

Date of Hearing: April 25, 2023
Consultant: Elizabeth Potter

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 762 (Wicks) – As Amended April 17, 2023

SUMMARY: Changes the purpose of the California Violence Intervention and Prevention Grant Program (CalVIP), as well as the eligibility requirements for the grant, and makes the program permanent. Specifically, **this bill:**

- 1) Changes the purpose of CalVIP from reducing violence in the form of homicides, shootings, and aggravated assaults to reducing community gun violence.
- 2) States that, for the purposes of CalVIP, “community gun violence” means intentional acts of interpersonal violence involving a firearm, generally committed in public areas by individuals who are not intimately related to the victim, and which result in physical injury, emotional harm, or death.
- 3) Expands CalVIP to counties that have one or more cities disproportionately impacted by community gun violence, and to tribal governments.
- 4) Revises CalVIP grant proposal requirements to include, but not limited, to the following:
 - a) A statement describing how the applicant proposes to use the grant to implement an evidence-based community gun violence reduction initiative, including how the applicant will identify, engage, and provide violence intervention services to individuals at right of perpetrating or being victimized by community gun in the near future; and
 - b) For city and county applicants, a statement demonstrating support for the proposed violence reduction initiative from one or more community-based organizations, or from a public agency or department other than a law enforcement agency that is primarily dedicated to community safety or violence prevention.
- 5) States that in awarding CalVIP grants, the board shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing the incidence of community gun violence, in the applicant’s community within the grant period, rather than reducing the incidence of homicides, shootings, and aggravated assaults generally.
- 6) Allows the Board of State and Community Corrections (BSCC) to award competitive grants in amounts not to exceed \$2,500,000 per applicant per year. The length of the grant cycle shall be at least three years.
- 7) Requires the BSCC to award at least two grants to cities or counties with populations of 200,000 or less.

- 8) Eliminates the requirement that grant recipients must commit a cash or in-kind contribution equivalent to the amount of the grant awarded.
- 9) Requires the BSCC, upon making CalVIP grant awards, to make at least 20% of approved grantee's total grant award available to the grantee at the start of the grant period or as soon as possible thereafter, in order to enable grantees to immediately utilize such funds to support violence reduction initiatives.
- 10) States that a city or county that receives a CalVIP grant shall distribute no less than 50 percent of the grant to one or more of any of the following types of entities, as specified.
- 11) Requires the BSCC to form an executive steering committee including, without limitation:
 - a) Persons who have been impacted by community gun violence;
 - b) Formerly incarcerated persons;
 - c) Subject matter experts in community gun violence prevention and intervention;
 - d) The director of the California Office of Gun Violence Prevention or the director's designee; and,
 - e) At least three persons with direct experience in implementing evidence-based community gun violence reduction initiatives, including initiatives that incorporate public health and community-based approaches focused on providing violence intervention services to the small segment of the population identified as high risk perpetrating or being victimized by community gun violence in the near future.
- 12) Allows the BSCC to reserve up to \$2,000,000 of the funds appropriated for CalVIP each year for the costs of administering and promoting the effectiveness of the program rather than the existing 5% allowed for administrative purposes. .
- 13) Allows the BSCC, with the advice and assistance of CalVIP executive steering committee, to reserve up to 5% of the funds appropriated for CalVIP each year for the purpose of supporting programs and activities designed to build and sustain capacity in the field of community gun violence intervention and prevention, and to support detailed community gun violence problem analyses that help service providers and other stakeholders inform and develop community gun violence reduction initiatives by identifying individuals in their community who are at high risk of perpetrating or being victimized by community gun violence in the near future and highest need for violence intervention services.
- 14) Provides that activities to build and sustain capacity in the field of community-based gun violence intervention and prevention may include, without limitation:
 - a) Contracting with or providing grants to organizations that provide training, certification, or continued professional development to community-based gun violence intervention and prevention professionals, including frontline professionals and technical assistance providers;

- b) Contracting with or providing grants to nonprofit intermediary organizations that foster the development and growth of community-based organizations dedicated to community gun violence intervention and prevention;
 - c) Providing mental health support and other supportive services to frontline community gun violence intervention professionals in order to recruit, retain, and sustain these professionals in their field; and,
 - d) Providing mental health services or financial assistance to family members of frontline community gun violence intervention professionals who are killed or violently injured in the performance of their work.
- 15) Changes the reporting requirements the Legislature from 90 days following the close of each grant cycle, to 120 days.
- 16) Requires evaluations of CalVIP-supported initiatives be made available to the public.
- 17) States that these provisions shall only apply to CalVIP grant applications and awards made after January 1, 2024, and shall not be construed to affect grant applications or awards made prior to this date.
- 18) Removes the sunset date of January 1, 2025 and allows the CalVIP to operate indefinitely.
- 19) Makes other technical and clarifying changes.

EXISTING LAW:

- 1) Establishes CalVIP, to be administered by the BSCC. (Pen. Code, § 14131, subd. (a).)
- 2) States that the purpose of CalVIP is to improve public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly group-member involved homicides, shootings, and aggravated assaults. (Pen. Code, § 14131, subd. (b).)
- 3) States that CalVIP grants shall be used to support, expand, and replicate evidence-based violence reduction initiatives, including, without limitation, hospital-based violence intervention programs, evidence-based street outreach programs, and focused-deterrence strategies, that seek to interrupt cycles of violence and retaliation in order to reduce the incidence of homicides, shootings, and aggravated assaults. (Pen. Code, § 14131, subd. (c).)
- 4) States that CalVIP grants shall be made on a competitive basis to cities that are disproportionately impacted by violence, and to community-based organizations that serve the residents of those cities. (Pen. Code, § 14131, subd. (d).)
- 5) States that for purposes of CalVIP, a city is disproportionately impacted by violence if any of the following are true:

- a) The city experienced 20 or more homicides per calendar year during two or more of the three calendar years immediately preceding the grant application;
 - b) The city experienced 10 or more homicides per calendar year and had a homicide rate that was at least 50% higher than the statewide homicide rate during two or more of the three calendar years immediately preceding the grant application; or,
 - c) An applicant otherwise demonstrates a unique and compelling need for additional resources to address the impact of homicides, shootings, and aggravated assaults in the applicant's community. (Pen. Code, § 14131, subd. (e)(1)-(3).)
- 6) States that an applicant for a CalVIP grant shall submit a proposal, in a form prescribed by the board, which shall include, but not be limited to, all of the following:
- a) Clearly defined and measurable objectives for the grant;
 - b) A statement describing how the applicant proposes to use the grant to implement an evidence-based violence reduction initiative;
 - c) A statement describing how the applicant proposes to use the grant to enhance coordination of existing violence prevention and intervention programs and minimize duplication of services; and,
 - d) Evidence indicating that the proposed violence reduction initiative would likely reduce the incidence of homicides, shootings, and aggravated assaults. (Pen. Code, § 14131, subd. (f)(1)-(4).)
- 7) States that in awarding CalVIP grants, the board shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing the incidence of homicides, shootings, and aggravated assaults in the applicant's community, without contributing to mass incarceration. (Pen. Code, § 14131, subd. (g).)
- 8) Requires the amount of funds awarded to an applicant to be commensurate with the scope of the applicant's proposal and the applicant's demonstrated need for additional resources to address violence in the applicant's community. (Pen. Code, § 14131, subd. (h).)
- 9) Requires grant recipients to commit a cash or in-kind contribution equivalent to the amount of the grant awarded. (Pen. Code, § 14131, subd. (i).)
- 10) Requires each city that receives a CalVIP grant to distribute no less than 50% of the grant funds to community-based organizations or public agencies or departments, other than law enforcement agencies or departments, that are primarily dedicated to community safety or violence prevention. (Pen. Code, § 14131, subd. (j)(1)(2).)
- 11) Requires the board to form a grant selection advisory committee including, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives, including initiatives that incorporate public health and community-based

approaches. (Pen. Code, § 14131, subd. (k).)

- 12) States that the board may use up to 5% of the funds appropriated for CalVIP each year for the costs of administering the program including, without limitation, the employment of personnel, providing technical assistance to grantees, and evaluation of violence reduction initiatives supported by CalVIP. (Pen. Code, § 14131, subd. (l).)
- 13) Requires grant recipients to report to the board, in a form and at intervals prescribed by the board, their progress in achieving the grant objectives. (Pen. Code, § 14131, subd. (m).)
- 14) Requires the board, by no later than 90 days following the close of each grant cycle, to prepare and submit a report to the Legislature regarding the impact of the violence prevention initiatives supported by CalVIP. (Pen. Code, § 14131, subd. (n).)
- 15) Requires the board to make evaluations of the grant program available to the public. (Pen. Code, § 14131, subd. (o).)
- 16) Sunsets the CalVIP Grant program on January 1, 2025. (Pen. Code, § 14132.)

EXISTING FEDERAL LAW:

- 1) Allows the Attorney General of the United States to award grants to entities to provide personnel, training, technical assistance, advocacy, intervention, risk reduction (including using evidence-based indicators to assess the risk of domestic and dating violence homicide) and prevention of domestic violence. (34 U.S.C. § 20122.)
- 2) Allows the Attorney General of the United States, through the Director of the Violence Against Women Office, to make grants to community-based programs for the purpose of enhancing culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking. (34 U.S. Code § 20124.)
- 3) Allows the Attorney General of the United States to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses. (34 U.S. Code § 20125.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Back in 2019, myself along with my colleague Asm. Petrie-Norris, authored and passed AB 1603, formerly known as the Break the Cycle of Violence Act, which codified and significantly reformed the then-new CalVIP grant program. Within that measure however, a sunset date of January 1, 2025 was established. To foster program stability, longer-term strategic planning, and renew the state's commitment to violence intervention professionals' lifesaving work, we must renew the Break the Cycle of Violence Act and write the CalVIP program more permanently into the

public safety infrastructure of our state.

“AB 762 will indefinitely extend the provisions already established within the Break the Cycle of Violence Act. In addition, AB 762 will make various technical changes to the authorizing statute to clarify definitions for grant administrators and applicants, authorize tribal governments and counties to apply for grants, and incorporate some vetted best practices that will help address some of the barriers to access for new programs.”

- 2) **California Violence Intervention and Prevention (CalVIP) Grant Program:** The CalVIP grant program was established in 2017 and replaced the California Gang Reduction Intervention and Prevention grant program. According to the BSCC website “In October 2019 Governor Newsom signed the Break the Cycle of Violence Act (AB 1603). AB 1603 codified the establishment of CalVIP and defined its purpose: to improve public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly group-member involved homicides, shootings, and aggravated assaults. The Break the Cycle of Violence act specifies that CalVIP grants shall be used to support, expand and replicate evidence-based violence reduction initiatives, including but not limited to:

- Hospital-based violence intervention programs,
- Evidence-based street outreach programs, and
- Focused deterrence strategies.

“These initiatives should seek to interrupt cycles of violence and retaliation in order to reduce the incidence of homicides, shootings, and aggravated assaults and shall be primarily focused on providing violence intervention services to the small segment of the population that is identified as having the highest risk of perpetrating or being victimized by violence in the near future.” (https://www.bscc.ca.gov/s_cpgpcalvipgrant/ [as of March 28, 2023])

This bill would change the purpose of the CalVIP. Rather than focusing on various forms of violence, including shootings but also assaults and homicides in general, this bill would limit the purpose of CalVIP to community gun violence. This bill would define community gun violence as intentional acts of interpersonal violence involving a firearm, generally committed in public areas by individuals who are not intimately related to the victim, and which result in physical injury, emotional harm, or death.

- 3) **Requirements for Grant Applicants:** The CalVIP grant program is meant to be used by cities that disproportionately suffer from violence. The CalVIP eligibility lists the requirements for eligibility on their website as follows:

“Eligible grant activities - CalVIP grants must be used to support, expand, and replicate evidence-based violence reduction initiatives that seek to interrupt cycles of violence. Strategies eligible for funding could include but are not limited to: hospital-based violence intervention programs, evidence-based street outreach programs, and focused deterrence strategies.

“Target population - Initiatives funded by CalVIP must be primarily focused on providing violence intervention services to the small segment of the population that is identified as having the highest risk of perpetrating or being victimized by violence in the near future.

“Match requirement - All applicants must provide a 100% match to state funds awarded (cash or in-kind).

“Pass-through requirement for cities - City applicants must agree to distribute at least 50% of the grant funds it receives to one or more of the following: a) CBOs or b) public agencies (other than the lead applicant agency) that are primarily dedicated to community safety or violence prevention.

“Reporting requirements - CalVIP grantees will be required to submit quarterly progress reports, a Local Evaluation Plan (6 months post-award) and a Final Local Evaluation Report.” (<https://www.grants.ca.gov/grants/california-violence-intervention-and-prevention-calvip-grant-program-2/> [as of March 30, 2023]).

The current requirements for a community based organization (CBO’s) to receive a CalVIP grant include, but not limited to: awarding grants to high risk areas; be used to support, expand, and replicate evidence-based violence reduction initiatives that seek to interrupt cycles of violence; and have matching funding.

This bill would make comprehensive changes to CalVIP, including, but not limited to, who can apply, including cities and counties with tribal governments, how much the applicant/grantee can receive, the immediate distribution of grant monies, eliminating matching funds, and making the program permanent.

- 4) **Argument in Support:** According to *Urban Peace Institute*, “Because of CalVIP, hundreds of violence intervention professionals across the state have been able to provide targeted services to protect and heal thousands of people at highest risk of community gun violence. From 2019-2022, the CalVIP program has invested over \$250 million in community violence reduction initiatives to promote individuals’ safety, help them recover from trauma and exposure to violence, and help deter retaliatory shootings. The vast majority of these investments were just awarded in two rounds of grant awards made in July and October 2022.

“However, without further action, the Break the Cycle of Violence Act will expire at the end of 2024. To foster program stability, longer-term strategic planning, and renew the state’s commitment to violence intervention professionals’ lifesaving work, we thank you for introducing this bill to renew the Break the Cycle of Violence Act and write the CalVIP program more permanently into the public safety infrastructure of our state.

“Just a short time ago, when the Break the Cycle of Violence Act was enacted in 2019, California had provided stunningly little state investment or support *ever* for coordinated, community-based efforts to interrupt cycles of community gun violence. Other states and the federal government had also often similarly ignored this vital work, too often overlooking or tolerating astronomical rates of gun violence and massive racial and economic disparities in violent victimization and access to safety, particularly for young men and boys of color.

...

“In the years since passage of the Break the Cycle of Violence Act, grantees and other stakeholders have also continued to build a record of best practices and identified some barriers to access and success. Accordingly, we have developed priorities for relatively technical but vital changes to the CalVIP grant program’s authorizing language to provide more definitions guidance for grant administrators and applicants, support broader investments for programs that train, certify, and support the field of violence prevention workers, and especially, to minimize administrative burdens and barriers to entry for gun violence intervention initiatives who lack significant financial resources to meet, for instance, the current 100% funding match requirement and all the accounting burdens that come with it for grantees and the state. We believe this Act would help effectively address these priorities, ensure more cities and organizations doing effective violence prevention work can focus on and expand that work, and build on the CalVIP program’s important successes to date.”

5) **Related Legislation:** AB 912 (Jones-Sawyer), would reinvest cost savings from Department of Corrections and Rehabilitation (CDCR) prison closures by funding early violence intervention programs, school-based physical and mental health services, and youth recreational activities.

6) **Prior Legislation:**

- a) AB 1603 (Wicks), Chapter 735, Statutes of 2019, codified the establishment of the CalVIP and the authority and duties of the BSCC in administering the program, including the selection criteria for grants and reporting requirements to the Legislature. .
- b) AB 18 (Levine), of the 2019-2020 Legislative Session, would have codified the CalVIP grant program and additionally imposed a firearm excise tax in the amount of \$25 on the purchase of a new firearm. AB 18 was held on the Assembly Committee on Appropriations suspense file.
- c) AB 656 (Eduardo Garcia), of the 2019-2020 Legislative Session, would have appropriated \$6,000,000 from the General Fund in order to establish the Office of Healthy and Safe Communities under the direction of the California Surgeon General and the Governor, which would have provided a comprehensive violence prevention strategy. AB 656 was held on the Senate Committee on Appropriations suspense file.
- d) SB 934 (Allen), of the 2017-2018 Legislative Session, would have codified the CalVIP grant program. SB 934 died in the Senate Appropriations Committee.
- e) AB 97 (Committee on Budget?), Chapter 14, Statutes of 2017, among other things, provided more than \$9,000,000 to the BSCC for the purpose of administering CalVIP grants to cities and community-based organizations for violence intervention and prevention activities.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda Health System
Brady Campaign
California Partnership for Safe Communities
California Public Defenders Association (CPDA)
Californians for Safety and Justice (CSJ)
City of Oakland - Department of Violence Prevention
Equal Justice USA
Everytown for Gun Safety Action Fund
Giffords
Johns Hopkins Center for Gun Violence Solutions
Juma Ventures
Los Angeles County Hospital-based Violence Intervention Consortium
March for Our Lives Action Fund
Moms Demand Action for Gun Sense in America
Movement 4 Life
Prosecutors Alliance California
Shaphat Outreach
Soledad Enrichment Action, INC.
Southern California Crossroads
Students Demand Action for Gun Sense in America
The Health Alliance for Violence Intervention
Toberman Neighborhood Center
Urban Peace Institute
Youth Alive!

Opposition

None

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