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**STATEMENT FOR THE RECORD**

**Before the Milton Marks "Little Hoover" Commission  
On California State Government Organization and Economy**

***Public Hearing on California's Response to Intimate Partner Violence  
The State's Role***

**Thursday, February 27, 2020**

**State Capitol, Room 437  
Sacramento, CA 95814**



## Introduction

Cal OES' mission is broad. It is to protect lives and property, build capabilities, and support communities for a more resilient California. As an all-hazards emergency management agency, Cal OES is committed to preventing, preparing for, mitigating against, responding to, and helping all Californians recover from all disasters and human-caused incidents. Cal OES has a special commitment to supporting victim-survivors of crimes and other incidents, and has incorporated these programs into its overall mission.

In 2004, the Office of Criminal Justice Planning victim services grant programs merged into Cal OES. Since that time, Cal OES has taken care to integrate these programs into its existing and evolving functions, leveraging Cal OES' broad competencies, and yielding a unified effort that optimally services victim-survivors and local victim services stakeholders, to include victims of intimate partner violence.

*Note: The terms intimate partner violence (IPV) and domestic violence (DV) will be used interchangeably because many federal programs and statutes still use the term DV.*

### **1. Please provide an overview of Cal OES's role in serving Californians affected by IPV. How many IPV-related grants totaling how much money does Cal OES administer?**

Cal OES administers both federal and state funding to local governmental and community-based organizations to address IPV. These programs provide direct services to victims of IPV (e.g., shelter, crisis intervention, legal assistance, transportation, emergency food and clothing, etc.) or work to improve the criminal justice system's response to IPV victims through dedicated response positions and training for general criminal justice system personnel (i.e., judges, prosecutors, law enforcement officers, probation officers, and dispatchers).

Cal OES has 23 programs, with **369 subawards**, that focus on IPV. Specifically, Cal OES supports:

- Eight programs, with a total of 202 subawards, that focus solely on IPV.
- Eight programs, with a total of 21 subawards, that focus jointly on IPV and sexual violence.

	Number of Subawards	Federal Funding	State Funding	Total
<b>Programs Solely Focused on Domestic Violence</b>				
Domestic Violence Assistance	106	\$33,272,664	\$20,801,512	\$54,074,176
Domestic Violence Housing First	66	\$22,088,880		\$22,088,880
Family Violence Prevention	14		\$4,998,368	\$4,998,368
Law Enforcement Specialized Units	7	\$1,422,000		\$1,422,000
Domestic Violence Response Team	4	\$500,000		\$500,000
Equality in Prevention and Services for Domestic Abuse	3	\$423,000		\$423,000
Statewide Domestic Violence Prevention Resource Center	1	\$120,000		\$120,000
State Coalition Technical Assistance & Training	1	\$650,000		\$650,000
				<b>\$84,276,424</b>
<b>Programs Focused Jointly on Domestic &amp; Sexual Violence</b>				
Probation Specialized Supervision Program	6	\$557,263		\$557,263
Native American Domestic Violence & Sexual Assault	6	\$813,000		\$813,000
Teen Dating Violence Prevention	4	\$500,000		\$500,000
Farmworker Women's Sexual Assault & Domestic Violence	1	\$270,000		\$270,000
Law Enforcement Training	1	\$415,523		\$415,523
Legal Training	1	\$1,014,000	\$400,000	\$1,414,000
Probation Officer Training	1	\$71,000		\$71,000
Court Education & Training	1	\$868,597		\$868,597
				<b>\$4,909,383</b>

Additionally, Cal OES supports:

- Seven programs, with a total of 146 subawards, that elected to focus on IPV (when victimization category was not predetermined by the program). The amount of funding dedicated varies per grant subaward.

<b>Programs with Some Subrecipients Focused on Domestic Violence</b>	
Transitional Housing	44 of 68
County Victim Services	37 of 52
Victim Legal Assistance	34 of 60
Unserved/Underserved Victim Advocacy & Outreach*	12 of 77
Specialized Emergency Housing	9 of 33
Unserved/Underserved Child & Youth Advocacy*	5 of 18
Innovative Response to Marginalized Victims*	5 of 45

\*Programs must identify a marginalized population to serve. They can serve all crime types or further specify a marginalized population and crime type. These all identified a marginalized population and IPV.

- Many programs serve all victims, including victims of IPV. IPV is so pervasive that all victim service providers address IPV in some manner. An example is the Victim Witness Assistance Program, which has an annual budget of approximately \$53,000,000 and approximately 25 percent of this funding goes to serve victims of IPV.

See Attachment A, Cal OES IPV Program Summary, for more detail on each of the programs referenced above. The IPV Program Summary is an excerpt from the 2020 Joint Legislative Budget Committee Report.

**2. What percentage of those funds go to the Domestic Violence Assistance (DV) Program and what percentage go to other IPV-related programs?**

Sixty percent is used to support the DV Program. Forty percent is used to support other IPV-related programs.

The above percentages do not include funding that goes to all other victim service providers that serve all types of victimization, including victims of IPV.

**3. How does Cal OES decide where to allocate federal funds related to IPV?**

Cal OES utilizes advisory bodies to identify gaps in services for funding recommendations to the Director. The Director makes the final funding decisions.

In total, Cal OES has three federal fund advisory bodies:

- Victims of Crime Act (VOCA) Steering Committee

This VOCA Steering Committee was developed to assist Cal OES in determining gaps in victim services across California, and is not a requirement of the federal grant program. The gaps identified are used to make recommendations to the Cal OES Director on how to best use VOCA Victim Assistance Formula Grant Program funds. The Committee is comprised of coalition leaders and professionals who have substantial experience working with victims, including underserved victims.

- Violence Against Women Act Implementation Plan Committee

The Services\*Training\*Officers\*Prosecutors (STOP) Violence Against Women (VAW) Formula Grant Program requires states to submit an implementation plan developed through deliberative consultation and coordination with a planning committee that is comprised of domestic violence and sexual assault coalitions, law enforcement, prosecutors, courts, tribal governments, victim services providers, and representatives of underserved communities.

- Children's Justice Act (CJA) Task Force

The CJA Grants to States Program requires a task force to review and evaluate the investigative, administrative, and judicial handling of cases of child abuse and neglect and make training and policy recommendations for the investigative, administrative, and judicial handling of cases of child abuse

and neglect. The CJA Task Force is comprised of professionals who have knowledge and expertise in the areas of criminal justice and child abuse.

Members of these advisory boards are appointed by the Cal OES Director. Once appointed, the members are educated on the regulations for the respective grant program.

#### **4. What is the funding formula for the distribution of DV Program awards?**

There is no formula for the DV Program. Funding is distributed equally among the existing subrecipients per the recommendation of the Domestic Violence Advisory Council (DVAC). Penal Code § 13823.16 outlines the responsibilities and appointing authorities for the DVAC.

Penal Code § 13823.16:

(a) The Comprehensive Statewide Domestic Violence Program established pursuant to Section 13823.15 shall be collaboratively administered by the Office of Emergency Services and an advisory council. The membership of the Office of Emergency Services Domestic Violence Advisory Council shall consist of experts in the provision of either direct or intervention services to victims of domestic violence and their children, within the scope and intention of the Comprehensive Statewide Domestic Violence Assistance Program.

(b) The membership of the council shall consist of domestic violence victims' advocates, battered women service providers, at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community in connection with domestic violence, and representatives of women's organizations, law enforcement, and other groups involved with domestic violence. At least one-half of the council membership shall consist of domestic violence victims' advocates or battered women service providers. It is the intent of the Legislature that the council membership reflect the ethnic, racial, cultural, and geographic diversity of the state, including people with disabilities. The council shall be composed of no more than 13 voting members and two nonvoting ex officio members who shall be appointed, as follows:

- (1) Seven voting members shall be appointed by the Governor, including at least one person recommended by the federally recognized state domestic violence coalition.
- (2) Three voting members shall be appointed by the Speaker of the Assembly.
- (3) Three voting members shall be appointed by the Senate Committee on Rules.
- (4) Two nonvoting ex officio members shall be Members of the Legislature, one appointed by the Speaker of the Assembly and one appointed by the

Senate Committee on Rules. Any Member of the Legislature appointed to the council shall meet with the council and participate in its activities to the extent that participation is not incompatible with his or her position as a Member of the Legislature.

- (c) The Office of Emergency Services shall collaborate closely with the council in developing funding priorities, framing the request for proposals, and soliciting proposals.

In fiscal year 2011-12, Cal OES and the California Partnership to End Domestic Violence convened a workgroup of regional DV Program representatives to research funding formula options and make a recommendation to the DVAC. The DVAC accepted the recommendation and the Cal OES Director provided final approval.

Given the diverse nature of California, each DV Program Subrecipient provides services that respond to the unique needs of the population they serve. See *Attachment B for the Funding Formula Review and Recommendation: Final Report*.

#### **5. How did Cal OES select the initial Subrecipients for the DV Program?**

According to records, the DV Program began in 1985 and was originally administered by the former Governor's Office of Criminal Justice Planning. Currently there are 102 subrecipients. 99 subrecipients were selected through a competitive process in fiscal year 2000-01. The remaining three subrecipients were selected through a competitive process in fiscal year 2010-11, when additional funding was available and the Domestic Violence Advisory Council recommended opening up a new competitive cycle.

#### **6. Why has it not issued an RFP that would allow other eligible service providers to receive DV Program funding?**

Penal Code § 13823.15 (f)(1)(C)(4) established that subrecipients "reapplying to grants shall not be subject to a competitive grant process, but shall be subject to a request for application (RFA) process." The RFA process is noncompetitive.

Cal OES can open a competitive process to allow for additional subrecipients under the DV Program, but this would spread funding across more subrecipients, resulting in smaller individual funding allocations.

Cal OES has not released a competitive process for the DV Program, however, since 2015, Cal OES has created 10 new competitive programs that provide

funding to direct service providers, including those that serve victims of IPV. The programs are less restrictive than the requirements of Penal Code §13823.15 for the DV Program and allow for new and innovative approaches to serving victims of IPV. The following is a list of the competitive programs:

- Statewide Domestic Violence Prevention Resource Center
- Native American Domestic Violence & Sexual Assault
- Teen Dating Violence Prevention
- Transitional Housing
- County Victim Services
- Victim Legal Assistance
- Unserved/Underserved Victim Advocacy & Outreach
- Specialized Emergency Housing
- Unserved/Underserved Child & Youth Advocacy
- Innovative Response to Marginalized Victims

**7. Many grant recipients report experiencing lengthy wait times for their reimbursement checks, sometimes even having to take out lines of credit to cover their expenses until they receive reimbursement. What are the reasons for the delays? What would be needed to speed up the reimbursement process?**

The Prompt Payment Act gives state agencies 30 days to process request for funds and the State Controller's Office 15 days to pay reimbursement requests. This total of 45 days does not take into consideration mail time on either end of the process.

Some reasons for delays include: mailing time, errors by subrecipients (i.e., unpayable claims submitted), and challenges with the transition to Fi\$Cal.

Cal OES is piloting email submissions of reimbursement requests and conducted 11 regional trainings that involved a session on common errors on reimbursement requests to streamline the reimbursement process.

**8. Would it be possible to provide recipients with some of the grant funding up front?**

The State Budget Act allows for advances up to 25 percent for funds that support the DV Program. Subrecipients may request the advance at the beginning of the grant subaward performance period.

Per the Code of Federal Regulations, it is preferred that federal funds are administered on a reimbursement basis. Cal OES receives minimal requests to

advance funds and has not implemented a system to advance federal funds for subawards in the Victim Services Branch. To implement such a process, the challenge for Cal OES would be balancing being good stewards of federal funds and meeting the needs of the subrecipients.

### **9. What is the impact of statewide emergencies on Cal OES' domestic violence unit?**

Cal OES's involvement in statewide emergencies serves to enhance, and does not detract from, its service to victim-survivors. Cal OES's broad mission includes not only emergency response, but also preparedness, prevention, mitigation, and recovery for victim-survivors of all disasters and human-caused incidents. As such, Cal OES is uniquely well-placed to leverage its broad competencies in service of victim-survivors before, during, and after all disasters and human-caused incidents.

For example, Cal OES has incorporated Domestic Violence Unit programs into its overall mission of protecting lives and property and building capabilities for a more resilient California. Studies show that, unfortunately, immediately following a natural disaster or other incident of mass victimization, sexual and domestic violence increase.<sup>1</sup>

When such a mass victimization incident takes place, Cal OES immediately deploys the sworn officers from its Law Enforcement Branch, as well as other emergency management response units within Cal OES, to the scene. Using its direct line to these first responders, together with its longstanding relationships with various sexual assault and domestic violence service providers that benefit from its grant programs, Cal OES can coordinate a response and recovery operation that holistically serves the victim-survivors of an incident, and all of that incident's cascading effects—whether those are material, physical, emotional, or psychological. It is only because Cal OES combines all these components—Grants, Law Enforcement, and Emergency Response—that it can serve victim-survivors in this uniquely effective way.

Statewide emergencies have no aggregate effect on the services provided by the Domestic Violence Unit. Cal OES redistributes workloads to other team members within the Victim Services Branch and has created a process for team members to complete workload summaries prior to deployment, to ensure

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<sup>1</sup>See the World Health Organization's discussion of "Interpersonal Violence and Disasters" at [https://www.who.int/violence\\_injury\\_prevention/publications/violence/violence\\_disasters.pdf](https://www.who.int/violence_injury_prevention/publications/violence/violence_disasters.pdf).

seamless transition of tasks. Additionally, overtime is authorized to ensure the continued processing of grant documents.

**10. How does Cal OES define underserved and unserved areas? How does Cal OES serve IPV victim in those communities?**

While there are varying definitions, Cal OES utilizes the following definition for unserved/underserved populations: any group of victims who face barriers in accessing and using victim services. This includes populations underserved because of geographic location, religion, sexual orientation, gender identity, race, ethnicity, cultural norms, and people with special needs (such as language barriers, disabilities, alienage status, or age).

Cal OES works hard to prioritize underserved and marginalized victim populations. Subrecipients may propose to specialize in serving a particular underserved victim population through any competitive program. Additionally, Cal OES has programs specifically focusing on meeting the unique needs of one or more marginalized/underserved victim groups. These include:

- Equality in Prevention and Services for Domestic Abuse Program
- Native American Domestic Violence & Sexual Assault Program
- Farmworker Women's Sexual Assault & Domestic Violence Program
- Unserved/Underserved Victim Advocacy & Outreach Program
- Specialized Emergency Housing Program
- Unserved/Underserved Child & Youth Advocacy Program
- Innovative Response to Marginalized Victims Program

**11. What are the statewide goals for delivering victim services, and who determines those goals? How is success toward those goals measured, and who measures it?**

*The statewide goals for delivering victim services are outlined in Attachment C, the 2019-2021 Strategic Plan for Victim Services in California (Strategic Plan), which was developed by Cal OES and The California Victim Compensation Board (CalVCB).*

The Strategic Plan is the result of extensive collaboration between Cal OES and CalVCB that reflects a shared commitment to improving victim services in the State of California. It contains a joint vision, mission, and four goals along with objectives to achieve these goals.

Cal OES and CalVCB are establishing a victim services state agency coordination council to develop a coordinated approach to leverage existing

victim resources, services, and assistance. At this time, 12 state agencies that provide services to victims of crime, have been identified for participation.

Cal OES and CalVCB meet monthly to review and update the progress toward these goals and allow for course corrections if necessary.

**12. What other agencies does Cal OES work with in serving people affected by intimate partner violence in California? Does Cal OES work with these agencies to ensure definitions related to intimate partner violence are the same, and that the same data collection and research methodology are used in order to make data comparable across agencies?**

Cal OES works closely with CalVCB as previously mentioned on the Strategic Plan; in addition, Cal VCB presents at all of Cal OES's regional trainings about their programs and services.

Cal OES also participates in the California State Level Collaborative for Domestic Violence, Sexual Violence, and Teen Dating Violence Prevention (Collaborative) established in 2016 with the California Partnership to End Domestic Violence (The Partnership), the California Department of Public Health (CDPH), and the California Coalition Against Sexual Assault (CALCASA). The vision of this collaborative is to have effective, sustainable, and culturally-informed domestic violence, sexual violence and teen dating violence prevention efforts across California.

This Collaborative has accomplished the following:

- All four state-level entities of the collaborative participated in a collaborative messaging exercise and their shared responses resulted in a Collaborative Prevention Messaging document. The purpose for this exercise was to continue exploring how the Collaborative could become more effective in communicating prevention messaging to various target audiences either as a collaboration or on an individual agency level. *Please see Attachment D for the Prevention Messaging document.*
- The Collaborative identified and explored opportunities to insert more of a prevention focus within our state level efforts. For example, incorporating more prevention training into the 40-hour/60-hour domestic violence and sexual assault counselor trainings. The Partnership's Building Change Together Training would also expand to incorporate more prevention activities.

- For fiscal year 2020, the Collaborative is focused on including more intentional work in coordinating training and technical assistance to both funded and unfunded agencies and exploring ways in which to integrate prevention into domestic violence, sexual violence and teen dating violence agencies and organizations.

Through each of these collaborations, all agencies continue to work on creating consistent language and approaches that are in line with each agency's mission and goals.

**13. Victim services, intervention, and prevention are intertwined, yet responsibility for administering funding for those functions does not fall under a single agency. Are there steps the state is taking or can take to ensure that, no matter how administration of these services is organized within state government, Californians encounter a seamless integration of these components?**

As this question acknowledges, various state agencies maintain some form of victim services program. These include Administrative Office of the Courts, Board of State and Community Corrections, Department of Consumer Affairs, Department of Corrections and Rehabilitations, Department of Justice, Department of Public Health, Department of Social Services, Government Operations Agency, Health and Human Services Agency, Mental Health Services and Accountability Commission, and the Office of Secretary of State. This is not unusual, and all such agencies endeavor to serve victims in a manner appropriate to those agencies' core missions.

In light of this fact, Cal OES has long committed itself to coordinating a whole-of-government approach to the needs of victim-survivors. As an emergency management agency that is experienced in interagency coordination, as well as an entity within the Governor's Office, Cal OES is well-placed to support such whole-of-government collaboration. As noted above, Cal OES and Cal VCB have collaborated on a statewide strategic plan. Further, Cal OES works across state agencies and nonprofit entities, as part of the Collaborative. In addition to its proficiency in collaboration, Cal OES is also an "all hazards," "all phases" agency. This means that Cal OES is responsible for all types of natural hazards and human caused incidents—at the point of preparing for, preventing, mitigating against, and recovering from those hazards and threats. Cal OES's truly unique status as an "all hazards" and "all phases" agency ensures that it can serve victims no matter where they find themselves in the cycle of violence.

This interagency collaboration is critical because while the several above-listed state agencies all serve victims broadly, they each perform these services

differently, and appropriate to the need. For example, Cal OES primarily serves non-profit organizations, while Cal VCB serves victims directly. Yet through coordination, Cal OES and Cal VCB can bridge this wide gap in their missions and operational constructs. Through this interagency, whole-of-government response, the non-profit organizations that Cal OES serves, and the victims that Cal VCB serves, currently “encounter a seamless integration” of “services, intervention, and prevention.”

To the extent that non-profits and victims are seeking a single source of information about victims services Cal OES has worked with its civil society partners to accomplish this. Cal OES funds the McGeorge School of Law to administer the Victims' Legal Resource Center, per Penal Code §13897. The Victims' Legal Resource Center is charged with providing victims or crime and their families, and providers of services with referral information and legal guidance. Cal OES continually works with the McGeorge School of Law to improve the hotline services, extensive online resource information, and innovative mobile application run through this program.

**14. From process improvements to statewide strategies, what recommendations do you have for the Little Hoover Commission on how the State of California can better serve those affected by IPV?**

Some process improvement strategies are as follows:

- Online application process: Cal OES is currently developing a Grants Management System that will allow for electronic submission of applications. Electronic submission cuts down on processing time because the time it takes to mail applications is omitted and feedback for corrections can be provided faster.
- Electronic submissions of reimbursement requests: Cal OES is currently piloting an email submission process. This would reduce time for mailing documents to Cal OES and for mailroom processing.