
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 1268 **Hearing Date:** June 27, 2017
Author: Reyes
Version: May 26, 2017
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Domestic Violence*

HISTORY

Source: California Coalition Against Sexual Assault; California Partnership to End Domestic Violence; Women's Policy Institute, Women's Foundation of California

Prior Legislation: AB 1338 (Gomez) Ch. 268, Stats. of 2015
AB 2321 (Gomez) Ch. 358, Stats. of 2014
AB 1547 (Gomez) Ch. 153, Stats. of 2014

Support: Board of Equalization, District Two; Coalition for Humane Immigrant Rights; Family Violence Appellate Project; First Five Association of California; Human Options, Inc.

Opposition: None known

Assembly Floor Vote: 77 - 0

THIS ANALYSIS REFLECTS THE BILL AS PROPOSED TO BE AMENDED

PURPOSE

The purpose of this bill is to create the California Domestic Violence Prevention Fund.

Existing law establishes a Comprehensive Statewide Domestic Violence Program administered by Office of Emergency Services (Cal OES) in order to provide financial and technical assistance to local domestic violence service providers. (Pen. Code, § 13823.15, subd. (b).)

Existing law requires Cal OES to collaboratively administer with an advisory council in implementing the program, and requires the allocation of funds to local centers meeting the criteria for funding. Centers receiving funding are requires to provide cash or an in-kind match of at least 10 percent of the funds received. (Pen. Code, § 13823.15, subd. (c).)

Existing law establishes the funding process for distributing grant awards to domestic violence shelter service providers. (Pen. Code, § 13823.15, subd. (f).)

Existing law establishes an appointed Domestic Violence Advisory Council comprised of experts in the provision of either direct or intervention services to victims of domestic violence and their children. (Pen. Code § 13823.16, subd. (a).)

Existing law includes in the council's membership: domestic-violence victims' advocates; battered-women service providers; at least one representative serving the lesbian, gay, bisexual, and transgender communities in connection with domestic violence; and representatives of women's organizations, law enforcement, and other groups involved with domestic violence. (Pen. Code § 13823.16, subd. (b).)

Existing law requires the council and Cal OES to collaborate closely in developing funding priorities, framing the request for proposals, and soliciting proposals for programs. (Pen. Code § 13823.16, subd. (c).)

This bill creates the California Domestic Violence Prevention Fund (DV Prevention Fund) in the State Treasury.

This bill provides that the money in the DV Prevention Fund be used, upon appropriation by the Legislature, to provide grants to nonprofit organizations, local education agencies, and local governments for the purpose of funding programs that incorporate evidence-based and promising practices to prevent domestic violence and sexual assault.

This bill provides that grants from the DV Prevention Fund shall be awarded by Cal OES according to criteria for funding that shall be established by the office in consultation with practitioners and experts in the field of domestic violence and sexual assault prevention to encourage new prevention efforts while enhancing, sustaining, and expanding existing programs for the purpose of ending domestic violence and sexual assault. Specifies that grants shall be three years in length and shall be for a minimum amount of \$250,000.

This bill as proposed to be amended makes the following Legislative findings and declarations:

- a) The problems of domestic violence and sexual assault are of serious and increasing magnitude and limited resources lead many areas of the state to be unserved or underserved;
- b) Factors that contribute to domestic violence and sexual assault include harmful norms around gender stereotypes, unequal power dynamics, poverty/diminished economic opportunities, and general aggressiveness and acceptance of violence;
- c) Factors that mitigate domestic violence and sexual assault and increase resilience include: tools for respectful and peaceful problem solving, and community support and connectedness;
- d) The intent of the Legislature to address domestic violence and sexual assault in California by funding innovative prevention strategies that incorporate cross-movement collaborations and community-informed approaches which integrate diverse cultural beliefs and practices to foster healthy family relationships and interactions; and
- e) The intent of the Legislature to address domestic violence and sexual assault in California by through the funding of the California Domestic Violence and Sexual Assault Prevention Fund.

This bill as proposed to be amended requires that grants made encourage the development and deployment of new prevention efforts while enhancing, sustaining, and expanding existing programs for the purpose of preventing domestic violence and sexual assault as linked and distinct issues of interpersonal violence.

This bill as proposed to be amended requires that all organizations receiving funds have a demonstrated work history in the issue of domestic violence or sexual assault, and knowledge of prevention principles. All organizations receiving funds are also required to have an established ability to respond safely and confidentially to domestic violence and sexual assault disclosures or requests for help from participants during prevention activities.

This bill as proposed to be amended requires that grants made support activities including:

- a) Providing trauma-informed prevention services including but not limited to planning and implementing prevention activities to anticipate and honor the presence of victims and survivors, and anticipate the possibility of those who have already perpetrated in the audience;
- b) Implementing primary prevention activities addressing root causes of violence that focus on the risk of, and protection from, perpetrating violence and not on the risk of victimization;
- c) Identifying risk and protective factors to develop prevention strategies and outreach activities;
- d) Implementing primary prevention strategies such as engaging bystanders, educating youth about healthy relationships, and changing social norms;
- e) Developing culturally and linguistically appropriate prevention programs for historically underserved communities;
- f) Working collaboratively with educational institutions to implement campus-based domestic violence and sexual assault prevention strategies for students, staff and faculty;
- g) Working collaboratively with other non-profits, school districts, for-profit organizations and other community based organizations to implement domestic violence and sexual assault prevention strategies for professionals;
- h) Engaging the community through the use of youth-led activities, such as bystander intervention projects, video projects, intergenerational talks with community elders, and community outreach.

This bill as proposed to be amended makes other technical changes.

COMMENTS

1. Need for This Bill

According to the author:

California has invested limited resources in prevention efforts that are critical to ending domestic violence and sexual assault. AB 1268 establishes the California Domestic Violence and Sexual Assault Prevention Fund for the purpose of supporting innovative prevention strategies that incorporate cross-movement collaborations and community-informed approaches which integrate diverse cultural beliefs and practices to foster healthy relationships and interactions. Factors that decrease domestic violence and sexual assault and increase resilience

include tools for respectful and peaceful problem solving, and community support and connectedness.

The Office of Emergency Services currently facilitates the Family Violence Prevention Program, with the purpose is to expand prevention in California and build the capacity of local family violence and/or domestic violence prevention efforts by funding local prevention staff to implement a prevention program and increase citizen involvement in their service area. The current Family Violence Prevention Program has received less than \$50,000 of investment from state of California. Even with federal contributions, these efforts are insufficiently funded. If California is serious about leading the charge to end domestic violence and sexual assault, we must ensure that agencies have the tools and resources they need to engage our diverse communities in effective prevention strategies.

On April 10, 2017, Karen Smith and Jonathan Martinez were tragically gunned down at North Park Elementary School in San Bernardino. Karen was a special education teacher and 10 year veteran of the San Bernardino Unified School District, and Jonathan Martinez was an 8 year old student in her class. As details emerged from this catastrophe, it became clear that this shooting was fueled by domestic violence. Unfortunately, this is just one example of a larger national tragedy. According to Everytown for Gun Safety, more than half of all shooting with more than 4 deaths, between 2009 and 2016, involved domestic violence.

Further, per the California Women's Health Survey, approximately 40% of California women experience physical intimate partner violence in their lifetimes; and 20% of women will be a victim of sexual assault.

2. Domestic Violence Advisory Council

The Cal OES website states that the mission of the Domestic Violence Advisory Council (DVAC) is to collaborate with the Cal OES “to ensure the safety and security of all Domestic Violence victims through the development of policies, procedures and priorities which promote effective and accessible services for victims.” (<http://www.caloes.ca.gov/for-governments-tribal/grants-funding/criminal-justice-emergency-management-victim-services-grant-programs/task-forces-committee-councils>.)

DVAC is composed of not more than 13 voting members and two non-voting members. Seven of the voting members are appointed by the Governor, three by the Speaker of the Assembly, and three by the Senate Rules Committee. The two non-voting members are members of the Legislature, one appointed by the Speaker of the Assembly and one appointed by the Senate Committee on Rules. At least half of the council membership must consist of victims' advocates or domestic violence service providers. Legislative intent expresses that membership on the council reflect the ethnic, racial, cultural, and geographic diversity of the state, including people with disabilities. (Pen. Code § 13823.16, subd. (b).)

3. North Park Elementary School Shooting

On April 10, 2017, a shooting occurred inside of a special needs classroom at North Park Elementary School in San Bernardino, California. The shooting was an apparent murder-suicide and act of domestic violence. Three people, the gunman, his estranged wife (who taught

at the school), and a student standing behind her died from their wounds. Another student was seriously injured and hospitalized.

An investigation determined that the shooter, Cedric Anderson, had a history of domestic violence accusation, none of which resulted in a conviction. (See <http://www.latimes.com/local/lanow/la-me-ln-san-bernardino-classroom-killings-20170411-story.html> [as of 6/20/17].) In 1997, Mr. Anderson's ex-wife of eleven years filed a petition for a domestic violence restraining order against him claiming that he had threatened to kill her, their three sons, and himself. Additionally, she claimed that Mr. Anderson threatened to kidnap their children. On a separate occasion she reported that Mr. Anderson assaulted her. In 2013, Mr. Anderson's former live-in girlfriend successfully petitioned a court for a three-year restraining order after claiming that he suffocated her with a pillow and threatened her with a butcher knife.

Mr. Anderson had been in a four-year relationship with Karen Smith, the teacher-victim in the North Park Elementary shooting. The couple was married from January to March 2017 before separating. In the month preceding the shooting, Mr. Anderson had apparently contacted Ms. Smith and tried to get her to return to him, as well as made threats toward her that were not taken seriously. However, Smith's family members reported that she began staying at their homes in order to hide from him. A man who claimed to have met Mr. Anderson a couple of weeks before the shooting reported that Mr. Anderson confided in him that Ms. Smith had accused him of choking her.

4. Comments

The author intends to offer the following amendments:

- Stating Legislative declarations and findings regarding domestic violence and sexual assault, and the Legislature's intent to address these through a newly created fund.
- Renaming the fund that the bill creates from the California Domestic Violence Prevention Fund to the California Domestic Violence and Sexual Assault Prevention Fund.
- Requiring that grants made encourage the development of new domestic violence and sexual assault prevention efforts while also enhancing and expanding existing programs.
- Requiring that all organizations receiving funds have a demonstrated work history in the issue of domestic violence or sexual assault, and knowledge of prevention principles.
- Requiring that grants made support a variety of activities, including providing trauma-informed prevention services, identifying risk and protective factors to develop prevention strategies and outreach activities, and developing culturally and linguistically appropriate prevention programs, among others.

5. Argument in Support

The California Coalition Against Sexual Assault, one of the bill's co-sponsors, writes:

[W]e are pleased to co-sponsor AB1268 (Reyes), which would improve and extend domestic violence and sexual assault prevention strategies in California. The legislation would also establish a fund to provide grant dollars to support prevention programs of local and state organizations, agencies and governments to continue to work on comprehensive prevention approaches to domestic and sexual violence.

In April 2017, Cedric Anderson went on the North Park Elementary School campus, and before killing himself he shot and killed his wife, Karen Elaine Smith, and a 8-year-old student, Jonathan Martinez, and injured another student. Anderson's record shows allegations of domestic violence that go back 30 years. This tragic incident has elevated the need for prevention efforts to end domestic and sexual violence once and for all. It also highlights the dire need to improve efforts to prevent these forms of violence by dedicated more resources and prioritizing prevention. Because some of the victims of this incident were children and the violence occurred on an elementary school, this tragedy underscores the needs to have more robust prevention efforts across the lifespan—from work with children, youth, young adults, and all adults. We believe that sexual violence and domestic violence is preventable, and we feel that what is needed is strategic programs and strategies that shift the social norms that excuse and silence gender-based violence....

The fund established in AB 1268 would provide important resources to strengthen efforts to use evidence-based practices to educate our communities about healthy relationships. When funded, it would also extend these prevention opportunities beyond direct services agencies, to other key stakeholders in working to promote healthy relationships and reduce gender-based violence. CALCASA is proud to co-sponsor and support AB 1268 because the legislation helps to meet the gaps in our prevention and education efforts to end domestic and sexual violence.

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