

California Victim Compensation and Government Claims Board
Open Meeting Minutes
November 20, 2014, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Marybel Batjer, Secretary, California Government Operations Agency, at 400 R Street, Sacramento, California, on Thursday, November 20, 2014, at 10:03 a.m. Also present was Board member Richard Chivaro, acting for and in the absence of John Chiang, Controller. Board member Michael Ramos, San Bernardino County District Attorney, was absent.

Board staff present included Executive Officer Julie Nauman and Chief Counsel Wayne Strumpfer. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Approval of Minutes of the October 16, 2014, Board Meeting

The Board approved the minutes of the October 16, 2014, Board meeting.

Item 2. Public Comment

The Board opened the meeting for public comment. No public comment was provided.

Item 3. Executive Officer Statement

California Victim Assistance Programs Celebrate 40 Years

On November 13, 2014, Executive Officer Nauman attended the 40th year anniversary of victim assistance programs in California. The event was held in Alameda County because it holds the distinction of being the first victim-witness assistance program in California. Ms. Nauman shared with the group different models of service delivery and CalVCPs Statute Modernization Project. Additionally, CalVCP was honored with being the recipient of a Pioneer Award for its leadership and continued cooperation with victim assistance centers in providing meaningful support for the recovery of victims of crime and their families.

Panel Discussion at the December 11, 2014, Board Meeting

Next month a panel discussion about trauma recovery service delivery models will take place during the Board meeting. The discussion will include representatives from family justice centers and the three trauma recovery centers that the CalVCP is currently funding--Special Service for Groups, a community based organization serving south Los Angeles; California State University, Long Beach, serving the city's poorest; and the University of California at San Francisco Trauma Recovery Center that serves crime victims at San Francisco General Hospital Emergency Department, a Level One Trauma Center.

Proposition 47 – The Safe Neighborhoods and Schools Act

The passage of Proposition 47 reclassifies select nonviolent and drug-related felonies as misdemeanors and redirects State resources to community mental health services and rehabilitation programs. Prop 47 also requires any State savings that result from the measure be spent to support truancy. It requires that the annual savings to the State from the measure, as estimated by the Governor's administration, be annually transferred from the General Fund into a new State fund, the Safe Neighborhoods and Schools Fund. Under the measure, CalVCP will receive 10 percent for victim services grants.

Item 4. Government Claims Program

Consent Agenda (Nos. 1-277)

Nicholas Wagner, Manager, Government Claims Program, stated that item numbers 56 (618771), 64 (619030), and 171 (620514) were removed.

The Board approved the staff recommendations for item numbers 1-277, as amended.

Item 5. Applications for Discharge From Accountability for Collection

Nicholas Wagner, Government Claims Program Manager, explained that there were 50 requests by state agencies (applicants) to discharge from accountability for collection of debt totaling \$456,831,375.26. Mr. Wagner stated that Government Claims Program staff requested the Board approve the requests pursuant to Government Code section 13940, et seq.

The Board may discharge a State agency from accountability for the collection of money owed to the State if the debt is uncollectible or the amount of the debt does not justify the cost of collection (Government Code section 13940). The agency files the application for discharge with the Office of the State Controller, which audits the application and, if appropriate, recommends to the Board that the applicant be discharged from further accountability for collection and be authorized to close its accounts.

In order for the Controller to make such a recommendation, it must determine that the matters contained in the application are correct; no credit exists against which the debt can be offset; collection is improbable; the cost of recovery does not justify the collection; and, for items that exceed the monetary jurisdiction of the small claims court, the Office of the Attorney General advised in writing that collection is not justified by the cost or is improbable (Government Code sections 13941 and 13942).

The State Controller's Office audited the applications and determined that they met the criteria for discharge. For all items exceeding the monetary jurisdiction of the small claims court, the Office of the Attorney General advised in writing that collection was not justified by the cost or is improbable.

According to the Office of the State Controller and, if applicable, the Office of the Attorney General, the applicants listed met the criteria for discharge from further accountability for collection and the criteria for authorization to close the accounts. The Office of the State Controller and the Office of the Attorney General recommend the Board approve the requests pursuant to Government Code section 13940, et seq.

The Board adopted the staff recommendation to approve the requests.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:12 a.m.

Revisions to Mental Health Guidelines and Forms

Robin Foemmel Bie, Victim Compensation Program Manager, explained that the Mental Health Section requested that the Board adopt the following five significant proposed revisions to the Mental Health Guidelines (Guidelines), Treatment Plan Form, and Additional Treatment Plan Form:

1. Amend the Guidelines to provide the same mental health session limits for Good Samaritans that are currently in effect for all qualified claimants.
2. Amend the Guidelines to increase the initial session limit for mental health counseling sessions for the surviving parent, sibling, child, spouse, fiancé, fiancée, or registered domestic partner of a victim who died as a result of the qualifying crime.
3. Amend the Guidelines, Treatment Plan, and Additional Treatment Plan to comply with industry standards set forth in the Diagnostic and Statistical Manual (DSM-5) published by the American Psychiatric Association.
4. Amend the Guidelines to allow any treating therapist three sessions within the session limit to assess the claimant's treatment need and to determine if treatment focus is directly attributable to the qualifying crime.

5. Amend the Guidelines to eliminate specific requirements that must be met for a minor derivative victim of a minor victim of sexual or severe physical abuse to qualify for additional sessions for their own benefit.

Chairperson asked Executive Officer Nauman to explain the costs involved for two of the proposed changes.

Executive Officer Nauman explained that proposed change Number 2, relating to increasing the initial session limit to 40 for mental health counseling sessions for the surviving parent, sibling, child, spouse, fiancé, fiancée, or registered domestic partner of a victim who died as a result of the qualifying crime, would be an estimated annual cost of \$32,000. Proposed change to Number 5, relating to removing the language requiring that the crime was perpetrated by someone residing with the victim and derivative victim and that the crime resulted in the removal of both minors from the home, would be an estimated cost of \$40,000 per fiscal year.

The Board adopted the proposed revisions to the Guidelines, Treatment Plan, and Additional Treatment Plan.

Closed Session

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer and Chief Counsel at 10:17 a.m. to deliberate on proposed decision numbers 1-100.

Open Session

The Board reconvened into Open Session pursuant to Government Code section 11126 (c)(3) at 10:26 a.m. The Board adopted the hearing officer's recommendations for proposed decision numbers 1-100, with the exception of number 2 (A13-4583613) which was removed and referred back to staff.

Adjournment

The Board meeting adjourned at 10:27 a.m.