

Forced or Involuntary Sterilization Compensation Program

Annual Report to The Legislature
March 2023

Prepared by:
California Victim Compensation Board



Program Information and Background

The Forced or Involuntary Sterilization Compensation Program (FISCP) was established by AB 137 (Chapter 77, Statutes of 2021), to be administered by the California Victim Compensation Board (CalVCB). FISCP compensates survivors of state-sponsored sterilization. Eligible individuals include those who were sterilized while at, or living in, state-run hospitals, homes, and institutions from 1909 through 1979 or in California state prisons or other correctional facilities while in custody of the Department of Corrections and Rehabilitation (CDCR) after 1979. CalVCB began accepting applications for compensation on January 1, 2022, and will continue to accept them through December 31, 2023. AB 137 also requires CalVCB to annually submit a report to the Legislature, including information about applications received, the demographics of claimants and outreach activities.

Current Application Numbers

Applications Received

The chart below depicts the current number of applications received by the Forced or Involuntary Sterilization Compensation Program as of December 31, 2022. The total compensation paid represents the initial payments made to qualified claimants. A final payment will be made to all qualified claimants once the application period is closed.

Total Applications Received	320
Approved	51
Denied	103
Closed*	3
Pending Program Processing	163

*Statute dictates that incomplete applications are to be closed if we are unable to obtain necessary information to process within 60 days. A closed application does not preclude the claimant from reapplying.

Total Approved Applications	51
Department of Corrections and Rehabilitation	48
Department of Developmental Services	3
Department of State Hospitals	0
Total Compensation Paid	\$765,000

Total Denied Applications**	103
No records within CDCR/DDS/DSH/State Archives that the applicant was ever at a state-run facility.	24
Facility records indicate a procedure took place, but the records state that it did not cause sterilization.	44
Facility records indicate applicant was a resident, however no medical records could be located indicating that a sterilization took place.	32
Facility records indicate applicant's sterilization was performed with demonstrated informed consent.	3

Total Appeals Received	27
Under Review	3
Final Decision Upheld	23
Appeal Decision – Determined to be an Eligible Claimant	1

Approved Applications with Sterilization Agency and Facility:	51
California Department of Corrections and Rehabilitation	
Central California Women's Facility	15
Valley State Prison for Women	30
California Institution for Women	3
Department of Developmental Services	
Sonoma Developmental Center (Sonoma State Hospital or Home)	3
Department of State Hospitals	0

Application Processing

How Applications are Reviewed

Applications for the FISC program are available for download on the CalVCB website. Once completed, they can be submitted via U.S. mail, email or fax. Applicants who need an application mailed to them can request one by calling CalVCB for assistance.

Once CalVCB receives an application, FISC staff reviews all documentation that is submitted. Based on the state agency identified on the application, staff send appropriate requests for any medical records in the time-period indicated. All applicants receive an acknowledgement that the program has received their application. If the application is incomplete, the

acknowledgement letter advises them of the necessary information required to proceed with the application process and how to submit it.

A few examples of the types of 'incomplete' applications received include applications missing an address, date of birth, social security number, or signature.

Once FISCIP staff have a complete application and have received the requested medical documentation, a thorough review is conducted to determine if each of the criteria in the law has been met for the applicant to be eligible for compensation. Staff utilizes Health & Safety Code section 24210 (3)(B) to define the requirements of a qualified recipient of sterilization.

When necessary, staff consults with CalVCB's legal division for further guidance in applying statute.

Once a determination is made, staff make a recommendation to CalVCB's Executive Officer or Chief Deputy Executive Officer on whether to approve or deny the application. The executive reviews the recommendation and makes a final decision.

Application Timelines

After receiving an application, CalVCB has 30 days to notify the applicant if the application is incomplete, and if so, what is missing. The applicant has 60 days to respond with additional information. If an application is denied, the applicant has 30 days to request an appeal. A decision on the appeal must be made within 30 days of the request. In addition, applicants can reapply, at any time until the end of the program, even after being denied.

CalVCB is required to issue a check to an eligible claimant within 60 days of approving the claimant's application. The initial payment for each claimant is \$15,000. A second and final payment will be issued to all eligible claimants by March 30, 2024, equally dividing the remaining available funds.

Challenges and Constraints

The greatest challenge in administering this program is reaching survivors to make them aware of the program. The survivors of sterilizations in the eugenics era are elderly, could be living anywhere and, due to their age, are probably not consuming much media, if any at all. Likewise, prison inmates are mostly cut off from outside media, and former prisoners are tough to track down, as many are no longer at their last address known by CDCR.

Another challenge is locating records to support the claim. The agencies with medical records – CDCR, the Department of State Hospitals (DSH) and the Department of Developmental Services (DDS) – have worked closely with CalVCB. They search their records in a timely manner to ensure CalVCB can meet the statutory requirements for processing applications.

However, records only cover certain time periods, as medical records are only retained by state agencies for a limited time. CDCR typically keeps records for 10 years after discharge or

release of the individual, whereas the retention period for State Hospitals varies for each facility. Sometimes records for applications cannot be found.

Staff reviews every application with due diligence, working to verify all claims with records. Some applicants, however, make claims that are not supported by fact or science, such as they were sterilized by something they drank or ate or by taking medications or getting injections.

Claimant Demographics

As part of the application process, applicants are asked to voluntarily answer basic demographic questions. Of the 320 applications submitted, the following demographic information was provided.

Ethnicity

Hispanic, Latino or Spanish origin	82
Not Hispanic, Latino or Spanish origin	111

Race

American Indian or Alaska Native	18
Asian	2
Black or African American	105
Filipino	2
Vietnamese	1
White	72
Other	21

Disability

Yes	110
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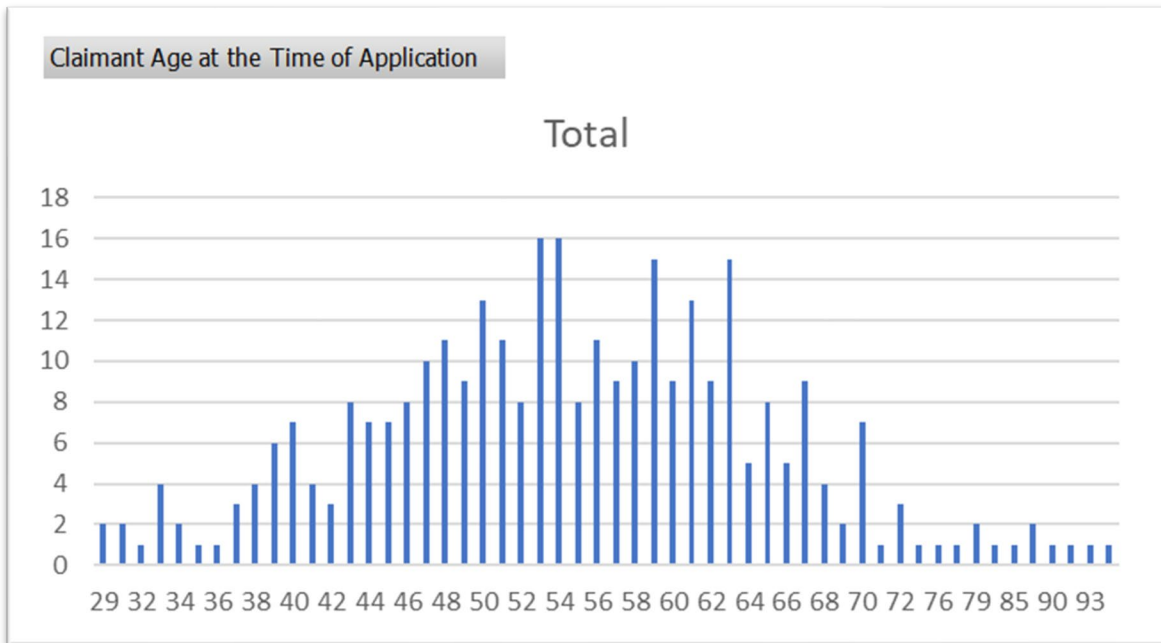
Gender Identity

Female	104
Male	168
Transgender	14
Other	3

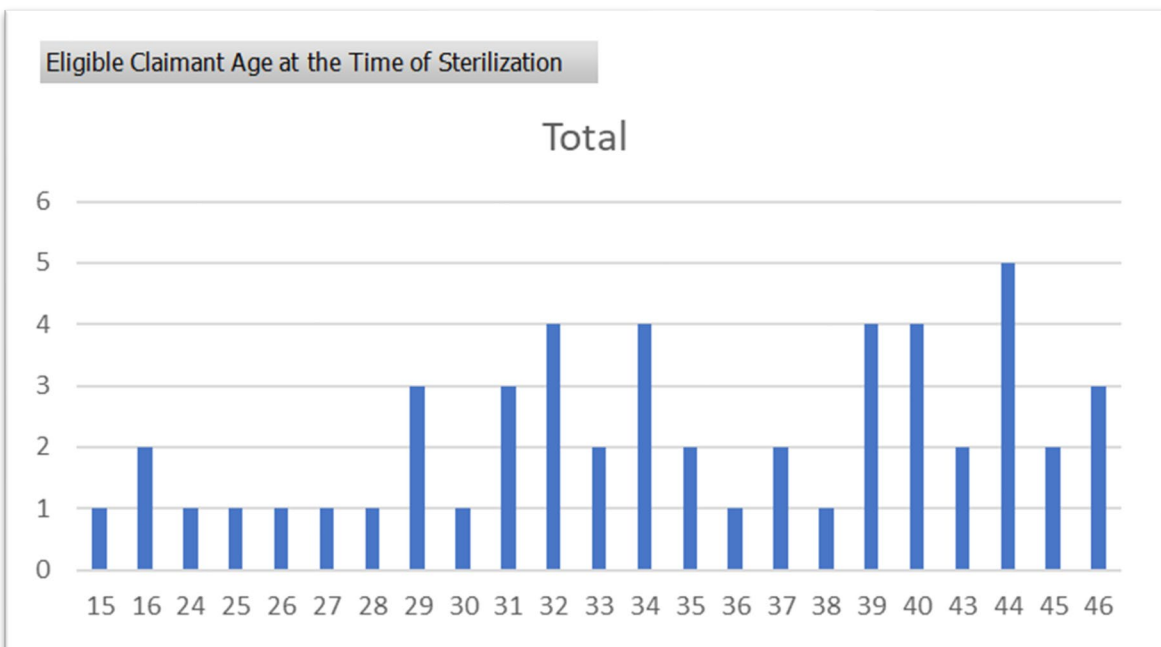
Sexual Orientation

Bisexual	21
Gay or Lesbian	16
Straight	241
Other	7

Claimant Age at the Time of Application



Eligible Claimant Age at the Time of Sterilization, as verified by the Board



Outreach Methods

Initial Outreach Activities

From the beginning of the program, CalVCB has worked to reach forced sterilization survivors to make them aware of the compensation available and how to apply. This is no small task, given the huge barriers that exist to contacting this select group of people. When the legislation was introduced, experts estimated that there were approximately 350 surviving individuals sterilized under eugenics laws and 250 survivors of prison forced sterilization.

In two other states with similar reparations programs, about one-quarter of the estimated eligible survivors applied for compensation. CalVCB's goal is to reach all living survivors and get them to apply. However, the state does not have a complete database or list of sterilization survivors with their current contact information, meaning CalVCB does not have the information needed to directly contact them. (CDCR was able to identify some survivors that were contacted by letter. See below.)

Sterilizations under eugenics laws occurred from 1909-1979, and those without consent in prison occurred after 1979. Reaching each of these two groups requires different tactics and strategies.

At the center of the public information campaign is CalVCB's program web page (<https://victims.ca.gov/fiscp/>) with all the information about the program and how to apply, including application forms, the list of requirements, fact sheets, FAQs, a toll-free phone number to call for assistance and posters and other outreach materials.

CalVCB has used the following methods to conduct outreach to potential claimants:

- Sent electronic copies of applications, associated forms and frequently asked questions to all 35 state correctional facilities, which they printed and made available to potential applicants in their facilities.
- Sent a total of 982 posters in English and Spanish to prisons according to the needs identified by each facility to be posted in common areas and housing units.
- Sent posters in English and Spanish to 1,000 skilled nursing facilities and 500 libraries statewide.
- Worked with forced sterilization experts and advocates to encourage applications for possible claimants they are aware of.
- Sent email blasts to people and groups working with forced sterilization survivors.
- Worked to build awareness through the media, social media, internet and electronic communications.
- Distributed information to agencies and community-based organizations that may have contact with sterilization survivors, such as the California Foundation for Independent Living Centers and Meals on Wheels.

Marketing Vendor

In May 2022, CalVCB contracted with a marketing firm, JP Marketing, to amplify the outreach efforts. The marketing services provided by the firm include:

- Conducting research, including interviewing forced sterilization experts, advocates and stakeholders, to determine the best ways to reach survivors.
- Developing a strategic plan for reaching survivors and people who have contact with them.
- Analyzing media costs to determine the most cost-effective approach to advertise and reach the most people
- Developing print, radio, TV and internet ads.
- Placing ads on social media platforms beginning in October 2022 to target people who have contact with survivors, such as social workers, skilled nursing workers and relatives.
- Placing radio and TV ads in the Bay Area, Sacramento Area, and Los Angeles Area to run from January 2023 through October 2023 to reach survivors directly.
- Evaluating the effectiveness of ads and campaign strategy, and whether they need to be changed to improve outcomes.

Legislation establishing FISCOP provided \$2 million to CalVCB for administration and outreach for the program, of which \$300,000 has been budgeted for outreach. The timing of ad buys was designed to get the most ads and best reach out of limited funds.

Identified Sterilization Survivors

CDCR identified 535 individuals who received sterilization procedures while in CDCR custody. Of those individuals, 14 had submitted applications to FISCOP and 43 had no available address. On September 30, 2022, CalVCB sent notification letters to the 478 individuals identified who had addresses and had not yet applied for compensation. The letters, sent in English and Spanish, included lists of county mental health hotlines and additional resources for legal assistance and prisoner advocates, as recommended by stakeholders.

Total Identified Individuals	535
Total Disclosures Communicated	478
Outside of CDCR Custody	422
Within CDCR Custody	56
Address Not Available	43
Already Submitted a Program Application	14

Of the These Identified Individuals	
Submitted a Program Application	43
Requested Application that is Pending Submission	10
Have Not Filed or Requested an Application	482

Memorial Markers

AB 137 requires CDCR, DDS and DSH, in consultation with stakeholders, to establish markers or plaques at designated sites that acknowledge the wrongful sterilization of thousands of vulnerable people. The departments have met with stakeholders and surveyed survivors and advocates to receive input on the design and placement of the markers. The departments will move forward with the procurement and installation of the markers in 2023. The 2021 Budget appropriated \$1 million to CalVCB to reimburse the departments for the costs of establishing the markers.

Next Steps

CalVCB will continue to work with agencies, stakeholders, advocates and the marketing vendor to further increase awareness of the program. Additionally, CalVCB continues to explore additional considerations and is committed to ongoing collaboration with the Administration to identify and implement any viable options that will allow for more victims to be compensated.

Staff will do everything possible to ensure anyone who is eligible knows that they can apply and be compensated.

CalVCB will continue to work to locate medical records, with the assistance of CDCR, DDS and DSH, to verify the applications that are submitted.

Any application received by December 31, 2023, will be considered for compensation.