

Victim Compensation Board Meeting
March 18, 2021
10:00 a.m.
400 R Street
Sacramento, CA 95812

BOARD MEETING MATERIALS

- | | | |
|----------------|--|------------------|
| Item 1. | Approval of Minutes
Minutes of the January 21, 2021, Board Meeting
DRAFT Minutes attached | Action Item |
| Item 2. | Public Comment on Items Not on the Agenda
The Board will receive comments from the public on matters that are not on the agenda. The Board may not discuss or take any action on any item raised during public comment except to decide whether to place the matter on a subsequent agenda. (Gov. Code, § 11125.7.)
No materials for this item | |
| Item 3. | Executive Officer Statement
No materials for this item | Information Item |
| Item 4. | Legislative Update
Legislative Report attached | Information Item |
| Item 5. | Proposal to Approve Trauma Recovery Center Grant Awards
Copy of Proposal attached | Action Item |
| Item 6. | Jeremy Puckett (Pen. Code, §§ 4900, et seq.)
Copy of Proposed Decision attached | Action Item |

ITEM 1

**California Victim Compensation Board
Open Meeting Minutes
January 21, 2021, Board Meeting**

The California Victim Compensation Board (Board) convened its meeting in open session upon the call of the Chair, Gabriel Ravel, General Counsel of the Government Operations Agency, acting for, and in the absence of Yolanda Richardson, Secretary of the Government Operations Agency, via Zoom, on Thursday, January 21, 2021 at 10:00 a.m. Also present via Zoom was Member Diana Becton, Contra Costa County District Attorney and Member Richard Chivaro, Deputy State Controller and Chief Counsel, acting for, and in the absence of, Betty T. Yee, Controller.

Executive Officer Lynda Gledhill, and Chief Counsel Kim Gauthier, attended in person at 400 R Street, Sacramento, California. Legal Secretary and acting Board Liaison, Andrea Burrell, was also present and recorded the meeting.

Before beginning the formal agenda, Mr. Ravel introduced recently appointed Board member, Diana Becton. Ms. Becton was appointed by the Governor on January 5, 2021 to serve on the Victim Compensation Board. She brings a wealth of knowledge and experience to this role, having spent most of her career as a judge, lawyer, and manager. In 2017, she was sworn in as the 25th District Attorney of Contra Costa County. Following this appointment by the Board of Supervisors, she was elected to the position in June 2018. District Attorney Becton also served for 22 years as a judge in Contra Costa County, she is the past President of the National Association of Women Judges and past Chair of the State Bar Council on Access and Fairness. A native of California, Member Becton is the first woman, first African American, and the first person of color to serve as the District Attorney of Contra Costa County since the office was established in 1850. Secretary Richardson was very honored to administer the Oath of Office to Member Becton prior to the meeting. Chair Ravel asked everyone to join him in welcoming member Becton to the Victim Compensation Board.

Item 1. Approval of the Minutes of the December 17, 2020, Board Meeting

Board members Ravel and Chivaro, who were present at the December Board meeting, approved the minutes of the December 17, 2020, Board meeting.

Item 2. Public Comment

The Board opened the meeting for public comment and Ms. Burrell reminded everyone that, consistent with the Bagley-Keene Open Meeting Act, items not on the agenda may not be discussed at this time but may be put on a future agenda. (Gov. Code, § 11125.7.)

Ed Little with Californians for Safety and Justice addressed the Board. Mr. Little explained that his organization is part of a growing statewide network of over 12,000 crime survivors and 8 million Californians living with past convictions and their families. Mr. Little was offering public comment on behalf of Youth Alive, the San Francisco District Attorney's office, the Prosecutor's Alliance, the State Controller's office, and Crime Survivors for Safety and Justice. He explained that this coalition co-sponsored a bill last year, AB-767, that sought to expand compensation for victims of police violence. He thanked CalVCB for continuing to meet with the coalition and share their questions and concerns regarding the policy. He expressed gratitude for CalVCB's feedback regarding the recommended policy reforms. Mr. Little went on to discuss the impact of deaths of George Floyd, Brianna Taylor, and Sean Monterossa and how they shed a spotlight on the already out of control pandemic of police violence. He noted that as we continue to work together to expand the rights of victims of police violence, we need to make sure that when we are deliberating over this important policy, we consider the faces, the names, the voices, the experiences, and the families of those who were unjustly killed or harmed at the hands of police. Far too often, the trauma that is experienced by these victims and their families is ignored by those who have the power to right the wrong and in some small way make them whole.

Chair Ravel thanked Mr. Little for sharing and stated that he is interested in his work with the Board.

There was no other public comment.

Item 3. Executive Officer Statement

Chief Executive Officer Ms. Gledhill updated the Board on a few items:

Welcome to New CalVCB Board Member

Executive Officer Gledhill extended her welcome to District Attorney Diana Becton and expressed how happy CalVCB is that member Becton has joined the Board and how CalVCB looks forward to benefitting from her wealth of knowledge, expertise and experience gained through an outstanding career as a judge and prosecutor. Ms. Gledhill indicated that she and the entire CalVCB staff stand ready to assist member Becton in any way we can.

Board Schedule and Meeting Locations Moving Forward

Ms. Gledhill reminded the Board that CalVCB has a new meeting schedule, starting with this meeting. The Board will be meeting once every other month. So, after today, the next meeting will be March 18. She also informed the Board that CalVCB looked at cost savings, because of the pandemic, and different ways of doing business and, as a result, has ended its lease for the Board room effective February 1, 2021. This will save CalVCB approximately \$8,000 per month. Ms. Gledhill explained that when the Board does resume meeting in person, there is a very nice boardroom owned by a different

state entity in the same building and they have agreed to allow CalVCB to use the space if needed. CalVCB has already reserved this meeting space for all CalVCB meeting dates in 2021, beginning in March.

Legislation

Ms. Gledhill acknowledged that, as the Board heard during public comment, CalVCB continues to monitor legislation regarding police violence. She reminded the Board that this is an issue CalVCB was very involved in during the last legislative session and stated she looks forward to continuing to work with the sponsors of the bill to continue to negotiate language to ensure a workable solution.

2021-22 California Budget

Executive Officer Gledhill next updated the Board on the proposed budget for 2021-22, and commented that it is positive for CalVCB. The administration is committed to providing strong General Fund support for CalVCB for the foreseeable future. Due to declining revenues from the State Restitution Fund, CalVCB has needed increasing support from the General Fund. In the current year we received \$23.6 million from the General Fund, and for the next year the Governor's office has proposed \$33.1 million in support for CalVCB. The organization will be funded for the same number of positions, however, the workload over the last several years has increased without a subsequent increase in positions, which may be something that needs to be addressed in future budget proposals.

Redesign of the CalVCB Website

Ms. Gledhill summarized the status of the CalVCB website redesign project, which involves many CalVCB staff working with a contractor, 10up. She thanked Gretchen Zeagler, who is the project manager, and all the staff in the Public Affairs and Outreach office, the IT Division and Programs Division, who have worked so hard on this project. She indicated that CalVCB hopes to launch the new site this spring and stated that the new website will be a big step forward in helping CalVCB reach the people we serve - victims and those who support them. She noted that in this age, it is critical that CalVCB has a website that is modern, easy-to-use, and effective.

Employee Engagement Update

Ms. Gledhill reported that CalVCB continues to work on ways to boost employee engagement and overcome some of the barriers that we have with everyone working from home. She noted that there have been two staff meetings recently. The December meeting featured Secretary Richardson and CalVCB staff appreciated her taking the time out of her busy schedule to talk about her role as Chair of the Board and her support for CalVCB.

Ms. Gledhill also described another staff meeting that was conducted last week to review the priorities for the new year. Ms. Gledhill discussed her plan to meet with each unit in the organization individually to really learn about what they have been doing. She noted that it has been a year since she started with CalVCB and that she met with each

unit in 2020, and doing so again will allow her to learn about what the employees think about the changes, listen to their concerns and make connections with staff that are difficult to sustain in the current environment where we do not see each other on a regular basis.

CalVCB Advisory Committee

In November we reconvened the CalVCB Advisory Committee, which had been inactive for several years. The committee is composed of victim service stakeholders with which CalVCB partners. CalVCB is looking forward to growing the committee and meeting quarterly in 2021, with this first meeting in February.

Item 4. Legislative Update

The Legislative Update was provided by Andrew LaMar, Deputy Executive Officer of the Policy, Outreach and Grants division. Good morning.

Mr. LaMar reminded the Board that the deadline for introducing legislation is February 19, 2021, and that policy committee hearings would not start until after that.

He reminded everyone that AB 767, which was introduced last summer and was the proposed legislation to compensate victims of police violence, did not pass before the Legislature adjourned. However, CalVCB expects it will be reintroduced in the coming weeks.

CalVCB staff met with the sponsors of the legislation, a coalition led by Californians for Safety and Justice and the Prosecutors Alliance of California, to provide feedback on the current version of their proposal on January 6, 2021. Mr. LaMar indicated that the sponsors are still working on the specific language and CalVCB will continue to track it closely and provide the Board with updates as the legislation progresses. He reiterated that CalVCB remains committed to working with the sponsors to see if a workable solution can be found.

Item 5. Update on Website Redesign Efforts

Gretchen Zeagler, Public Affairs and Outreach, Chief presented this item.

Ms. Zeagler noted that the website is the primary service channel for CalVCB and often the first impression of potential claimants or stakeholders seeking services. The need for a modernized digital landscape is imperative and even more emphasized in the current pandemic environment. To ensure CalVCB meets the needs of any person seeking services within the crime victims' network, it is paramount that the website undergo a comprehensive transformation. The overarching goal is to create a human-centered design that provides a clean, simple, and easy to use experience. Information should be easy to locate, simple to navigate, and seamless to update.

With these goals in mind, CalVCB contracted with website redesign services firm, 10up, following the Board's approval in August 2020. Since then, the teams have been diligently working on this effort and the launch of the new site is scheduled for May of 2021.

Ms. Zeagler recognized the CalVCB staff who have been dedicated to ensuring the success of this effort, Mandy Duron, Web Content Analyst, Kim Keys, Public Information Officer, Stevie Sanko, Outreach Coordinator, and IT staff, Heidi Smith, Information Technology Supervisor, Joshua Willter, Web Developer and IT manager, Richard Prusia.

Melissa Vander Wilt of 10up also provided a brief update of the work completed to date.

The project kicked off in September in earnest. From the beginning of the project, CalVCB has consistently advocated for user centricity -- striving to serve more than just victims of violent crime, making it easier to find crucial information, and making sure that information is available to be understood by all. These goals have served as the project's North Star.

10up provided an update on project activities over the last several months. The discovery phase lasted from September through November 2020, and started with a half-day virtual workshop to align both teams on project goals, user needs and functional requirements. Next, all the existing pages were inventoried, and decisions were made regarding what stays, what goes, what gets consolidated and what needs editing.

Baseline user research was then conducted gleaning insights from stakeholder interviews, site user surveys and customer service call data. Based on that research, working personas were developed for four primary audiences - victims of violent crime, victims of other crimes or circumstances, victim advocates, and service providers. These profiles outline each persona's primary tasks, pain points, relevant content and functionality that will drive decisions about navigation features and functionality present on the site, and all the content planning that needs to happen. A technical site audit was also conducted and resulted in a measurement strategy for monitoring the site's performance over time.

With this deep understanding of what was, the focus next became what will be and designing began in mid-November 2020. This work started with the creation of a new site map which is much more streamlined and focused than the current site map. In tandem with the site map, work also started on the wireframes, which are early low-fidelity page designs that define what content, features and functionality need to be present, as well as defining the overall hierarchy of the information. There are approximately 16 designs with views for both desktop and mobile. The visual design team next stepped in to guide exploration of a few different aesthetic approaches via style tiles. Style tiles are used to gauge interest in a general design direction. Once the style direction was finalized, the designers applied those elements to the approved wireframes, translating the low-fidelity designs into fully realized visual design comps complete with CalVCB brand colors and typography as well as photography and other

graphic design elements.

10up is on the cusp of the development and deployment phase, during which engineers will bring the designs to life. The engineers have begun to build the scaffolding for the underlying structure, figuring out systems logistics and planning for integrations and content migration.

10up then showed an example of the visual design direction for the new site, which includes landscape photography of California. Landscape photography was selected as it is content neutral. The remainder of the design is just as thoughtful and intentional with brand colors chosen for their calming qualities, for example, and typography chosen for its accessibility, compliance and readability.

Chair Ravel thanked Ms. Vander Wilt, as well as Ms. Zeagler, the whole CalVCB team, as well as the entire 10up team for all the work on this project.

There were no other questions or comments.

Closed Session

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Chief Executive Officer and Chief Counsel at 10:26 a.m., to deliberate on proposed decision numbers 1-90 of the Victim Compensation Program.

Open Session

The Board reconvened in Open Session pursuant to Government Code section 11126(c)(3) at 10:33 a.m.

The Board adopted the hearing officers' recommendations for proposed decision numbers 1-90 of the Victim Compensation Program.

Before adjourning, Chair Ravel again welcomed District Attorney Becton to the Board and stated that he looks forward to working with her in the future.

Adjournment

The Board meeting adjourned at 10:35 a.m.

Next Board Meeting

The next Board meeting is scheduled for Thursday, March 18, 2021.

ITEM 4

**California Victim Compensation Board
Legislative Update
March 18, 2021**

SB 299 (Leyva) – Victim Compensation

This bill would add to the definition of a crime compensable by CalVCB an incident occurring on or after January 1, 2022 in which an individual sustains serious bodily injury or death as a result of use of force by a peace officer, as defined, regardless of whether the peace officer is arrested for, charged with, or convicted of committing a crime. It would prohibit CalVCB from denying a claim based on a peace officer's use of force due to the victim's involvement in the crime or failure to cooperate with law enforcement. It would prohibit CalVCB from denying a claim based on a peace officer's use of force based solely upon the contents of a police report, or because a police report was not made, and it would require CalVCB to consider other forms of evidence, as specified, to establish that a qualifying crime occurred. Further, the bill would prohibit CalVCB from denying a claim, based on any crime that caused the death of the victim, due to the deceased victim's involvement of the crime or the victim's or a derivative victim's failure to cooperate with law enforcement. It would also prohibit CalVCB from denying a claim for mental health counseling services or for funeral and burial expenses, based on any crime, due to a victim's or derivative victim's involvement of the crime or failure to cooperate with law enforcement. Finally, it would specify that CalVCB's determination on a claim is not to be considered in an action against a peace officer.

Status: Amended

AB 1007 (Carrillo) – Forced or Involuntary Sterilization Compensation Program

This bill would establish the Forced or Involuntary Sterilization Compensation Program, upon an appropriation by the Legislature for that purpose, to be administered by CalVCB. The Program would provide compensation to survivors of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979 and to survivors of coerced sterilizations of people in prisons after 1979.

Status: Introduced

SB 446 (Glazer) – Factual Innocence

This bill would change the standard for a finding of factual innocence as well as for CalVCB's recommendation that compensation be paid for an erroneous conviction claim. Currently, a claimant must prove by a preponderance of the evidence that the crime with which they were charged was either not committed at all or, if committed, was not committed by the petitioner. This bill would change the standard to a preponderance of the evidence that no reasonable jury would find the person guilty beyond a reasonable doubt had they heard the evidence now before the court. The bill would also change hearing procedures to require rules of evidence.

Status: Referred to the Senate Public Safety Committee

SB 586 (Bradford) – Criminal Fees

This bill would eliminate a range of fees that agencies and courts are authorized to impose to fund elements of the criminal legal system, including administrative fees that fund the cost of collecting restitution. It would also eliminate all outstanding debt incurred as a result of the imposition of those fees.

Status: Introduced

AB 29 (Cooper) – State Bodies: Meetings

This bill would require that notice of a meeting subject to the Bagley-Keene Open Meeting Act include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. It would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. It would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Status: Introduced

AB 339 (Lee) – State and Local Government: Open Meetings

This bill would require all meetings subject to the Bagley-Keene Open Meeting Act to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require instructions on how to attend the meeting via call-in or internet-based service to be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings. The bill would require all meetings to provide the public with an opportunity to address the state body remotely via call-in or internet-based service and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English if time restrictions on public comment are utilized. Translation services shall be provided for all languages of which 5 percent of the population of the state body's jurisdiction speaks.

Status: Introduced

AB 885 (Quirk) – Bagley-Keene Open Meeting Act: Teleconferencing

This bill would require a state body subject to the Bagley-Keene Open Meeting Act that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would extend certain requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting.

Status: Referred to the Assembly Governmental Organization Committee

AB 947 (Nazarian) – Victim Compensation

This is a spot bill that currently would make non-substantive changes to CalVCB eligibility statutes.

Status: Introduced

AB 1291 (Frazier) – State Bodies: Open Meetings

This bill would require a state body subject to the Bagley-Keene Open Meeting Act, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body.

Status: Introduced

SB 631 (Portantino) – Erroneous Conviction Claims Bill

This bill would make an appropriation from the General Fund to pay erroneous conviction claims approved by CalVCB.

Status: Introduced

ITEM 5

**Executive Officer Report
California Victim Compensation Board
Proposal to Approve Trauma Recovery Center Grant Awards**

March 18, 2021

Background

Government Code section 13963.1 directs the California Victim Compensation Board (CalVCB) to administer a program to evaluate applications and award grants to Trauma Recovery Centers (TRCs) in California to provide services to victims of crime.

A TRC is an organization that helps victims of violent crime by providing trauma-informed services that include assertive outreach to underserved populations, comprehensive evidence-based mental health services, and coordinated care tailored to each victim's needs. TRCs serve victims of all types of violent crime, including those with complex needs, with a multidisciplinary team to promote resiliency and recovery. TRCs also provide training to local law enforcement and other community partners on the identification and effects of violent crime.

Grantees will provide services consistent with the Notice of Funds Available (NOFA) released November 30, 2020.

Action Requested

Based on the results of the application and scoring process, seven TRC grant applications are being recommended for funding beginning July 1, 2021 through June 30, 2023. It is requested that the Board approve the following grant awards totaling \$12,868,000.

1. A Quarter Blue (Orange): \$817,864
2. Amanecer Community Counseling Service (Los Angeles): \$3,852,000
3. Olive View (Sylmar): \$3,686,677
4. Partnership for Trauma Recovery (Berkeley): \$1,031,615
5. Rady's Children's Hospital (San Diego): \$1,066,422
6. Special Service for Groups / HOPICS (Los Angeles): \$1,388,354
7. Strength United / The University Corporation (Northridge): \$1,025,067

Summary of applications and process of scoring

- The NOFA was posted on the Board's website November 30, 2020.
- The grant application period began November 30, 2020 and ended December 30, 2020 at 2:00 p.m. (PT).
- The Board received 26 applications for this competitive grant program.
- Four applications were ineligible and not evaluated due to the applicant's failure to meet statutory requirements and/or requirements contained within the NOFA.
- Twenty-two applications were scored according to the TRC grant scoring criteria set forth in the NOFA by a committee of three CalVCB staff members.
- Seven applications met the minimum requirements and obtained a score at or above the minimum threshold of 75 points needed to be considered for funding. Three of these applications are for establishing new TRCs and four are for already existing TRCs.

- According to the statute, the sources from which funds are appropriated for the TRC program are the Restitution Fund and the Safe Neighborhood and Schools Fund. For Fiscal Year 2021-22, the current funding identified for TRCs is:
 - The Restitution Fund: \$2,000,000
 - The Safe Neighborhood and Schools Fund: \$10,868,000, which is an annual appropriation calculated by the Department of Finance. The January 2021 Governor’s Budget estimates the appropriation for TRCs will be \$11,440,000. Per the statute, five percent of the allocated funds may be utilized for administrative costs. After applying this deduction, the estimated available funds for 2021 is \$10,868,000.
 - If the Safe Neighborhoods and Schools Fund appropriation in the final Governor’s Budget is less than originally estimated, the proposed award amounts will be adjusted accordingly.

Description of Applicant Organizations Recommended for Awards (excerpted from grant applications):

Applicant	Proposed Award (24-month grant period)
<p>A Quarter Blue (Orange)</p> <p>A Quarter Blue (AQB) will establish a new TRC in Orange County, California. In addition to serving residents of Orange, clients will be served from surrounding counties including Los Angeles, San Bernardino, and Riverside. AQB will build its team to provide a wider scope of services and comprehensive care to victims by offering assertive outreach, case management, and psychiatry. With grant funds, AQB will expand its clinical staff, build on existing partnerships in their area, expand accommodations for trainings, and serve more clients.</p>	<p>\$817,864</p>
<p>Amanecer Community Counseling Service (Los Angeles)</p> <p>Amanecer Community Counseling Service (ACC) will establish a new TRC serving Los Angeles County service planning areas (SPA) four and six, including central, downtown, and east Los Angeles, as well as the Compton, Watts, and Crenshaw communities. ACC will fill a significant gap in the area, as many individuals in the community are underinsured, unemployed, indigent or undocumented and may not otherwise have access to care. Grant funds will be used to add clinical case managers to ensure that services are focused and inclusive, and to train staff in assertive case management and outreach ensuring that no victim is without care.</p>	<p>\$3,852,000</p>
<p>Olive View (Sylmar)</p>	<p>\$3,686,677</p>

<p>Olive View (OLV) will establish a new TRC within Los Angeles County, serving clients from service planning areas (SPA) one and two, which encompass a vast geographic area with minimal public transportation. OLV will serve clients that have historically had barriers to receiving victim services, including those of diverse racial and ethnic backgrounds, those experiencing homelessness, immigrants, refugees, those experiencing substance abuse disorders, those with disabilities, those with chronic mental illness, and those with limited English proficiency. OLV will fill the unmet need for trauma-informed, coordinated services for victims through mobile community health workers, assertive outreach that focuses on cultural humility and is trauma-informed, as well as services and staff that are aware and sensitive to pervasive fears due to documentation status.</p>	
<p>Partnerships for Trauma Recovery (Berkeley)</p> <p>Partnerships for Trauma Recovery (PTR) is an existing TRC, first funded in 2017 that has been serving victims in the East Bay and Alameda and Contra Costa counties. PTR serves victims arriving from conflict-affected and protracted emergency countries with cultural and contextual sensitivity. Many of PTR's clients were forced to flee their countries of origin due to criminal activity and human rights violations, many of whom have never received services. PTR works to build the capacity of other area service providers to provide trauma-informed care through its clinical training program, outreach efforts, and training for law enforcement and community-based organizations. With grant funds, PTR intends to expand mental health care, case management, and assertive outreach services. PTR will add staff and clinical roles, including a Psychosocial Care Manager, to support clients who require an especially high level of case management or seek support for solely addressing practical needs.</p>	<p>\$1,031,615</p>
<p>Rady's Children's Hospital – San Diego</p> <p>Rady's Children's Hospital (CSD) is an existing TRC, first funded in 2017 that serves survivors in San Diego County. CSD remains one of the limited institutions in San Diego County that offers both trauma-focused clinical services as well as simultaneously addressing the complex life circumstances of the most vulnerable populations within San Diego County. With grant funds, CSD intends to expand therapy and case management services to support children and adults who have experienced a wide range of traumatic events. CSD intends to expand its service by providing education and therapeutic groups. In the aftermath of COVID-19, groups (conducted virtually until safe to continue face-to-face) have provided survivors an opportunity to connect with</p>	<p>\$1,066,422</p>

<p>others who share similar experiences and gain support, while decreasing feelings of isolation.</p>	
<p>Special Service for Groups (Los Angeles)</p> <p>Special Service for Groups (SSG) is an existing TRC, first funded in 2015. SSG meets the ongoing need for trauma-informed, community-based services and resources for survivors in service planning area (SPA) six of Los Angeles County, an area disproportionately affected by violent crime. Within the area, there are limited mental health resources available, particularly for the homeless and LGBTQIA+ populations in the area. With grant funds, SSG intends to increase the number of clients served, conduct more assertive outreach within the community, expand the TRC's social media presence, hire additional staff, expand law enforcement training to include the county probation department, and provide training to a variety of homeless service programs within the area.</p>	<p>\$1,388,354</p>
<p>Strength United (Northridge)</p> <p>Strength United (SUN) is an existing TRC, first funded in 2017, within the Santa Clarita and San Fernando Valleys that serves service planning area (SPA) two, with the largest population of the eight SPAs within Los Angeles County. This area has high crime rates and many underserved communities with low rates of insurance coverage, barriers to services, and limited social and economic resources. Demand for services within the area has been amplified by the pandemic and increased need within the area for intensive services, more assessments, and higher levels of complex care. The demand outpaces TRC capacity. With grant funds, SUN intends to hire additional staff to increase capacity. SUN will serve higher risk clients from the homeless community, meet the needs of those within the LGBTQIA+ community who experience a disproportionate amount of violence, and serve those with co-occurring disorders. SUN will expand group counseling services to incorporate methodologies more effective in helping clients to resolve trauma than stand-alone talk therapy.</p>	<p>\$1,025,067</p>
<p>Total</p>	<p>\$12,868,000</p>

Recommendation

Staff recommends that the Board approve the following seven grant awards:

1. A Quarter Blue: \$817,864
2. Amanecer Community Counseling Service: \$3,852,000
3. Olive View: \$3,686,677
4. Partnership for Trauma Recovery: \$1,031,615
5. Rady's Children's Hospital – San Diego: \$1,066,422
6. Special Service for Groups / HOPICS: \$1,388,354
7. Strength United / The University Corporation: \$1,025,067

ITEM 6

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**BEFORE THE VICTIM COMPENSATION BOARD
OF THE STATE OF CALIFORNIA**

In the Matter of:
Jeremy Puckett
PC 4900 Claim No. 21-ECO-05

Proposed Decision
(Penal Code § 4900 et seq.)

Introduction

On February 16, 2021, Jeremy Puckett (Puckett) submitted an application for compensation as an erroneously convicted person to the California Victim Compensation Board (CalVCB) pursuant to Penal Code section 4900. The application is based upon Puckett’s imprisonment for a 2002 conviction for murder and robbery, for which he was found to be factually innocent. Puckett is represented by Harrison J. Frahn IV and Jordan Lamothe of Simpson Thacher & Bartlett LLP. No appearance has been requested from the Office of the Attorney General. CalVCB Senior Attorney Laura Simpton was assigned to this matter. After reviewing the application and supporting documentation, CalVCB recommends, in accordance with the automatic compensation provision of Penal Code section 4902, that the Legislature appropriate \$968,800 as payment to Puckett for being wrongfully imprisoned for 6,920 days.

Background

The body of Anthony Galati (Galati) was found on the side of a road in Sacramento on March 14, 1998. He had been shot twice in the back of his head. His hands were tied behind his back with electrical cords and his wallet was missing. More than one year later in 1999, Israel Sept (Sept), who was serving a prison sentence for an unrelated crime, told authorities that Puckett was the killer.¹

¹ Puckett Exs. 3 at pp. 3-5, 19-20 (habeas writ); 5 at pp. 3-5 (innocence finding).

1 According to Sept, Puckett robbed and murdered Galati with the help of Angela D.,² after they
2 happened to encounter Galati at an apartment where Sept was selling drugs. Sept claimed several
3 others were also at the apartment, including James R. Sept supposedly left the apartment with
4 Puckett, Angela D., and Galati, who was already tied up by then, and the foursome drove to a rural
5 area. Puckett and Galati allegedly exited the vehicle, and then Sept heard two gunshots. Puckett
6 returned to the car alone. The group, minus Galati, drove to a motel, where Sept booked a room.
7 The date on the motel receipt was recorded as March 13, 1998, at 4:20 a.m. In April 1998, just over
8 a month after Galati's murder, Angela D. was also the victim of an unsolved homicide.³

9 **A. Trial Proceedings**

10 Soon after his conversation with law enforcement, Sept was charged with Galati's murder and
11 robbery in Sacramento County Superior Court case number 00F06163. On March 28, 2001, Sept
12 pleaded guilty to a reduced offense, for which he received a sentence of 11 years and 8 months, on
13 the condition that he cooperate against Puckett.⁴

14 Less than a week later, Puckett was arrested on April 3, 2001, and charged in Sacramento
15 County Superior Court case number 01F02675 with first-degree murder, second-degree robbery, and
16 being a felon in possession of a firearm.⁵ At trial, no physical evidence connected Puckett to Galati's
17 death, which the prosecutor maintained had occurred on the evening of March 13, 1998. Besides
18 Sept's testimony, the only evidence against Puckett consisted of two witnesses who claimed to have
19 seen Puckett with Galati at the apartment. But one of those witnesses was under the influence of
20 crack and alcohol, and the other did not see the face of the person he thought may have been
21 Puckett. Neither side called James R. to testify.⁶

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24 ² The Proposed Decision omits the last name of any individual who was implicated but not convicted of
a criminal offense.

25 ³ Puckett Exs. 3 at pp. 3-5, 20; 5 at pp. 3, 5.

26 ⁴ Puckett Ex. 3 at p. 15; see also *People v. Israel Sept*, Sacramento County Superior Court case
number 00F06163.

27 ⁵ Pen. Code, §§ 187, subd. (a) (murder); 211 (robbery); 12021, subd. (a) (firearm possession).

28 ⁶ Puckett Ex. 3 at pp. 3-5.

1 On February 8, 2002, the jury found Puckett guilty of murder and robbery but not guilty of
2 possessing a firearm. Puckett was sentenced, on March 14, 2002, to life without the possibility of
3 parole.⁷

4 **B. Appellate / Habeas Proceedings**

5 Puckett appealed his convictions, which were affirmed by the Third District Court of Appeal on
6 April 21, 2005, and the California Supreme Court denied review on May 10, 2006.⁸ Puckett also filed
7 multiple petitions in state court.

8 In 2019, after considering Puckett's habeas petition in case number S24694, the California
9 Supreme Court issued an order to show cause why relief should not be granted for Puckett's claims
10 that (1) the prosecutor failed to disclose exculpatory evidence in violation of *Brady v. Maryland* (1963)
11 373 U.S. 83, (2) trial counsel rendered ineffective assistance of counsel, and (3) new evidence of
12 actual innocence. An evidentiary hearing ensued before the Sacramento County Superior Court.
13 Notably, both parties stipulated that the events leading to Galati's killing commenced on the evening
14 of March 12, 1998, not March 13, 1998 as asserted at trial, but the District Attorney otherwise
15 opposed the petition.⁹

16 The superior court granted Puckett's habeas petition on March 3, 2020, finding both *Brady*
17 error and ineffective assistance of counsel. Specifically, the prosecution violated *Brady* by failing to
18 disclose that Angela D. had a history of committing armed robberies with James R.; Angela D. made
19 statements to others that implicated herself and James R. in Galati's shooting; the absence of any
20 relationship between Angela D. and Puckett; and that Sept had previously committed two violent
21 robberies. In addition, trial counsel rendered deficient representation by failing to impeach Sept with
22 his prior admissions that Angela D. and James R. had planned to rob Galati, Puckett was not
23 involved with the robbery, and Sept intended to lie at trial. Counsel compounded this deficiency by
24 failing to present persuasive evidence that the events leading to Galati's murder commenced on the
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26 ⁷ Puckett Exs. 1; 2 at pp. 611-612; 5 at p. 2.

27 ⁸ Puckett Ex. 5 at pp. 1-2.

28 ⁹ Puckett Ex. 3 at pp. 3, 5.

1 evening of March 12, 1998, when Puckett was attending a family barbecue. Based upon these
2 prejudicial errors of constitutional magnitude, the court vacated Puckett's murder and robbery
3 convictions, without considering his claim of actual innocence.¹⁰

4 At a hearing on March 13, 2020, the District Attorney moved to dismiss the remaining charges
5 against Puckett, explaining that the evidence was currently insufficient to prove Puckett's guilt beyond
6 a reasonable doubt. The court granted the motion. Puckett was released from custody that same
7 day.¹¹ By then, Puckett had been continuously imprisoned for 6,920 days, from the date of his arrest
8 on April 3, 2001, to and including the date of his release on March 13, 2020.¹² The entire duration of
9 Puckett's imprisonment resulted solely from his vacated convictions for Galati's murder and
10 robbery.¹³

11 **C. Finding of Factual Innocence**

12 Puckett subsequently moved the Sacramento County Superior Court for a finding of factual
13 innocence pursuant to Penal Code section 1485.55(b), which the District Attorney opposed. On
14 January 15, 2021, the court granted the motion and expressly declared Puckett to be factually
15 innocent. The court found that the events leading up to Galati's death commenced on the evening of
16 March 12, 2001, and the killing occurred in the early morning hours of March 13, 2001. The court
17 further found that Puckett's alibi witness, who testified at the evidentiary hearing that Puckett had
18 attended a family barbecue on the evening of March 12, 2001, was credible. The court additionally
19 considered Sept's post-trial statement, in which he admitted falsely implicating Puckett because of an
20 unrelated dispute and then lying at Puckett's trial to avoid losing his sentencing deal. As the court
21 succinctly summarized,

22 "Israel Sept was the sole witness at trial who implicated Petitioner in the murder of
23 Anthony Galati. There was no physical evidence linking Petitioner to the crime or the
24 crime scene. Accordingly, Sept's testimony was critical to the prosecutor's case. The
pretrial and post-trial statements by Sept to the trial counsel's investigator undermine his

25 ¹⁰ Puckett Ex. 3 at pp. 1-22.

26 ¹¹ Puckett Motion at p. 8; Puckett Ex. 4 at pp. 3-4.

27 ¹² See Pen. Code, § 2900.5 (calculating jail credits by including partial days)

28 ¹³ Puckett Motion at p. 8; Email from counsel Lamothe, dated February 18, 2021.

1 credibility and undermine the prosecutor's entire theory of the case. Accordingly, the
2 court finds the evidence of Sept's recantation and evidence that he lied at Petitioner's
3 trial presented by Petitioner is of greater weight and more persuasive than the evidence
4 presented and the arguments raised by Respondent. The court finds by a
preponderance of the evidence that Petition is factually innocent."¹⁴

5 The court therefore concluded that Puckett was "factually innocent of the robbery and murder of
6 Anthony Galati" for which he was erroneously convicted in Sacramento County Superior Court case
7 number 01F02675.

8 **D. CalVCB Proceedings**

9 On February 12, 2021, Puckett submitted the underlying application for compensation under
10 Penal Code section 4900. Based upon the superior court's finding of factual innocence, Puckett
11 requested an automatic recommendation of compensation in the amount of \$968,800, representing
12 \$140 for each of the 6,920 days that he was wrongfully imprisoned.

13 **Determination of Issues**

14 Penal Code section 4900 allows a person, who has been erroneously convicted and imprisoned
15 for a felony offense, to apply for compensation from CalVCB.¹⁵ The application must be submitted at
16 least 60 days following reversal of a conviction or grant of habeas relief, and no more than 10 years
17 after release from custody or dismissal of charges.¹⁶

18 Once an application has been properly filed, CalVCB typically requests a written response from
19 the Attorney General pursuant to Penal Code section 4902, and then an informal evidentiary hearing
20 ensues in accordance with Penal Code section 4903.¹⁷ Under Penal Code section 1485.5, CalVCB is
21 bound by any "express factual findings" rendered by a court when granting habeas relief, vacating a
22 conviction, or issuing a certificate of factual innocence.¹⁸ Nonetheless, the claimant bears the burden
23 to prove, by a preponderance of the evidence, that (1) the crime with which he was charged was either

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25 ¹⁴ Puckett Ex. 5 at p. 13.

26 ¹⁵ Pen. Code, § 4900.

27 ¹⁶ Pen. Code, § 4901.

28 ¹⁷ Pen. Code, §§ 4902, subds. (a)-(b), 4903, subd. (a); Cal. Code Regs., tit. 2, § 615.1, subd. (a).

¹⁸ Pen. Code, § 1485.5, subd. (c).

1 not committed at all, or, if committed, was not committed by him, and (2) he sustained injury through his
2 erroneous conviction and imprisonment.¹⁹

3 If the claimant satisfies his burden of persuasion for both elements, then pursuant to Penal
4 Code section 4904, CalVCB shall recommend to the Legislature an award of compensation. Under
5 Penal Code section 4904, compensation is calculated at the rate of \$140 per day for pre-and post-
6 conviction confinement.²⁰

7 An exception to CalVCB's standard procedure occurs when a claimant has obtained a
8 finding of factual innocence for each and every conviction underlying his incarceration. As set
9 forth in Penal Code section 1485.55:

10 In a contested proceeding, if the court has granted a writ of habeas corpus or when,
11 pursuant to Section 1473.6, the court vacates a judgment, and if the court has found that
12 the person is factually innocent, that finding shall be binding on the California Victim
13 Compensation Board for a claim presented to the board, and upon application by the
14 person, the board shall, without a hearing, recommend to the Legislature that an
15 appropriation be made and the claim paid pursuant to Section 4904.²¹

16 In effect, section 1485.55 compels CalVCB to assume both requisite elements of innocence and injury
17 for a successful claim under Penal Code section 4900 and to recommend compensation accordingly.

18 This construction is confirmed by Penal Code section 4902, which provides in relevant part:

19 "If the provisions of Sections 851.865 or 1485.55 apply in any claim, the California Victim
20 Compensation Board shall, within 30 days of the presentation of the claim, calculate the
21 compensation for the claimant pursuant to Section 4904 and recommend to the
22 Legislature payment of that sum."²²

23 Consequently, not only must CalVCB automatically recommend payment without a hearing or response
24 from the Attorney General whenever a claimant has obtained the requisite findings of factual
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26 ¹⁹ Pen. Code, §§ 4903, subd. (a), 4904.

27 ²⁰ Pen. Code, § 4904, added by Stats.2015, c. 422 (S.B.635), § 1, eff. Jan. 1, 2016.

28 ²¹ Pen. Code, § 1485.55, subd. (a).

²² Pen. Code, § 4902, subd. (a).

1 innocence, but CalVCB must do so within 30 days thereafter. Moreover, a finding of factual innocence
2 issued pursuant to section 1485.55 is not appealable by the prosecution.²³

3 Here, Puckett timely submitted his application for compensation on February 16, 2021, more
4 than 60 days but less than 10 years after his convictions were reversed on March 3, 2020, and he was
5 released from custody on March 13, 2020. At the time of his release, Puckett had been confined for a
6 total of 6,920 days. This period of confinement consists of 311 days pre-conviction from April 3, 2001
7 to February 8, 2002, plus an additional 6,609 days post-conviction from February 8, 2002, until
8 Puckett's release on March 13, 2020. The entire duration of Puckett's incarceration was solely
9 attributable to his erroneous convictions for murder and robbery in case number 01F02675, as no other
10 convictions or sentences were imposed at any time.

11 The Sacramento County Superior Court expressly found, by a preponderance of the evidence,
12 that Puckett was factually innocent of Galati's murder and robbery in case number 01F02675. This
13 determination was based upon the absence of any physical evidence implicating Puckett, the utter lack
14 of credibility for the sole witness who had inconsistently implicated Puckett, as well as Puckett's
15 credible alibi when the events leading to the murder and robbery occurred. Also, the undisclosed
16 evidence by the prosecution implicated James R. as the killer, instead of Puckett. On balance, the
17 court found Puckett's evidence of innocence was more persuasive than the prosecution's case. As
18 such, the court declared Puckett to be factually innocent pursuant to Penal Code section 1485.55.²⁴

19 The superior court's declaration of Puckett's innocence binds CalVCB in this administrative
20 proceeding.²⁵ CalVCB unequivocally accepts that Puckett is actually innocent of the murder and
21 robbery of Galati, for which he was erroneously incarcerated for almost 19 years. CalVCB recognizes
22 that, but for these convictions, Puckett would not have spent 6,920 days "illegally behind bars, away
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24 ²³ *People v. Caldwell* (2018) 29 Cal.App.5th 180, 188-89 (concluding that "a defendant may appeal
25 denial of a factual innocence motion" despite the People's inability to do so); *In re Anthony* (2015) 236
26 Cal.App.4th 204, 215 (holding that "section 1485.55 order is not appealable by the People"); *see also*
27 Pen. Code, § 1485.5 (omitting any right of appeal of factual innocence determination rendered post-
28 conviction); *cf.* Pen. Code, § 851.8, subd. (o) (expressly authorizing right of appeal by either party of
factual innocence determination rendered pre-conviction).

²⁴ Puckett Ex. 5 at pp. 1-13.


²⁵ Pen. Code, §§ 1485.55, subd. (c); 4903, subd. (b).

1 from society, employment, and [his] loved ones.”²⁶ Therefore, Puckett is entitled to a recommendation
2 of compensation in the amount of \$968,800, representing \$140 for each day of his erroneous
3 incarceration.

4 **Conclusion**

5 CalVCB hereby grants Puckett’s application for compensation under Penal Code section 4900
6 as mandated by Penal Code section 1485.55 and, therefore, recommends that the Legislature
7 appropriate \$968,800 as payment to Puckett for his 6,920 days of erroneous incarceration.

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9 Date: February 25, 2021

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11 _____
12 Laura Simpton
13 Senior Attorney
14 California Victim Compensation Board
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28 ²⁶ *Holmes v. California Victim Compensation & Government Claims Bd.* (2015) 239 Cal.App.4th 1400.