



# CALIFORNIA STATE AUDITOR

Elaine M. Howle, State Auditor

## FACT SHEET

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The California State Auditor released the following report today:

### Probationers' Domestic Violence Payments

*Improved Processes for Managing and Distributing These Payments Could Increase Support for Local Shelters*

#### BACKGROUND

Local domestic violence shelters (local shelters) provide assistance to victims of domestic violence by offering undisclosed and secure locations for emergency housing and food, telephone hotlines for crisis calls, and other programs. These shelters are funded in part by payments made by individuals convicted of crimes of domestic violence and sentenced to probation (probationers). These probationers make a payment as one of many terms and conditions of their probation. After collection, each county is required to deposit a significant portion of the payments into a local domestic violence special fund (special fund) dedicated to supporting local shelters. The other portion of the payments is split evenly between two state accounts for domestic violence activities.

#### KEY FINDINGS

Our audit of payments collected from probationers to support domestic violence programs in four counties—Los Angeles, Sacramento, San Diego, and Santa Clara—revealed the following:

- The collection and allocation of payments by probationers varies across the four counties we visited.
  - ✓ Based on our review of the 135 domestic violence cases for a four-year period, nearly 68 percent of the initial assessments were not collected—collections in Los Angeles County averaged 57 percent of the amount assessed, while collections in San Diego County averaged only 12 percent.
  - ✓ All four counties had a large number of cases where no payments had been made—of the 32 cases we reviewed in San Diego County, no payment was collected for 24 cases.
  - ✓ Some specific practices at the San Diego County Superior Court likely contributed to its low collection rate. This court does not clearly identify the amount of each fine and fee it orders and, for certain cases we reviewed, judges often reduced the amounts assessed for a reason other than inability to pay.
  - ✓ Courts differ in their interpretations of whether the payments are fines or fees, which influences the circumstances under which the courts can waive or reduce the payments.
  - ✓ Counties may offset their collections with other costs, such as administrative costs, and thus reduce the amount available for local shelters.
  - ✓ County and court collections entities inconsistently allocated certain payments and they differ in pursuing collections after probation expires—of the six collections entities we reviewed, two believe that the expiration of probation limits collections efforts while the other four do not.
- Some counties have shortchanged their local shelters by failing to disburse funds—Sacramento County maintained an excessive level of reserve funding in its special fund when compared to disbursements, while Santa Clara County did not comply with state law when distributing its special funds, resulting in a balance that grew to \$715,000. Moreover, rather than providing money to local shelters for their unrestricted use, it funded an advocate for domestic violence victims.
- Counties and courts inaccurately distributed the funds and some overpaid the State, thus providing less to local shelters.

#### KEY RECOMMENDATIONS

To ensure consistent assessment, collection, and allocation of domestic violence payments, we made several recommendations to the Legislature including that it consider clarifying whether domestic violence payments are a fine or a fee; how counties should calculate allowable administrative costs; and how collections entities should allocate payments. We also made other recommendations including that counties and courts correct errors and prevent incorrect distributions from reoccurring, and that counties periodically monitor their special funds. Further, we recommend that Santa Clara County implement a process to distribute funds regularly to local shelters, and that the San Diego Court ensure procedures are in place to prevent reducing or waiving domestic violence payments for reasons other than inability to pay.

