6. DOJ Crime and Violence Prevention Center (CVPC): \$5.6 million from the General Fund and Grants to Provide Services

The Center's goals are to create and promote effective prevention policies and strategies for local communities and law enforcement agencies. The CVPC supports programs dealing with domestic violence, child abuse, elder abuse, gangs, school safety, hate crimes, and drugs and alcohol. Depending on the issue, the specific focus will vary. The Center's achievements involve cutting edge prevention programs, training in prevention strategies, community outreach and assistance, policy development, and advocacy, publications, videos, and other multimedia resources. Current projects include an elder abuse media awareness campaign; the Safe from the Start Program, which looks at children's exposure to violence; as well as the Attorney General's Taskforce on the Criminal Justice Response to Domestic Violence.

7. DOJ California Witness Protection Program: \$3 million from the General Fund to Provide Protection for Victims and Witnesses

The California Witness Protection Program helps local and state prosecutors ensure the safety of witnesses who testify at criminal trials. Assistance may include funds for relocation and armed protection. To date, the program has served more than 3,800 witnesses, some of whom were also victims of the crimes they helped prosecute. All were the targets of credible threats to their personal safety.

8. The Secretary of State's "Safe at Home" Program: \$226,000 from the General Fund to Provide a Mail Forwarding Service for Victims

Safe at Home is a no-cost mail forwarding service designed to help victims of domestic violence and stalking keep their new addresses confidential. Since 1999, the Safe at Home Program has helped victims designate the Secretary of State to receive and forward their mail to a confidential address. Safe at Home, which is comprised of three staff positions, has approximately 230 participating enrolling agencies throughout all 58 counties.

9. The Department of Mental Health, Early and Periodic Screening, Diagnosis and Treatment (EPSDT)

The intent of the program is to ensure that children on public assistance have access to mental health services by funding these services for children who qualify for Medi-Cal. The Department of Mental Health distributes Medicaid and Medi-Cal EPSDT funds to each county mental health department, which can use the money to assist child abuse victims to obtain treatment. Not all counties, however, make these funds available for this purpose.

Because a few of the agencies providing EPSDT-funded child abuse treatment also receive funds from OCJP and the compensation program, it is difficult to determine exactly how much EPSDT funding is used for the intended purpose.

10. The Department of Social Services, Office of Child Abuse Prevention (OCAP)

The Office of Child Abuse Prevention uses several state and federal funding sources to support research, training, and technical assistance in the field of child abuse prevention. About \$15 million of the OCAP budget is made available to counties for this purpose. Each county determines how much to allocate for victim services.

Although most of these funds are directed toward prevention activities, some counties have used this money to support intervention and treatment programs. Programs funded by the OCJP's Children's Branch used to receive some of their funding from OCAP. This year, however, OCAP has redirected most of these funds toward prevention.

11. Other State Departments and Agencies that Assist Crime Victims

In addition to the programs listed above, other state entities provide educational programs and services for crime victims, including:

- **Department of Consumer Affairs** oversees more than 40 boards and bureaus that license 2.5 million health care and service professionals and protect the rights of consumers who are the victims of white collar crimes;
- **Department of Fair Employment and Housing** assists people who have been victims of discrimination in employment or housing, as well as victims of hate crimes;
- **Department of Corporations' "Seniors Against Investment Fraud"** publishes information on elderly financial abuse and trains local volunteers who educate seniors in their communities;
- **Department of Aging California Long-Term Care Ombudsman Program** investigates elder abuse complaints in long-term care facilities and in residential care facilities for the elderly; and
- **California Judicial Council** supports several programs that help crime victims including the Violence Against Women Education Project, an effort that provides the courts with informational materials, education, and training on domestic violence and sexual assault.

Appendix D. Victim Services Funding in Selected States

Arizona	
Governance	The Arizona Criminal Justice Commission's Crime Victim Services Unit oversees and administers the VOCA Crime Victim Compensation and State Victim Assistance Programs. The Arizona Department of Public Safety is the administrator of the VOCA Assistance Program.
Practices	The Arizona Crime Victim Compensation Program operates out of the 15 county attorneys' offices as Compensation Boards, which have the responsibility to receive, process, and pay claims.
Colorado	
Governance	VOCA, VAWA, and state funding are distributed through the Department of Criminal Justices' Office for Victims within the Department of Public Safety. This department also administers the state portion of the compensation program, although Colorado also houses a decentralized compensation system run by local compensation boards in each county.
Practices	Compensation benefits differ from county to county according to the amount of funds each county is able to collect. Each county has its own system. Funding for victim services is distributed at the local level through judicial districts.
Florida	
Governance	The Florida Attorney General's Division of Victim Services and Criminal Justice Programs administers both the VOCA Compensation and VOCA Assistance funds for Florida. Other crime victim programs and funds are administered by other executive branch agencies.
Practices	The Florida Division of Victim Services utilizes 12 regionally placed victim advocates who act as liaisons between local service providers and the AG's Office.
Illinois	
Governance	The Illinois Criminal Justice Information Authority (ICJIA) distributes VOCA assistance and VAWA funds. The ICJIA is an independent board appointed by and reporting to the Governor. The ICJIA passes VOCA and VAWA funds to the state coalitions (Illinois Coalition Against Sexual Assault (ICASA) and the Illinois Coalition Against Domestic Violence (ICADV)). The Illinois Department of Human Services passes RPE funds through to ICASA, but operates a grant program for local domestic violence programs. The Illinois Department of Justice administers victim compensation claims. Final compensation awards are made by the Court of Claims, a seven-judge panel.
Practices	In 2001, the ICJIA developed and published a Criminal Justice Plan for the State of Illinois, which includes a section on victim services and helps guide the day-to-day planning within state government and in the field.

Iowa	
Governance	The Department of Justices' Crime Victim Assistance Division (CVAD) distributes all federal and state victim service funding except RPE funds that go to the Department of Health. A seven-member board appointed by the Attorney General governs CVAD. Members represent victims, mental health providers, law enforcement, and other persons active in victim services.
Practices	CVAD has a single streamlined application and requires a single grant report. Peer review committees screen grant applications. The Department of Health grants RPE funds to the state sexual assault coalition, which, in turn, sub-grants moneys to member programs. CVAD maintains a high level of collaboration and involvement with the field.
New York	
Governance	The New York Crime Victims' Board, a five-member Board that reports to the Governor and to a cabinet level officer, administers VOCA compensation and assistance funds. The Division of Criminal Justice Services, an executive branch agency, distributes VAWA funds. The Department of Social Services handles funding from the Family Violence Prevention and Services Act (FVPSA), Temporary Aid to Needy Families (TANF), and Children's Justice Act (CJA). The Department of Health distributes RPE funds.
Practices	New York State has five regional coalitions that serve as regional councils offering a forum for guidance, networking, planning, and collaboration for all victim service providers and victims' rights activists in each region.
Oregon	
Governance	The Crime Victim Assistance (CVA) section of the Criminal Justice Branch of the Oregon Department of Justice administers VOCA victim assistance and compensation funds. The Oregon State Police distributes the VAWA funds. FVPSA and state domestic violence funds are handled through Services to Children and Families in the Department of Human Services.
Practices	In 2003 the CVA released an assessment of crime victim needs in the State of Oregon. The state contracted with the Regional Research Institute of Portland University to perform the study.
Pennsylvania	
Governance	The Pennsylvania Commission on Crime and Delinquency (PCCD), a criminal justice planning agency that reports directly to the governor and is controlled by an appointed commission, distributes VOCA compensation and assistance, VAWA, and State funds. A program within the Department of Public Welfare (DPW) handles FVPSA, RPE, and additional state funds.

Practices	PCCD makes local block grants to county victim service policy boards based on a funding formula calculated using county collections, population, and crime rate. These local coordinating boards allocate funding. DPW grants funds directly to state domestic violence and sexual assault coalitions which sub-grant funds to member programs. A very high degree of collaboration is present between PCCD, DPW, and the coalitions. Sophisticated web-based compensation applications enable preliminary eligibility decisions to be made in the field.
Texas	
Governance	The Texas Attorney General administers the VOCA victim compensation program and state victim assistance funds. The Texas Governor's Criminal Justice Division administers VOCA assistance programs, but works closely with the 24 Regional Councils of Government on funding decisions and administration.
Practices	The Texas Crime Victims Institute in the Attorney General's Office was created by the Texas Legislature to study the impact of crime on victims and survivors; develop policies to assist the criminal justice system in preventing criminal victimization; evaluate the effectiveness of criminal justice policies, programs, and services related to crime victims and their family members; and make general recommendations for improving crime victim services in Texas. The Institute receives guidance from an advisory council that is appointed by the Attorney General with members prescribed by statute. Also, the Institute coordinates the State Agency Task Force on Victim Services whose mission is to improve victim services by increasing communication and collaboration among state agencies providing victim services.
Washington	
Governance	Washington state victim services are funded through several departments. The Office of Crime Victims Advocacy in the Office of Community Development distributes VAWA, VOCA, and state funds to rapes crisis centers. The Department of Social and Health Services handles additional state and federal funding (including VOCA) for domestic violence. Compensation is located in the Department of Labor and Industries' Industrial Insurance Division. The Department of Health Services houses a Sexual Assault Prevention Program. Local victim-witness programs are funded through a penalty assessment that is distributed directly at the county level.
Practices	The Office of Crime Victims' Advocacy instituted a system of accreditation and non-competitive regional funding for accredited sexual assault centers. Together, in 1996, the centers and the Office decided to make it a priority to fund at least one program in every region in the state, and rearranged the existing competitive grant program in order to do so.

Appendix E. New York Crime Victims Board Advisory Council

Advisory Council to the New York Crime Victims Board

Bylaws

PREAMBLE

Article 22, Section 623(14) empowers the Crime Victims Board to establish an advisory council "to assist in formulation of policies on the problems of crime victims." The Crime Victims Board elects to establish such council in the following manner:

I. MEMBERSHIP. There is hereby established an Advisory Council on victim issues. The Council shall consist of twenty-five (25) members appointed by the Board, who have demonstrated an active interest in or obtained professional knowledge of the problems, needs and treatment of victims. At least one member shall be a victim/survivor, who is not employed by a victim service agency. Additionally, members of the Legislature or other individuals having a special interest in victims' issues shall be invited, by the Board, to participate on the Council as ex-officio members. To the extent possible, members shall be chosen to ensure representation for each geographic region within the State, and for the various disciplines in the fields of social services and criminal justice which impact upon victims. Membership shall reflect the diversity of the State and its peoples. In the spirit of this diversity, the Board shall endeavor to maintain a significant level of representation of minority populations. The Board shall solicit nominations from the Council, the Coalitions and other interested parties on a regular basis for new members. These nominations will be funneled through the Nominating Committee but voted on by the Board. At the first meeting of the new year, the Council shall elect a President and Vice-President.

II. TERM OF OFFICE. Members of the Advisory Council shall be appointed, by the Board, for terms of three years provided, however, that of the members first appointed to the Council, one-third shall be appointed for a one year term, and one-third shall be appointed for a two year term. In the interest of the Advisory Council, members may serve a limit of two terms or up to six years then take at least a one-year break before resubmitting a nomination.

III. STRUCTURE. The Advisory Council shall have a President and Vice-President and shall organize itself into five standing committees. The chair of each committee shall be made by the President with the approval of the Board. The chair of each committee will join the Council President and Vice-President to form a steering committee for the Council. The five standing committees are:

Legislative Committee

Program Committee

Compensation & Services Committee

Committee on Services to Diverse Populations Nominating Committee

The **Legislative Committee** will study and suggest legislation to the CVB legal staff for consideration by the Board Members. The committee will also monitor legislative efforts related to crime victims and keep the full Council informed of any relevant changes.

The **Program Committee** will review, analyze and report on victims, fiscal and administrative issues which are common among crime victims programs especially those that are funded by the New York State Crime Victims Board. The committee will primarily focus on concerns that directly impact upon program administration including: budgeting, staffing, the grant process, statistical and narrative report forms, monitoring and evaluation and development.

The **Compensation and Services Committee** is to inform the Board Members of victims unmet needs and to advise them on possible ways to better serve the State of New York crime victims. The committee will review and discuss any victim compensation issues which would more effectively meet the needs of crime victims. Furthermore, this committee will pull on the collective experiences of practice in New York and other states to make recommendations regarding the decision-making process in an effort to assist the Board Members in making more informed compensation decisions.

The purpose of the **Committee on Services to Diverse Populations** is to address the needs of underserved diverse populations, and to help them gain access and assistance to quality services as survivors of crime. These diverse populations include but are not limited to : African-American, Latino/Hispanic, Asian-American, Gay and Lesbian, and individuals with disabilities. The Committee on Services to Diverse Populations serves in an advisory capacity to the Advisory Council, and through it, to the New York State Crime Victims Board on issues and services related to these populations.

The **Nominating Committee** shall submit membership recommendations to the Board three months prior to the first meeting of the new Council. Each nomination shall be accompanied by a brief biography.

The Council may choose from time-to-time to establish ad-hoc groupings or task forces to pursue specific issues. These groups will report to the Council and the Board under the aegis of one of the standing committees.

IV. DUTIES. The Council shall have the duty to encourage public understanding of the needs of victims and the status of victim rights. The Council shall advise the Crime Victims Board in establishing statewide goals and objectives for advancing services to victims and implementing victim rights. The Council shall have the power to consider any matter relating to the improvement of crime victims programs and to advise the Crime Victims Board. The Board shall assist the Council by arranging meeting sites, recording minutes of Council meetings, providing a copy of the minutes to each Council

member as soon as practical, and providing timely communication with the President and steering committee on matters relating to the Advisory Council. The President shall run the meetings. The Vice-President will assist the President.

Advisory Council members must be an active participant of at least one of the standing committees. If a member does not choose a committee, one will be assigned by the Advisory Council President. Attendance is expected at all meetings. An Advisory Council meeting consist of committee meetings, full Advisory Council, and Advisory Council with the Crime Victims Board over a two day period. Traditionally, the first day begins at 1:00 p.m. and goes until 5:00 p.m. The second day begins at 9:00 am and ends by 3:30 p.m. All meetings are held in the Albany area.

The Advisory Council meets four (4) times a year beginning in September and ending in June. Attendance at all meetings is critical. Should a member miss two (2) meetings within the Advisory Council year, this may result in the Advisory Council recommending to the NYS Crime Victims Board the option of reviewing that appointment.

V. CONFLICTS OF INTEREST. Participation on the Council by members representing agencies or organizations that may be funded by the Board shall not alone constitute a conflict of interest. No member of the Council may use his or her Council membership (or title) to advance personal causes or to promote positions not endorsed by the full Council and the Crime Victims Board. This prohibition shall not be construed to prevent a member from freely speaking as an individual.

VI. IMPLEMENTATION. The articles contained herein were adopted by vote of the Crime Victims Board at its regular meeting held July 29, 1988 and were subsequently amended as necessary. The Board agrees that the annual year of the Advisory Council will coincide with the contract year used by the Board with funded programs, and these protocols will begin with the 1990-1991 year. A copy of this protocol will be distributed to all funded programs via an Advisory Bulletin and copies shall be made available to any interested party upon request.

VII. AMENDMENTS TO The Board regularly will review and amend the Advisory Council protocol, as appropriate. Suggested amendments to the protocol may be made by the Council and submitted in writing by the Council President to the Board for consideration. The final determination for amendments to the protocol will rest with the Board.

June 1998

Appendix F. Views From the Field

As part of our research for this report, we invited leaders in the victim services field, who are primary recipients of state funds, to develop proposals for a consolidated victim services program. We have included these proposals and the letters accompanying them in this appendix.

Contents:

- Letter from the California Alliance Against Domestic Violence (CAADV)
- Draft Proposal for a Stand-Alone Office for Victims Services Programs
(SCSA requested this proposal from CAADV as part of CAADV's work on a subcommittee convened to assist with the Victim Services Study.)
- Letter from the California Coalition Against Sexual Assault (CALCASA)
- Draft Proposal for Placement within Homeland Security
(SCSA requested this proposal from CALCASA, the Statewide California Coalition for Battered Women (SCCBW), and Nancy O'Malley, Alameda County District Attorney's Office, as part of their work on a subcommittee convened to assist with the Victim Services Study.)
- Letter from the California Victim and Witness Coordinating Council (CVWCC)

**Text of Letter from Ellyne Bell, Executive Director,
California Alliance Against Domestic Violence**

Dated October 14, 2003

Dear Secretary Adams:

Thank you for the work that you have done on the victim services study for the state of California, as authorized by AB 2435. Recognizing that we are in changing political times, I want to give you my suggestions for the future of victim services funding as you conclude your study.

As you know, the domestic violence movement has been very split on issues of where domestic violence funding should be housed, and the structure of such an agency. Approximately half of all domestic violence programs presently funded by OCJP and DHS have expressed an interest in all victim service funding going under the Office of Homeland Security. The other half of the programs have stated concerns over such a move. Concerns over privacy, confidentiality, immigrant issues, and shelter autonomy are a few of the issues that have been discussed. Domestic violence advocates and coalitions in other states have also weighed in on the discussion stating concerns about being “under” law enforcement, therefore unable to work as true partners and foster accountability. National discussions on victim services also indicate a concern over linking services too closely to law enforcement. The programs that have expressed concerns over victim services funding being housed under the Office of Homeland Security have advocated for a “stand-alone” victim services agency that is governed by its own board and directly under an agency secretary or the Governor.

The California Alliance Against Domestic Violence (CAADV) is recognized by the federal government as the state domestic violence coalition for California, and is authorized by federal statute to do the work of a domestic violence coalition in California. CAADV advocated for the possibility of a stand-alone victim services agency and submitted some draft language for review and discussion (attached). Because the political climate began to rapidly change within the last couple of months, we have been unable to continue the task force group discussions on this issue and further our regional meetings on what possibilities exist for the future of victim services funding. However, our concern remains and we want to be a part of a reasonable solution that will work to correct the problems of OCJP and DHS, as well as strengthen resources and commitment to domestic violence and other victim service issues.

CAADV would like to see all victim services monies consolidated into one agency with a direct tie of accountability to the federally designated state domestic violence and sexual assault coalitions. It is most important that at the DHS and OCJP domestic violence state and federal funds be consolidated into one agency. That agency,

however, could be divided into departments with differing roles and clarifying principles about the funding and how it is to be spent. This agency must also be committed to demonstrating appropriate use of funds, adequate reporting procedures, and collection of actual and usable statistics. The most important thing in the consolidation model is an efficient, cost effective, and responsible means of granting funds, as well as a mutual sense of accountability to the coalitions and member programs.

CAADV would like to see a stand-alone office for victim services, but we realize that this might be difficult to construct in such a short amount of time. Ideally, it would be a great solution to some of the former problems associated with victim services funding in California. We are concerned about housing victim services funding under the Office of Homeland Security or under the Office of Emergency Services. These agencies do not seem like a good fit for our funding streams, nor a positive solution to past problems. It would be our preference to see the funding housed under the Attorney General's Office rather than the Office of Homeland Security, if no other options exist. Wherever the funding is housed, it is imperative that the state coalitions have a role in the process of granting funds, and the process of oversight and monitoring of those funds. It is also important that all the correct checks and balances be built into the process.

Another solution, if a consolidated approach is not adopted, would be to have all domestic violence funding pass through CAADV to the programs. This manner of distributing funds has been successfully demonstrated by other states, which we could emulate. It would be a very cost effective means of addressing domestic violence funding needs.

Once again, thank you for all your work and the work of your staff. You have been instrumental in bringing light onto this difficult subject, and assisting in crafting a new possibility that will benefit domestic violence programs and all the people that they serve.

Sincerely,

Ellyne Bell
Executive Director

California Alliance Against Domestic Violence
Proposal for a Stand-Alone Office for Victims Services Programs
September 3, 2003 Draft written by CAADV

Introduction

The Governor's Office of Criminal Justice Planning (OCJP) will no longer exist pursuant to legislative mandate effective January 1, 2004. All of the programs administered by OCJP will be transferred to other state agencies for the short term with a longer, more far-reaching plan to be established by the Governor's Reorganization Plan. Secretary Adams has enlisted the assistance of representatives from various victim services sectors in order to look at possible plans. The two plans that have been approved as actual possibilities are the creation of a stand-alone victim services office and an office under Homeland Security or a similar entity.

A plan has been proposed by CALCASA and SCCBW, along with Victim Witness and others to move all victim services programs under the new Office of Homeland Security. While an admirable plan, with many possibilities, the CAADV has been given the task of defining what a potential stand-alone agency plan could look like for the victim services field, especially for the funding of sexual assault and domestic violence services. This document begins the discussion of creating a stand-alone agency for the purpose of administering funding to victim services programs. It is proposed as a work in progress with the potential for adding and deleting as dialog emerges.

The discussion should include looking at the pros and cons of all possible plans and a presentation of the products of discussion to be submitted to the committee chaired by Secretary Adams and entrusted with the furtherance of the victim services study.

Timeline

Our current timeline indicates that all programs now housed under the Office of Criminal Justice Planning (OCJP) will be moved effective January 1, 2004 to various other agencies on a temporary basis. The Office of Homeland Security will be established during this time as well. The process of establishing a consistent, consolidated victims service agency is a multi-stage process emerging from this larger process of determining what happens to all programs formerly housed under the OCJP. Following the interim plan to be established by October 2003 and implemented in January 2004, there will be a larger Governor's Reorganization Plan (GRP) that will establish a permanent residence for victim services programs as well as all other programs now at the OCJP. It will be necessary for the GRP to undergo legislative hearings and statutory language clean-ups before becoming an official plan. A completed GRP ready for legislative hearings is expected by March of 2004. The prospective date for permanent changes to victim services programs and all programs found under the OCJP is July 1, 2004.

Given this timeline, it is absolutely imperative that the committee addressing these issues and changes take appropriate care in determining the future direction of an agency housing funding for victim services programs. CAADV proposes a complete dialogue surrounding the pros and cons of all possibilities and an exploration of the unintended consequences of all actions that we might pursue, as well as a thoughtful complete process for the GRP. Several structural possibilities need to be put forth in their entirety to the domestic violence and sexual assault fields in order for this comprehensive discussion to take place. The discussion of whether this entity should be a stand-alone office or housed under the Office of Homeland Security (or some other governmental agency) should also be addressed with much attention to detail and consequence. Proposed dialogs should take place from now through November 2003, and all dialogue should be included in final report to the legislature or appropriate committee for their review prior to the release of the GRP. A broad array of input is the only check and balance system that we have available to us to ensure that any system we create is not harmful to the interests of battered women.

Possible Stand-Alone Structure

The Office of Violence Intervention and Prevention could report directly to the Governor or to a Cabinet Secretary. The Office of Violence Intervention and Prevention (OVIP) will be governed by a seven-member board that is appointed by the Governor with the consent of the Senate. The seven-member board will serve as the policy body for the OVIP and will administer funding to domestic violence, sexual assault, child abuse/child sexual abuse, and victim-witness programs. It will also administer the state victim compensation program. The board of the OVIP will include a member of the bar of this state, a victim of an injurious crime, a licensed physician, a representative of law enforcement, and one designee from each of the state domestic violence, sexual assault and victim witness coalitions/councils. The board will have staggered terms with a maximum term of 4 years. (The representatives of the coalitions could also serve as advisors to the governor for the picking of the board and not serve directly on the board, but instead have those slots available for citizens or advocates.) The board of the OVIP would meet on a monthly basis and all meetings would be open to the public with time allowed for public comment. The board would be a volunteer board with accommodation made for travel and state appropriate per diem only. Minutes of the board meeting would be available for public inspection.

The duties of the board of the OVIP include:

- Policy making for the OVIP;
- Funding decisions, including final decisions on appeals;
- Determine qualifications, hire and supervise the executive officer of the OVIP;
- Appoint a three member independent appeals panel; and
- Serve as the former VCGCB.

Other duties will need to be addressed based on the structure of how other states have set up similar boards and to ensure that adequate protective and clarifying language is in place.

Office of Victim Intervention and Prevention Advisory Board

The board of the OVIP will be advised by an advisory board of no more than 25 members representing victim services, victims advocates, and representatives of groups that interact with crime victims on a regular basis. The board of the OVIP will appoint the members of this board with assistance from the state coalitions/councils and the executive officer of the OVIP. The advisory board of the OVIP will represent the diversity of populations within the state. The process of selection of advisory board members will include a public notice of the ability to apply to serve on the advisory board. Advisory board members will serve for three years in staggered terms, and will meet quarterly. Minutes of the OVIP Advisory Board will be available for public inspection.

A small, five-member law enforcement advisory board will serve as a connection between the OVIP board and executive officer offering input and providing for a mutual sharing of information and effectual problem-solving.

Appeals Process

To ensure fairness within the appeals process, all appeals in regards to funding or grants management will be reviewed by a three-member appeals panel. Specific and complete descriptions of the appeals process will be made available and included with each RFP.

All programs serving victims, especially shelter programs serving battered women and their children, will provide program participants with information on how to file a grievance regarding services received. Grievances will also be reviewed by the appeals panel on a case-by-case basis, after other avenues of assistance have been exhausted.

The appeals panel will be made up of three community members and appointed by the board of the OVIP with the endorsement of the advisory boards. The appeals board should have no connection to programs or personnel, but remain an independent group with a most objective viewpoint.

Considerations of Importance

Consideration needs to be given to the following items. Further discussion on each item with inclusion of all voices representing those who might be affected adversely is a necessity.

1. Other domestic violence coalitions in the country have given feedback on the potential problems of going under OHS, including the inability to hold law enforcement accountable to the domestic violence and sexual assault field, a power-based system without collaboration built-in, no room for equal partnerships with law enforcement, and victim services getting lost as a low priority in OHS. To address this we recommend an

equal partnership with law enforcement with built-in system of collaboration. If a stand-alone agency, there needs to be a direct tie to law enforcement without a direct tie by authority. It will be most important to have the right leadership at the top of the OVIP with checks and balances built-in at every level.

2. The national conversations taking place around the issue of domestic violence have been moving in a different direction than Homeland Security. The national conversations are talking about the impact of the criminal/legal system on communities of color, and the over-reliance of the domestic violence movement on partnerships with law enforcement. These are issues being raised by communities of color, and groups representing immigrant women. Some private funders, such as the MS Foundation, have also been weighing in on this discussion. The current trends nationally are toward more community-based work with a move away from the over-reliance on law enforcement.

3. There are many who are stating concerns over the impact of going under the OHS for battered immigrant women, and some of the possible ramifications of the Patriot Act, such as confidentiality of shelter records, the need to hide women from law enforcement sometimes, and advocate confidentiality privileges.

4. It is also not clear if what we are creating is another OCJP with the same inherent culture and problems, or something new and more responsive to actual and current needs. We know that OCJP and DHS have been broken systems, why would we want to duplicate similar mistakes?

Please make comments to Ellyne Bell at 916-444-7163 or write to ellyne@caadv.org

**Text of Letter from Marybeth Carter, Executive Director,
California Coalition Against Sexual Assault**

November 11, 2003

Dear Secretary Adams:

Changes within the State of California and, especially, the recent decision by the legislature and executive leadership to eliminate the Governor's Office of Criminal Justice Planning, are bringing the issue of sexual violence into greater public awareness. Obviously, it is too early to assess the long-term impact of these recent changes. Currently, however, the elimination of OCJP has created a very negative impact on California's rape crisis centers and caused an extensive delay in getting funding contracts distributed to them. Because of this, two rape crisis programs have temporarily closed their doors, others have laid-off many of their program staff and others are scrambling to obtain lines of credit or other methods to keep programs going until contracts are received (hopefully by December). This is a terrible shame given the fact that the rape crisis contracts are primarily federal pass-through dollars and would have helped communities reeling from necessary state funding cut-backs due to California's weakened economy and budget position.

The changing political environment in our State may bring new ideas about where to house OCJP's programs in addition to the ones discussed over the last year. Given this, the California Coalition Against Sexual Assault (CALCASA) appreciates the opportunity to share with you the priority focus of the California rape crisis centers in relation to the issue of where the sexual assault-related funding is housed in the state.

- Promote sexual assault as a distinct and priority crime issue not under a rubric, such as "family or domestic violence."
- Co-house the sexual assault and public safety (law enforcement, district attorney and judges training and service) within the same state entity in order to promote collaboration and coordination.
- Maintain the parity of funding *distribution* between sexual assault and domestic violence. This is a model within the United States.
- Advocate that sexual assault is a crime; not a "social service" issue.
- Keep the statewide sexual assault coalition and its member rape crisis centers in a close, lead advisory role with the state entity that distributes the sexual assault-related funding within the state.
- Make block-grant funds to the statewide sexual assault coalition as a 'pass-through' to distribute to the rape crisis centers.

- Maintain ease of application as currently exists—the “EPIC” program of the Department of Health, through an inter-agency agreement” distributes the Rape Prevention Education Funds in a single application process through OCJP.
- Coordinate major state departments to work together to address sexual violence in California including the Department of Corrections, the Attorney General’s Office, the Department of Health, and more including local service providers and statewide coalitions (CALCASA and the California Coalition on Sexual Offending (CCOSO).
- Increase funding at state and national levels for the prevention of and response to sexual assault.
- Support the specialization that rape crisis centers and domestic violence programs bring to the victims we serve and prioritize these services as distinct and separate from generic crime victim service responses.

As the first victim service provider in the United States, for thirty years the rape crisis centers of California have provided the highest level of service to victims of sexual violence and the communities where they live. We have served as a model for other crime victim programs, including Victim Witness Assistance Centers and Battered Women’s Shelter programs. California’s rape crisis centers and the nationally renowned statewide sexual assault coalition, the California Coalition Against Sexual Assault (CALCASA), are recognized leaders and service providers throughout the country. We ask that the legislative and governmental leadership of California consider our ideas and views on the critical issues outlined in your report and continue to work closely with us to create an effective solution to the question at hand.

Sincerely,

Marybeth Carter
Executive Director
California Coalition Against Sexual Assault

CALIFORNIA'S VICTIM SERVICES: A Proposal to the California Legislature
Draft written by CALCASA; SCCBW; and Nancy O'Malley, Alameda County
District Attorney's Office

Introduction:

By legislative mandate, the Governor's Office of Criminal Justice Planning (OCJP) will no longer exist as of January 1, 2004 (See State Budget Act of 2003-04). All of its programs are to be transferred to other agencies to be determined by the Department of Finance.

Currently, the Office of Homeland Security (OHS) exists by Executive Order and is in transition to being an oversight agency administering grants and other programs to various agencies responding to critical incidents, terrorists acts as well as being responsible for providing services to those affected by crime and terrorist acts.

This document outlines a proposal for the creation of three additional divisions within the Office of Homeland Security.

Proposed OHS Mission Statement:

The Office of Homeland Security, through state and federal funding, promotes partnerships to achieve a safe nation, state and local communities by preventing terrorism, disaster, crime, and violence; supporting victims and communities and their rights; and holding perpetrators and offenders accountable.

Proposed OHS Structure

The Director of OHS reports directly to the Governor's Chief of Staff. There is a Chief Deputy Director at OHS who reports to the Director. There exists an Administrative Services Division (ASD), which controls business and fiscal management, grants management and oversight. A Deputy Director is directly responsible for ASD. Likewise, there is a Science and Technology Economic Development Division (STEDD), which conducts public and private outreach. A Deputy Director is directly responsible for STEDD. The Emergency Services Division (ESD), as well as the Homeland Security Division (HSD) are both located under the Office of Homeland Security. Again, Deputy Directors have direct supervision of these two divisions. It has been proposed that a new division be created to accommodate public safety programs and grants administered to public safety agencies, including law enforcement and prosecution. The new division may be entitled Criminal Justice Public Safety Division (CJPSD) and a Deputy Director shall have direct responsibility for CJPSD. Currently, all Deputy Directors report to the Chief Deputy Director. The Deputy Directors are Governor appointees. The Senate confirms the Deputy Director of ESD.

Creation of Specialized Victim Service Divisions within OHS

California has one of the oldest comprehensive and progressive victim services systems in the United States. The Victim-Witness Assistance Agency in Alameda County was the first in the country, established in 1974. Currently, Victim-Witness Assistance Centers are legislatively mandated and every county in California has a center. Forty-four of those centers are located within prosecutors' offices. The Victim-Witness Coordinating Council is the coalition representing all 58 Centers.

The first rape crisis center in America also was formed in California in 1973. There are now 84 rape crisis centers in California striving to provide seamless services to survivors of sexual assault and prevention of sexual violence in local communities. The California Coalition Against Sexual Assault (CALCASA), formed in 1980, is recognized as the premiere national leader in creating, developing and administering programs that address prevention, outreach and education on the prevention of sexual violence and training on rape crisis services. CALCASA administers several national grants providing technical assistance nationwide on sexual assault, domestic violence and stalking awareness, prevention and intervention services.

With the advent of rape crisis hotlines, battered women began calling for assistance from domestic violence. California now has 120 battered women's agencies to respond to their needs and those of their children. The California Alliance Against Domestic Violence (CAADV) and the Statewide California Coalition for Battered Women (SCCBW) are the coalitions providing training, technical assistance and leadership in public policy needs of battered women as well as administering national grants addressing multi-cultural and disability needs of battered women.

In determining where to house the rape crisis, domestic violence and victim witness programs now in the defunct OCJP, a majority of these agencies and programs, as well as statewide coalitions providing victim services and crime prevention programs in California, have declared the need and desire to be co-located with Public Safety programs. The co-location is sourced in the historical relationship that has been developed between law enforcement, prosecution, victim-witness assistance centers, rape crisis centers, domestic violence programs as well as the statewide coalitions, that is, CALCASA, CAADV, SCCBW and the Victim Witness Coordinating Council. Coordinated victim response services must continue to be delivered to those individuals who are touched by crime. We must all strive to have those services be comprehensive and seamless as victims of crime move toward closure and healing, irrespective of whether the perpetrator is ever apprehended and/or prosecuted; irrespective of whether the victim of the crime participates in the criminal justice system; and particularly irrespective of which victim service agency is providing services. Any government agency or department supporting public safety programs (law enforcement, prosecution and probation) should provide financial and technical assistance to those agencies that have as one of their missions 'to improve the quality of life for the people of our state by protecting the public's safety and supporting services for crime victims.' In order to

achieve that goal, the various allied agencies (rape crisis centers, battered women's programs and victim witness assistance programs) must have a close working relationship and institutional nexus to the other as well as a component for developing policies to prevent, reduce and respond to crime and crime victims in whatever capacity is necessary. Also, because of terrorism, victim service groups have necessarily expanded their services to respond to this need. For instance, Victim Witness Assistance Programs and Victim Compensation provided financial reimbursement and support services to victims and victims' families of the 9/11 tragedy. At the same time, victims of sexual violence, uncontrollably impacted by the trauma that 9/11 rekindled in them about their own victimization experience, sought rape crisis services immediately afterward—indeed, many were ready to commit suicide they were so distraught with pain and panic. These examples exemplify how interrelated the issues of crime and terrorism are and benefits that an OHS, composed of distinct yet coordinated departments, will confer on the people and communities of California.

Because of this, it is recommended that the above-referenced victim service programs be relocated to the Office of Homeland Security. Structurally, it is recommended there be a Victim Services Division (VSD), under which Victim-Witness Assistance Programs, child abuse programs and other such programs be located for receiving grant funds to provide victim response services to these populations. It is also recommended that there be a Violence Intervention and Prevention Division (VIPD) under which rape crisis and domestic violence programs, homeless youth, child sexual abuse and exploitation programs and others be located. It is also recommended there be a Victims Restitution and Compensation Division (VRC) under which Victims Compensation and Government Claims as well as Victim-Witness Claims be located, thus ensuring the cohesive coordination between these two entities.

Each division, that is Victim Services, Violence Intervention and Prevention and Victims Restitution and Compensation, shall have a Deputy Director assigned to it. The Deputy Director shall be a person from that particular field with experience and vision on how to better serve the populations and communities identified in their division. Their vision should include an analytical process of violence prevention, violence intervention, efficient and effective ways for service delivery to victims of terror and crime as well as experience in grants and grants management.

OHS' infrastructure will address issues of Human Resources, Personnel and other administrative obligations and needs, thus minimizing costly duplication of administrative costs by creating a separate entity or stand-alone agency for victim services. There are other cost-savings contained in the plan. For instance, the Victim's Compensation and Government Claims Board (the Board) employ staff, of whom many deal with processing applications filed directly to the Board. Through discussions, it is clear that a gap in victim services occurs when the delivery of services is handled remotely, such as in Sacramento by mail, as opposed to being handled locally, in

person, as occurs in locally administrated Victim Witness Assistance Programs. The Board has established successful regional Joint Powers Agreements with several local Victim-Witness Assistance Programs throughout the state. Those programs process victim compensation applications on a local level. Under this proposal, a true cost-savings can occur if all applications for victim compensation are handled locally by contracting out all claims processing to additional Joint Powers Agreements that will assure better service through the availability of in-person contact and local review of community needs and applicants. The positions that are allocated at the Board for processing applications will be eliminated, with the personnel relocated to other essential services.

Additional savings will occur by eliminating costly, legislatively mandated advisory committees. In this new proposed structuring, existing coalitions, such as CALCASA, SCCBW, CAADV and the Victim Witness Coordinating Council, shall provide technical advisory services to each division. These statewide coalitions are funded, often through federal and state mandate, to coordinate and train their respective “grass-roots” programs, that is, the rape crisis centers, battered women’s programs and victim witness assistance centers. Given that federal and state funds already are expended to support the work of these coalitions and these coalitions are formed and composed of the very programs funded under this new government structure, it is only fitting that the coalitions have an essential role and connection to grant-making, policy, protocol and technical assistance services provided for under this structure. The current structure of the SAC (State Sexual Assault Advisory Committee comprised of representatives from allied professions including Medical, Prosecutorial, Law Enforcement, Rape Crisis) asks the rape crisis centers/CALCASA for input on the Basic Operations grant funding formula, thus providing historical precedence for this type of model of using coalitions in a technical advisory capacity.

The Coalitions should be placed in an advisory position to the respective Divisions so as to utilize the leaders in the fields. The coalition leaders speak for their agencies, represent and advocate for their fields and should have vision for their fields as well as global vision for victim services in California.

Appeals

In the course of grant making, applicants will be accorded an appeals process on individual grant applications. These individual grant decisions will utilize the current (recently revised) OCJP appeals process (vetted through the sexual assault and domestic violence coalitions in the last three months). This appeals process will be concluded (according to the terms of the document) in a short period of time (30 days) in order to facilitate quick action and not to hold up all funds for other grantees (no grants can be distributed until the appeals process is finished in case a change in funding or applicant is made as a result of the appeals process).

If applicants and /or a group of providers (etc) assess that an unfair practice or other issue (e.g. boundaries for service areas) is an issue and through the normal course of appeals and/or discussions with the Division and/or OHS does not lead to a resolution of the concern, the issue will be taken to the TAC and if this avenue does not resolve the concern, to a five member appeals board. The appeals board members will be selected on an annual (or bi-annual) basis and will consist of: a coalition member, an agency member, a criminal justice member and two at-large members with a background in the field of that division.

Strategic Planning Committee

It is recommended that there be a Strategic Planning Committee within OHS to set the vision and goals of this team of divisions working towards the elimination of crime and violence in all of its forms. It is essential to have a plan for the future; the Strategic Planning Committee will create the blueprints for tomorrow: how we, as a society and a government will respond to terror and violence will be addressed; how to continue to improve services to victims of terror and crime, how we will ensure the rights, safety and well-being of immigrant populations residing in our nation and more will be an integral part of the plan. Each of the Deputy Directors shall be a voting member of the Committee with equal status. The Strategic Planning Committee will also consist of representatives from funded programs from each division, from the statewide coalitions/association/coordinating council, at-large positions from field related professions, and other key stakeholders essential to creating a vision, goals and strategies.

Programs

The following Victim Service programs are currently administered by OCJP and will be transferred to the Office of Homeland Security into the Victim Service Division (VSD), the Violence Intervention and Prevention Division (VIP) and the Victims Restitution and Compensation Division (VRC):

- American Indian Women Domestic Violence Assistance Program (VIP)
- California Children's Justice Act (CJA) (VSD)
- California Victim Services Training Institute (VSD)
- Campus Sexual Assault Research Program (VIP)
- Children Exposed To Domestic Violence Specialized Response Program (VIP)
- Court Appointed Special Advocate (CASA) Interdependent Living Pilot Program (VSD)
- Court Appointed Special Advocate (CASA) Interdependent Living Training and Technical Assistance Program (VSD)
- Crisis Response Training (VSD)
- Crisis Response Incident Support Equipment And Supplies (Crises) Kits (VSD)
- Direct Services Enhancement Project (VSD)
- Domestic Violence Assistance Program (VIP)

- Domestic Violence Response Team Victim Advocate Program (VIP)
- Domestic Violence Statewide Coalition Program (VIP)
- Domestic Violence Vertical Prosecution Program (VIP)
- Elder Abuse Advocacy and Outreach Program (VIP)
- Family Violence Prevention Program (VIP)
- Farmworker Women's Sexual Assault and Domestic Violence Program (VIP)
- Medical Evidentiary Training Center Program (VIP)
- Native American Sexual Assault/Domestic Violence Program (VIP)
- Rape Crisis Program (VIP)
- Rape Prevention and Education Program (VIP)
- Sexual Assault Response Team Victim Advocate Program (VIP)
- Special Emphasis Program (VSD)
- Special Victims Program (VSD)
- State Coalition Technical Assistance and Training Program (VIP)
- Victim/Witness Assistance Program (VSD)

* Prosecution and Law Enforcement Programs would be retained in the proposed Criminal Justice Public Safety Division.

Conclusion

This plan describes a victim services structural model, which accomplishes the following goals:

- Provides a policy-making and administrative structure which insures that funding for victim services is fairly, effectively and efficiently allocated and monitored;
- Assures that the administrative structure supports the day-to-day activities of the funded programs and the constituencies they serve;
- Insures accountability of the funder to the funded agencies and accountability of the funded agencies to the funding source;
- Insures the role of statewide coalitions/councils and individual programs to participate in and be key decision makers in policy and funding decisions;
- Protects and serves unserved/underserved and vulnerable classes of victims including victims of color, immigrant/refugee victims, victims with disabilities, older victims and victims from same gender relationships;
- Minimizes duplicate and inefficient costs to the state.

Governing Policies shall be written as part of this Plan that instruct the Deputy Director of each division on their responsibility to work closely with the TAC and the funded programs for guidance and decision-making on grant programs and policies. These Governing Policies shall be set forth as part of the legislation that creates these new divisions under the Office of Homeland Security.

**Text of Letter from Patrick Darner, President,
California Victim and Witness Coordinating Council**

August 12, 2003

Dear Secretary Adams:

The California Victim and Witness Coordinating Council (CVWCC) is requesting your consideration and assistance. We are a nonprofit organization dedicated to providing members the highest quality information, resources, training and support to ensure victim services in California are unsurpassed.

Membership includes one Victim Witness Coordinator/Director from each of the 58 California counties as well as the Director of the Los Angeles City Victim Witness Program and the four California regional district US Attorney's offices.

Recently the Legislature decided to abolish the Office of Criminal Justice Planning (OCJP) and is presently trying to determine the best place to locate the various victim services programs previously under the direction of OCJP. The CVWCC has had a number of meetings and has devoted a tremendous amount of time and consideration to, "Where do we go from here?"

For twenty-five years, Victim/Witness Assistance programs have provided the highest level of service to victims of all types of crimes including the more serious violent offenses such as murder, manslaughter, sexual assault, child molestation, and domestic violence. We are dedicated to the continued provision of services to all victims of crime while at the same time being mindful of the need for efficiency in delivering such services.

The success of our programs is due in no small part to the direct connection and relationship we enjoy with prosecutors and law enforcement. In particular, prosecutors through the California District Attorney's Association (CDAA) have consistently displayed a true sincerity for the needs of victims. They have always been approachable and willing to consider our concerns as well as our suggestions. As a result, Victim Witness has become a vital part of the criminal justice system.

The relationship shared between the California Victim and Witness Coordinating Council and prosecution has taken many years to cultivate. To disrupt such an integrated partnership would certainly do more harm than good.

It is likely there will be an interruption in the flow of services as a result of moving victim service programs from OCJP to another agency. Every effort should be made to ensure programs remain intact and disruption of services to victims is kept at a minimum. To that end, the existing OCJP Program Specialists and staff who have the expertise and

knowledge should accompany the various programs to whatever agency they are moved.

Collectively, we need to be vigilant in looking for ways to cut costs while at the same time ensuring we do not adversely affect services to victims.

No one knows what the next few months will bring. However, with your support, the cohesion Victim Witness and prosecutors have will endure and therefore assure the continuation of providing seamless services to all victims of crime.

Sincerely,

Patrick J. Darner
CVWCC President

Glossary of Acronyms

AB:	Assembly Bill
AG:	Attorney General
ASD:	Administrative Services Division (California, within OHS))
BSA:	Bureau of State Audits (California)
BTH:	Business, Transportation, and Housing Agency (California)
BWSP:	Battered Women's Shelter Program (California, within DHS)
CAADV:	California Alliance Against Domestic Violence
CALCASA:	California Coalition Against Sexual Assault
CASA:	Court Appointed Special Advocates
CATTA:	Child Abuse Training and Technical Assistance (California)
CCJJ:	Commission on Crime and Juvenile Justice (Utah)
CCOSO:	California Coalition on Sexual Offending
CDAA:	California District Attorneys Association
CDC:	Centers for Disease Control (U.S.)
CJA:	Children's Justice Act (U.S.)
CJPSD:	Criminal Justice Public Safety Division (California, within OHS)
COPCVO:	Coalition of Pennsylvania Crime Victim Organizations
COVA:	Colorado Organization for Victim Assistance
CVA:	Crime Victim Assistance (Oregon)
CVAD:	Crime Victim Assistance Division (Iowa)
CVPC:	Crime and Violence Prevention Center (California, within DOJ)
CVWCC:	California Victim and Witness Coordinating Council
CYA:	California Youth Authority
DHS:	Department of Health Services (California)
DMH:	Department of Mental Health (California)
DOF:	Department of Finance (California)
DOJ:	Department of Justice (California)
DPW:	Department of Public Welfare (Pennsylvania)

DSS:	Department of Social Services (California)
DV:	Domestic violence
DVRTS:	Domestic Violence Response Teams
EHAP:	Emergency Housing and Assistance Program (California)
EPIC:	Epidemiology and Prevention of Injury Control Program (California, within DHS)
EPSDT:	Early and Periodic Screening, Diagnosis, and Treatment (California, within DMH)
ESD:	Emergency Services Division (California, within OHS)
FESGP:	Federal Emergency Shelter Grant Program
FVPSA:	Family Violence Prevention and Services Act (U.S.)
FY:	Fiscal year
GRP:	Governor's Reorganization Plan (California)
HCD:	Housing and Community Development Department (California)
HHS:	Health and Human Services Agency (California)
HSD:	Homeland Security Division (California, within OHS)
HUD:	Housing and Urban Development Department (U.S.)
ICADV:	Illinois Coalition Against Domestic Violence
ICASA:	Illinois Coalition Against Sexual Assault
ICJIA:	Illinois Criminal Justice Information Authority
IOVA:	Iowa Organization for Victim Assistance
LAO:	Legislative Analyst's Office (California)
MS:	Multiple Sclerosis
OCAP:	Office of Child Abuse Prevention (California, within DSS)
OCJP:	Office of Criminal Justice Planning (California)
OCVA:	Office of Crime Victim Assistance (Washington)
OES:	Office of Emergency Services (California)
OHS:	Office of Homeland Security (California)
OPVS:	Office of Prevention and Victim Services (California, within CYA)
OVC:	Office for Victims of Crime (U.S., within the Department of Justice Office of Justice Programs)
OVIP:	Office of Violence Intervention and Prevention (California)

OVS:	Office for Victim Services (California)
OVSR:	Office for Victim Services and Restitution (California, within the Department of Corrections)
PCADV:	Pennsylvania Coalition Against Domestic Violence
PCAR:	Pennsylvania Coalition Against Rape
PCCD:	Pennsylvania Commission on Crime and Delinquency
PHHS:	Preventive Health and Health Services (U.S.)
RDVCV:	Rural Domestic Violence/Child Victimization Program (U.S. Department of Justice Office on Violence Against Women)
RFP/RFA:	Request for proposal or request for application
RPE:	Rape Prevention Education Funds (U.S. Centers for Disease Control)
SAC:	State Sexual Assault Advisory Committee (California)
SARTS:	Sexual Assault Response Teams
SCCBW:	Statewide California Coalition for Battered Women
SCSA:	State and Consumer Services Agency (California)
STEDD:	Science and Technology Economic Development Division (California, within OHS)
STOP	
VAWA:	Services, Training, Officers, Prosecutors Violence Against Women Act (U.S.)
TAC:	Technical Advisory Committee (California, within OHS)
TANF:	Temporary Aid to Needy Families (U.S.)
UC:	University of California
UCSF:	University of California, San Francisco
VAWA:	Violence Against Women Act (U.S.)
VCGCB:	Victim Compensation and Government Claims Board (California)
VIPD:	Violence Intervention and Prevention Division (California, within OHS)
VOCA:	Victims of Crime Act (U.S.)
VPAC:	Victim Programs Advisory Committee (California, within OCJP)
VRC:	Victims Restitution and Compensation Division (California, within OHS)
VSAC:	Victim Services Advisory Committee (Pennsylvania)
VSD:	Victim Services Division (California, within OHS)
V-W:	Victim-Witness

WCSAP: Washington Coalition of Sexual Assault Programs

YACA: Youth and Adult Correctional Agency (California)

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Resources

Arizona Criminal Justice Commission

<http://www.acjc.state.az.us/>

1110 West Washington, Suite 230

Phoenix, AZ 85007

(602) 364-1146

California Department of Health Services

<http://www.safenetwork.net/index.htm>

P.O. Box 942732

Sacramento, CA 94234-7320

(916) 445-4171 or TDD Only (916) 657-2861

California Department of Housing and Community Development

<http://www.hcd.ca.gov/>

1800 Third Street

P.O. Box 952050

Sacramento, CA 94252-2050

(916) 445-4782

California Department of Justice, Office of Crime and Violence Prevention

<http://safestate.org/>

1300 I Street, Suite 1120

Sacramento, CA 95814

(916) 324-7863

Fax: (916) 327-2384

California Department of Mental Health

<http://www.dmh.ca.gov/>

1600 9th Street, Rm. 151

Sacramento, CA 95814

Voice (800) 896-4042 or (916) 654-3565

TTY (800) 896-2512

Fax (916) 654-3198

California Department of Social Services, Office of Child Abuse Prevention

<http://www.dss.cahwnet.gov/cdssweb/default.htm>

744 P Street,

Sacramento, CA. 95814

(916) 445-6951

California Office of Criminal Justice Planning

<http://www.ocjp.ca.gov>

1130 K Street, LL300

Sacramento, CA 95814

(916) 324-9100

California Victim Compensation and Government Claims Board

<http://www.boc.ca.gov/default.htm>

P.O. Box 3036

Sacramento, CA 95812-9912

1-800-777-9229

Colorado Office for Victims Programs Division of Criminal Justice
http://www.state.co.us/gov_dir/cdps/ovp/ovp.htm
700 Kipling St., Suite 1000
Denver, CO 80215
(888) 282-1080

Florida Attorney General's Division of Victim Services
<http://legal.firn.edu/victims/index.html>
(800) 226-6667

Illinois Coalition Against Sexual Assault
<http://www.icasa.org/>
100 N. 16th St.
Springfield, Illinois 62703
(217) 753-4117

Illinois Criminal Justice Information Authority
<http://www.icjia.org/public/>
120 S. Riverside Plaza
Suite 1016
Chicago, Illinois 60606
(888) 425-4248

Iowa Attorney General **Crime** Victim Assistance Division
<http://www.state.ia.us/government/ag/cva.html>
Lucas Building, Ground Floor
Des Moines, Iowa 50319
Phone: (515) 281-5044

National Association of Crime Victim Compensation Boards
<http://www.nacvcb.org/index.html>
P.O. Box 160003
Alexandria, VA 22302

National Association of VOCA Victim Assistance Administrators
<http://www.navaa.org>

Oregon Department of Justice, Crime Victim's Assistance
<http://www.doj.state.or.us/CrimeV/welcome1.htm>
1162 Court Street NE
Salem, OR 97301-4096
(503) 378-4400, TTY: (503) 378-5938

Pennsylvania Coalition Against Domestic Violence
<http://www.pcadv.org/>
(800) 932-4632

Pennsylvania Coalition Against Rape
<http://www.pcar.org/>
125 N. Enola Dr.
Enola, PA 17025
(717) 728-9740 (800) 692-7445

Pennsylvania Commission on Crime and Delinquency
<http://www.pccd.state.pa.us/>
3101 North Front Street
Harrisburg, Pennsylvania 17110
(800) 692-7292 or (717) 787-2040

Pennsylvania Department of Public Welfare
<http://www.dpw.state.pa.us/>
Room 222, Health & Welfare Building
P.O. Box 2675
Harrisburg, PA 17105-2675
(717) 787-5068 or 1-800-346-4254

Texas Crime Victims Services Division
Office of the Attorney General
<http://www.oag.state.tx.us/victims/cvc.htm>
P.O. Box 1298
Austin, TX 78711
(800) 983-9933

Washington Coalition of Sexual Assault Programs
<http://www.wcsap.org>
2415 Pacific Avenue, Suite 10-C
Olympia, WA 98501

Washington Department of Labor and Industries, Division of Crime Victim Compensation
<http://www.lni.wa.gov/insurance/CrimeVictims/default.htm>
(800) 547-8367

Washington Office of Crime Victim Advocacy
<http://www.ocva.wa.gov/>
(360) 725-2886

End Notes

¹Victim Compensation and Government Claims Board. See <http://www.victimcompensation.ca.gov>.

²This board also runs the Government Claims Program (GCP), established to resolve claims for money or damages that are filed against state agencies. The GCP is not related to victim services.

³Office of Criminal Justice Planning. See <http://www.ocjp.ca.gov/>.

⁴Department of Health Services Battered Women's Shelter Program. See <http://www.mch.dhs.ca.gov/programs/bwsp/bwsfacts.htm>.

⁵ See Appendix A for more information about state and federal funding.

⁶ Milton Marks "Little Hoover" Commission on California State Government Organization and Economy. *Improving Public Safety: Beyond the Office of Criminal Justice Planning*. July 2003. Available at <http://www.lhc.ca.gov/lhcdir/171/Report171.pdf>.

⁷ *Legislative Analyst's Office 2003-2004 Budget Analysis, Judiciary and Criminal Justice*, pages D-67 through D-71.

⁸ Bureau of State Audits Study. *Office of Criminal Justice Planning: Experiences Problems in Program Administration, and Alternative Administrative Structures for the Domestic Violence Program Might Improve Program Delivery*. October 2002. Available at <http://www.bsa.ca.gov/bsa/pdfs/2002-107.pdf>.

⁹ Urban Institute. *The National Evaluation of State Victims of Crime Act Assistance and Compensation Programs: Trends and Strategies for the Future*. March 2003

¹⁰ OCJP committees include California Council on Criminal Justice, Child Abduction Task Force, Child Abuser Vertical Prosecution, Children's Justice Act Task Force, Coordinating Committee on Crime Victims with Disabilities, Domestic Violence Advisory Council, State Advisory Committee on Sexual Assault, Statutory Rape Vertical Prosecution Advisory Committee, Victim Programs Advisory Committee, and the Violence Against Women Act STOP Program Task Force. The Battered Women's Shelter Program has their own Domestic Violence Advisory Council. The VCGCB has a Victim Compensation Program Advisory Committee and a Restitution Committee.

¹¹ See http://www.safenetwork.net/dv_advisory_council.htm

¹² See *Appendix D: Victim Service Funding in Other States*.

¹³ The 28 states with consolidated programs are Alaska, Arizona, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Vermont, Utah, Wisconsin, and Wyoming.

¹⁴ The 13 states that operate consolidated VOCA assistance and compensation programs from agencies within the Governor's administration are Alaska, Arizona, Colorado, Georgia, Indiana, Louisiana, Minnesota, Nebraska, North Carolina, North Dakota, Oklahoma, Pennsylvania, and Utah.

¹⁵ The nine states that locate VOCA compensation and assistance within the Attorney General's Office are Florida, Iowa, Kansas, Montana, New Hampshire, Ohio, Oregon, Wisconsin, and Wyoming.

¹⁶ Michigan and South Dakota operate VOCA compensation and assistance programs in the Department of Community Health and the Department of Social Services, respectively.

¹⁷ Connecticut consolidates VOCA assistance and compensation within its court system.

¹⁸ The 33 states that co-locate VOCA and VAWA funds are Alabama, Alaska, Arkansas, California, Colorado, Delaware, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming. Personal communication with Steve Derene, Executive Director of the National Association of VOCA Assistance Administrators.

¹⁹ The 20 states that co-locate VOCA funding with other domestic violence or sexual assault funds are California, Connecticut, Idaho, Iowa, Kansas, Maine, Maryland, Minnesota, Nevada, New Hampshire, New York, Oklahoma, Oregon, South Carolina, South Dakota, Vermont, Virginia, Washington, Wisconsin, and Wyoming. Ibid.

²⁰ Compensation programs in at least 26 states are governed by boards, including: Alabama, Alaska, Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, Utah, Virginia, and Vermont.

²¹ California Coalition Against Sexual Assault. *A Vision to End Sexual Assault: The CALCASA Strategic Forum Report*. March 2001. Available at <http://www.calcasa.org/pdfs/CALCASAFinalReport.pdf>

²² Domestic Violence Advisory Council Strategic Policy Report. *Preventing Domestic Violence: A Blueprint for the 21st Century*. State of California Department of Health Services, October 1998.

²³ Bureau of State Audits Study. *Office of Criminal Justice Planning: Experiences Problems in Program Administration, and Alternative Administrative Structures for the Domestic Violence Program Might Improve Program Delivery*. October 2002. Available at <http://www.bsa.ca.gov/bsa/pdfs/2002-107.pdf>.

²⁴ Portland State University Regional Research Institute for Human Service. *Oregon Crime Victim's Needs Assessment*. January, 2003. http://www.doj.state.or.us/CrimeV/cv_needs.htm

²⁵ Illinois Criminal Justice Information Authority. *Criminal Justice Plan for the State of Illinois*. June, 2001. <http://www.icjia.state.il.us/public/pdf/StateCriminalJusticePlan.pdf>

²⁶ Personal communication with Carol Corgan, Illinois Coalition Against Sexual Assault.

²⁷ Adams, Aileen, ed. *New Directions From the Field: Victims Rights and Services for the 21st Century*. US DOJ Office for Victims of Crime (NCJ 170600), 1998. pp. 181, 343-345, 351. <http://www.ojp.usdoj.gov/ovc/new/directions/pdf/txt/direct.pdf>

²⁸ Personal communication with Steve Derene, Executive Director of the National Association of VOCA Assistance Administrators.

²⁹ State law prohibits the creation of a new state agency through urgency legislation. Thus any proposal to create a new OVS would have to go through the normal legislative cycle and be initiated through the Governor's Reorganization Plan process.

³⁰ See Appendix E for the complete text of the New York Crime Victims Board Advisory Council bylaws. These bylaws offer an example of leadership criteria that includes knowledge of crime victim issues. <http://www.cvb.state.ny.us/>.

³¹ Florida, Iowa, Kansas, Montana, New Hampshire, Ohio, Oregon, Wisconsin, and Wyoming locate VOCA compensation and assistance within the Attorney General's Office.

³² See Bureau of State Audits Study, *Office of Criminal Justice Planning: Experiences Problems in Program Administration, and Alternative Administrative Structures for the Domestic Violence Program Might Improve Program Delivery*, and Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, *Improving Public Safety: Beyond the Office of Criminal Justice Planning*.

³³ DeLeon-Granados, W. and Wells, W. 2003. The reliability and validity of measures of domestic violence resources as used in intimate partner homicide research, *Violence Against Women*, 9(2): 148-162.

³⁴ Noble, Amanda. State Domestic Violence Data Collection Inventory Project. Attorney General's Office - Crime and Violence Prevention Center. May, 2003.

³⁵ Bugarin, Alicia. *The Prevalence of Domestic Violence in California*. California Research Bureau. November, 2002. Page 59.

³⁶ Protection and Advocacy, Inc., State Council on Developmental Disabilities, USC University Affiliated Program, and The Tarjan Center for Developmental Disabilities. *Abuse and Neglect of Adults with Developmental Disabilities and the System's Failure to Provide Equal Protection: A Public Health Priority for California*. July, 2003.

³⁷ See Domestic Violence Advisory Council Strategic Policy Report, *Preventing Domestic Violence: A Blueprint for the 21st Century*, and California Coalition Against Sexual Assault, *A Vision to End Sexual Assault: The CALCASA Strategic Forum Report*.

³⁸ In a randomized treatment trial, twice as many patients assigned to the Trauma Recovery Center received mental health services when compared to the typical crime victim in San Francisco -- 71% as compared to 32% of usual care patients. The Trauma Recovery Center was able to file compensation applications for 63% the crime victims seen there, whereas only 36% of the victims randomized to usual care had victim compensation applications filed on their behalf. Trauma Recovery Center. *Status Report*. San Francisco General Hospital. July 2003.

³⁹ Eddy, Dan. *State Crime Victim Compensation Programs: Nature and Scope*. National Center for Victims of Crime, National Roundtable on Victim Compensation, May 2003.

⁴⁰ National Center for Victims of Crime. *VOCA Fund Update*. Available at <http://www.ncvc.org/policy/voca/>.

⁴¹ Eddy, Dan. *State Crime Victim Compensation Programs: Nature and Scope*. National Center for Victims of Crime, National Roundtable on Victim Compensation, May 2003.

⁴² National Center for Victims of Crime. *VOCA Fund Update*. Available at <http://www.ncvc.org/policy/voca/>.

⁴³ Steve Derene, Presentation at VOCA Tele-briefing, sponsored by the National Center for Victims of Crime on July 24, 2003.