

# 2024 FISCP Annual Report to the Legislature

*In 2021, California passed legislation to compensate the survivors of state-sponsored forced or involuntary sterilization, acknowledging the harm done to survivors. CalVCB was charged with administering this important program and worked diligently to compensate every eligible applicant.*

Before the program started, the advocates who sponsored the bill estimated that more than 600 survivors qualified for compensation, and that 25 percent of that group, approximately 150 survivors, would apply for compensation. CalVCB soon recognized the difficulty of reaching survivors whose experiences occurred long ago or who may be distrustful of government. We took a broad approach in identifying potential survivors and publicizing the program.

Through a diligent search of available records by us and our partner agencies, CalVCB was able to identify and send notices to a total of 601 potential survivors. Unfortunately, only 88 individuals from this group of likely applicants submitted applications, highlighting the difficulty in reaching this population.

CalVCB partnered with stakeholders and other agencies to amplify our message and identify potential survivors. We engaged with the media and placed ads on radio and television in key markets. CalVCB paid for social media and website advertisements to reach survivors throughout the state. We also shared information about the program with state prisons, public libraries, assisted living facilities and regional centers across the state so they could post it in common areas.

Through our efforts, CalVCB eventually received 574 applications for compensation. We very carefully applied the requirements of the statutes in the review of these applications and were able to approve compensation for 122 survivors. Survivors received \$35,000 in compensation.

In 2024, a budget trailer bill allowed claimants to request an additional review of a previously denied claim or appeal with a showing of good cause through January 1, 2025. CalVCB will review each request on a case-by-case basis.

CalVCB is proud of the work we have done in administering this program. We have been diligent in our efforts to reach survivors and provide them with the compensation that they are so justly due.

<b>AT A GLANCE</b>
<b>Total Compensation Paid</b> <b>\$4,270,000</b>
<b>Applications Received</b> <b>574</b>
<b>Applications Approved</b> <b>122</b>

*The Forced or Involuntary Sterilization Compensation Program (FISCP) was established by AB 137 (Chapter 77, Statutes of 2021), to be administered by the California Victim Compensation Board (CalVCB). FISCP compensated survivors of state-sponsored sterilization. Eligible individuals included those who were sterilized while at, or living in, state-run hospitals, homes, and institutions from 1909 through 1979 or in California state prisons or other correctional facilities while in custody of the Department of Corrections and Rehabilitation (CDCR) after 1979. CalVCB accepted applications for compensation from January 1, 2022, through December 31, 2023.*

AB 137 also requires CalVCB to annually submit a report to the Legislature that includes information about FISCP outreach activities and various data points such as the number of applications submitted, approved, and denied. This report includes an introduction that provides the legislative history, a section on program administration, a section on reaching survivors, and a data appendix that includes all the program and demographic data elements required by statute.

## Legislative History

In 2021, the Legislature established the program and appropriated \$7.5 million to CalVCB to be used as follows:

- \$4.5 million for compensation payments to survivors of sterilization.<sup>1</sup>
- \$2 million for administration and outreach costs.
- \$1 million to reimburse three departments tasked with establishing markers or plaques acknowledging and memorializing the wrongful sterilizations. The three departments are CDCR, the Department of State Hospitals (DSH), and the Department of Development Services (DDS).

In 2023, the Legislature amended the law to require that a final payment of \$20,000 be made to all qualified recipients. It also extended the final payment deadline through September 30, 2024, ensuring that every applicant was afforded their full right to appeal.

In 2023, the Legislature also adopted budget language specifying that up to \$1 million of any funds remaining after the final payments are to be available for potential legislation in 2024 that would be guided by a study of forced or involuntary sterilizations in the Los Angeles County General Hospital, primarily in the 1960s and 1970s. Only ten self-identified survivors participated, which once again highlights the difficulty of engaging those who were sterilized long ago.

In 2024, the Legislature passed further legislation allowing claimants to request an additional review of a previously denied claim or appeal with a showing of good cause through January 1, 2025. Good cause includes, but is not limited to, a court ruling on an issue forming the basis of the initial denial. CalVCB will review each request on a case-by-case basis. All additional applications that are deemed eligible will receive compensation by January 1, 2026.

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<sup>1</sup> Initial payments were set at \$15,000 based on an estimate of potential survivors who may apply to the program and the original direction in statute to issue two equal payments.

*CalVCB was responsible for two roles in administering FISCP. First, CalVCB developed and implemented a program to compensate survivors. Second, CalVCB was charged with reimbursing other state agencies for the costs associated with establishing memorial markers and plaques.*

## **Program Implementation**

CalVCB developed and implemented a process for survivors to apply for compensation. Once the application was received and the appropriate records were verified based on the state agency identified on the application, a determination was made. State law outlined specific criteria, which the board required to be verified through documentation for an applicant to be qualified for compensation. For example, state law specified the time periods, facilities, and circumstances under which the sterilizing procedures must have taken place. The criteria are defined by Health and Safety Code section 24210, the full text of which follows this section.

The Executive Officer reviewed and approved all eligibility decisions. Claimants were then notified of the decision regarding their application. If the claimant's application was denied, the notification included information about their right to appeal.

## **Health and Safety Code Section 24210**

(a) There is hereby established the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board.

(b) The purpose of the program is to provide victim compensation to the following individuals:

- (1) Any survivor of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979.
- (2) Any survivor of coercive sterilization performed on an individual under the custody and control of the Department of Corrections and Rehabilitation after 1979.

(c) For purposes of this chapter, the following definitions apply:

- (1) "Board" means the California Victim Compensation Board.
- (2) "Program" means the Forced or Involuntary Sterilization Compensation Program.
- (3) "Qualified recipient" means an individual who is eligible for victim compensation pursuant to this chapter by meeting the following requirements of either eligibility as a survivor of eugenics sterilization or as a survivor of coercive sterilization of imprisoned populations:

(A) Eligibility as a survivor of eugenics sterilization requires an individual to meet all of the following requirements:

- (i) The individual was sterilized pursuant to eugenics laws that existed in the State of California between 1909 and 1979.

(ii) The individual was sterilized while the individual was at a facility under the control of the State Department of State Hospitals or the State Department of Developmental Services, including any of the following institutions:

(I) Agnews Developmental Center, formerly known as Agnews State Mental Hospital.

(II) Atascadero State Hospital.

(III) Camarillo State Hospital and Developmental Center.

(IV) DeWitt State Hospital.

(V) Fairview Developmental Center, formerly known as Fairview State Hospital.

(VI) Mendocino State Hospital.

(VII) Modesto State Hospital.

(VIII) Napa State Hospital, formerly known as Napa State Asylum for the Insane.

(IX) Metropolitan State Hospital, formerly known as Norwalk State Hospital.

(X) Frank D. Lanterman State Hospital and Developmental Center, formerly known as Pacific State Hospital or Pacific Colony.

(XI) Patton State Hospital, formerly known as Southern California State Asylum for the Insane and Inebriates.

(XII) Porterville Developmental Center, formerly known as Porterville State Hospital.

(XIII) Sonoma Developmental Center, formerly known as Sonoma State Hospital, Sonoma State Home, or California Home for the Care and Training of the Feeble Minded.

(XIV) Stockton Developmental Center, formerly known as Stockton State Hospital.

(iii) The individual is alive as of the start date of the program.

(B) Eligibility as a survivor of coercive sterilization of imprisoned populations requires an individual to meet all of the following requirements:

(i) The individual was sterilized while under the custody and control of the Department of Corrections and Rehabilitation and imprisoned in a state prison or reentry facility, community correctional facility, county jail, or any other institution in which they were involuntarily confined or detained under a civil or criminal statute.

(ii) The sterilization was not required for the immediate preservation of the individual's life in an emergency medical situation.

(iii) The sterilization was not the consequence of a chemical sterilization program administered to convicted sex offenders.

(iv) The individual's sterilization meets one of the following requirements:

(I) The individual was sterilized for a purpose that was not medically necessary, as determined by contemporaneous standards of evidence-based medicine.

(II) The individual was sterilized for the purpose of birth control.

(III) The individual was sterilized without demonstrated informed consent, for which evidence of a lack of consent includes, but is not limited to, the following:

(ia) Procurement of a pregnant individual's written consent within 30 days of anticipated or actual labor or delivery or less than 72 hours before emergency abdominal surgery and premature delivery.

(ib) Procurement of an individual's written consent less than 30 days before sterilization.

(ic) Failure of the prison administration to document written informed consent signed by the imprisoned individual.

(id) Failure of the prison administration to document the use of interpreters for non-English speakers to ensure understanding by the imprisoned individual of the medical treatment being consented to.

(ie) Failure of the prison administration to document the counseling of the imprisoned individual on, and offering a consultation of, treatment options that would not result in loss of reproductive capacity.

(if) Failure of the prison administration to document written informed consent to sterilization signed by the imprisoned individual if sterilization is performed in conjunction with or in addition to other surgery.

(ig) Failure of prison staff, employees, or agents to comply with requirements of Section 3440 of the Penal Code after its enactment, designed to prohibit and deter coercive sterilization of people in prison.

(IV) The sterilization was performed by means that are otherwise prohibited by law or regulation.

(4) "Start date of the program" means the date the program becomes operative pursuant to Section 24212.

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## Memorial Markers

CalVCB's statutory role related to memorial markers was to provide reimbursement to CDCR, DSH and DDS from the \$1 million appropriated for this purpose. As of December 2024, a total of \$161,739.72 has been reimbursed: \$79,396.00 from CDCR, \$74,081.22 from DSH and \$8,262.50 from DDS.



*CDCR installed benches facing a stone marker inscribed with a memorial message. Installations have been completed at the California Institution for Women, the Central California Women's Facility and Valley State Prison.*



*DSH installed stone benches inscribed with memorial messages. Installations have been completed at Napa State Hospital, Atascadero State Hospital, Metropolitan State Hospital and Patton State. DSH also received artistic leatherwork and metal pieces from a survivor and will display them in shadowboxes at hospital museums.*



*DDS has also installed stone benches inscribed with memorial messages. Installations have been completed at the Sonoma Developmental Center and the Porterville Developmental Center.*



*CalVCB began working closely with stakeholders to identify strategies to reach survivors months prior to the implementation of the program. With the knowledge that much of the population was elderly, geographically disbursed, potentially distrustful of government, unaware of their possible victimization, potentially difficult to locate, or incarcerated, significant effort was made to solicit input about how to effectively reach the impacted populations. Stakeholders included a range of advocates, including some who are also survivors. The stakeholders were crucial in helping CalVCB identify opportunities and challenges in reaching survivors.*

CalVCB held monthly meetings with stakeholders that continued throughout much of 2022, and then quarterly meetings in 2023, to continue to strategize about alternative methods of outreach given the difficulties in reaching survivors potentially eligible for compensation. Stakeholders had the opportunity to review forms, letters, and outreach materials that CalVCB created in order to provide suggestions on language and messaging. Some of the stakeholders were in direct contact with survivors and invaluable in amplifying our message as well as encouraging and assisting survivors in the submission of applications.

## Outreach Efforts

The legislation establishing FISCP provided \$2 million to CalVCB for administration and outreach for the program, of which \$300,000 was budgeted for outreach. CalVCB leveraged the feedback from stakeholders to create a broad outreach strategy aimed at reaching people across California.

CalVCB created a webpage with all the information about the program and how to apply. This webpage included application forms, the list of requirements, fact sheets, FAQs, and a toll-free phone number to call for assistance. The webpage also included posters and other outreach materials that could be downloaded and utilized by other groups to help spread awareness of the program. CalVCB worked to build awareness through social media and other communication tools such as CalVCB's daily newsletter and advocate newsletter. CalVCB also sent email blasts to a wide range of people and groups who work with survivors.

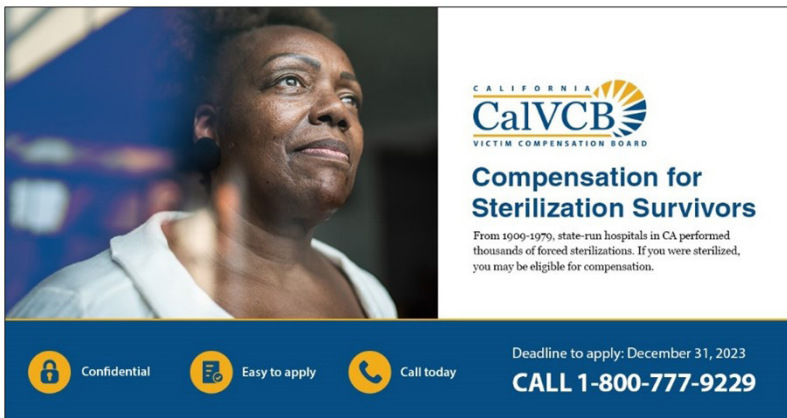
After a competitive procurement process, CalVCB contracted with a marketing firm, JP Marketing, to implement a media outreach plan that included paid advertisements in English and Spanish. JP Marketing placed radio and TV ads in the Bay Area, Sacramento, and Los Angeles regions. Radio accounted for an estimated 298 million impressions and TV accounted for 2.3 million impressions. JP Marketing also placed social media ads and website ads throughout the state. The social media ads were designed to reach caregivers and loved ones of potential survivors from the eugenics era across the state. Social media accounted for an estimated 10.5 million impressions and website advertisements accounted for 7.5 million impressions.

**TOTAL 318.3 MILLION  
IMPRESSIONS FROM  
ALL MEDIA BUYS**

*Impressions measure  
the number of times  
someone sees or hears an  
advertisement.*



The timing of ad buys was designed to get the most ads and greatest reach with the limited funds available for outreach. Because of CalVCB’s close management of this contract, JP Marketing was able to run ads longer than initially intended.



### Outreach to Eugenics Era Survivors

The passage of several decades since the eugenics era created unique challenges for this program. In many cases, contact information for potential survivors was outdated or records were unavailable. Also, many who were subject to eugenics sterilization have passed away in the intervening years.

To address these challenges, CalVCB partnered with the State Archives to search and scan eugenics sterilization records to create a database of names of possible survivors. CalVCB searched both hard copy and microfilm records that included admission logs, surgery logs, sterilization authorizations, and patient cards files, ultimately categorizing over 14,000 records. CalVCB engaged in this effort because at this time, over a year into the application period, very few eugenics era survivors had applied. From this database CalVCB—in collaboration with DSH and DDS—identified and sent notification letters to 123 potential survivors who were found to still be alive, had a current address, and had not yet applied. After the notifications were sent, CalVCB still did not receive any applications for these identified individuals by the December 31, 2023, deadline.

#### FISCP Notification Letters Sent 123

DSH 71

DDS 52

In 2022, CalVCB mailed posters in English and Spanish to 1,000 skilled nursing facilities and 500 libraries statewide. In 2023, CalVCB mailed additional posters in English and Spanish to those 1,000 skilled nursing facilities and 500 libraries statewide, as well as 54 family resource centers and 21 regional centers.

CalVCB also distributed information to agencies and community-based organizations that may have contact with sterilization survivors, such as the California Foundation for Independent Living Centers, Meals on Wheels, in-home supportive services programs, human services agencies and city and county senior centers statewide.

## Outreach to CDCR Survivors

CDCR identified 535 individuals who received sterilization procedures while in CDCR custody. On September 30, 2022, CalVCB sent notification letters to the 478 individuals identified who had addresses and had not yet applied for compensation. Out of the 535 individuals CDCR identified, CalVCB determined that fourteen individuals had submitted applications to FISCP before the notification letters were sent and 43 had no available address. The letters, sent in English and Spanish, included lists of county mental health hotlines and additional resources for legal assistance and prisoner advocates, as recommended by stakeholders. Following the notification letters being sent, 74 additional individuals submitted applications.

### **FISCP Notification Letters Sent 478**

Outside of CDCR Custody 422

Within CDCR Custody 56

CalVCB sent electronic copies in English and Spanish of applications, associated forms and frequently asked questions to all 35 state correctional facilities, so they could print them and make them available to potential applicants in their facilities. Additionally, a total of 982 posters in English and Spanish were sent to prisons according to the needs identified by each facility to be posted in common areas and housing units.

207 of the 428 applications CalVCB denied were received from currently incarcerated male inmates. None of these individuals were found to have undergone a qualifying sterilizing procedure while in custody.

## CLOSING

CalVCB is proud of its efforts to implement a successful program that has provided compensation to survivors of this historical injustice. CalVCB's staff worked meticulously to review each application, comb through records and reach as many survivors as possible through direct outreach, sharing materials with organizations across the state and facilitating a marketing campaign. CalVCB will continue to carefully consider any applications which require additional review.

CalVCB is grateful to the stakeholders that provided invaluable feedback about strategies to reach more survivors. CalVCB is also thankful to our sister agencies who were committed to identifying potential survivors and providing necessary records.

The following data is reported in the aggregate in alignment with the requirements of AB 137 (Chapter 77, Statutes of 2021). All data is as of December 7, 2024.

**Program Statistics**

<b>Total Compensation Paid</b>	<b>\$4,270,000</b>
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<b>Total Applications Received</b>	<b>574</b>
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Approved	122
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Denied*	428
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Closed**	24
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\* A claimant may request an additional review of a previously denied claim or appeal with a showing of good cause through January 1, 2025.

\*\* Statute dictates that incomplete applications are to be closed if CalVCB is unable to obtain necessary information to process within 60 days. A closed application did not preclude the claimant from reapplying.

<b>Total Approved Applications</b>	<b>122</b>
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Department of Corrections and Rehabilitation	119
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Department of Developmental Services	3
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Department of State Hospitals	0
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<b>Total Denied Applications</b>	<b>428</b>
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No records within CDCR/DDS/DSH/State Archives that the applicant was ever at a state-run facility.	62
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Facility records indicate a procedure took place, but the records state that it did not cause sterilization.	138
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Facility records indicate applicant was a resident, however no medical records could be located indicating that a sterilization took place.	209
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Facility records indicate applicant’s sterilization was performed with demonstrated informed consent.	18
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Facility records indicate applicant’s sterilization was required for the emergent preservation of the individual’s life.	1
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<b>Total Appeals Received</b>	<b>105</b>
Final Decision Upheld	100
Appeal Decision – Determined to be an Eligible Claimant	5
<b>Approved Applications with Sterilization Agency/Facility</b>	<b>122</b>
<b><i>California Department of Corrections and Rehabilitation</i></b>	
Central California Women's Facility	38
Valley State Prison for Women	66
California Institution for Women	13
Family Foundations Program	1
Substance Abuse Treatment Facility	1
<b><i>Department of Developmental Services</i></b>	
Sonoma Developmental Center ( <i>Sonoma State Hospital or Home</i> )	3
<b><i>Department of State Hospitals</i></b>	
	0

## Demographic Data

As part of the application process, applicants were asked to voluntarily answer demographic questions. Of the 574 applications submitted, applicants provided the following demographic information.

### Ethnicity

Hispanic, Latino or Spanish origin	170
Not Hispanic, Latino or Spanish origin	219

### Race

American Indian or Alaska Native	28
Asian	16
Black or African American	196
White	138
Other	30

### Disability

Yes	170
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### Gender Identity

Female	247
Male	255
Transgender	21
Other	6

**Note:** Of the approved applications, 105 are for female survivors. Only one of the approved applications is for a male survivor from the eugenics era, 11 approved applications are for transgender survivors, and one approved application identified "other" for gender. Four survivors did not provide information about their gender identity.

### Sexual Orientation

Bisexual	35
Gay or Lesbian	32
Straight	426
Other	11

<b>Claimant Age at the Time of Application for all 574 Applications</b>			
<b>Age At the Time of Application</b>	<b>Number of Applications</b>	<b>Age At the Time of Application Continued</b>	<b>Number of Applications</b>
27	1	61	23
28	1	62	19
29	2	63	18
30	3	64	12
31	1	65	15
32	2	66	11
33	3	67	14
34	3	68	6
35	1	69	8
36	10	70	8
37	9	71	6
38	6	72	5
39	10	73	5
40	8	74	2
41	9	75	5
42	12	76	3
43	15	77	1
44	12	78	5
45	19	80	2
46	13	81	2
47	20	82	2
48	15	83	1
49	16	85	1
50	17	87	2
51	19	88	1
52	15	89	1
53	20	90	2
54	23	91	2
55	12	92	1
56	21	93	1
57	17	96	1
58	17	98	1
59	20	Unknown (Incomplete Application)	1
60	15		

### Approved Claimant Age at the Time of Sterilization, As Verified by CalVCB

Age at Sterilization	Number of Approved Applications
15	1
16	2
21	1
24	1
25	1
26	1
27	2
28	8
29	5
30	2
31	4
32	8
33	4
34	6
35	4
36	2
37	4
38	3
39	10
40	8
41	5
42	3
43	6
44	8
45	4
46	8
47	3
48	1
49	2
50	1
51	2
55	1
56	1
<b>Total</b>	<b>122</b>