

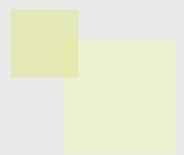
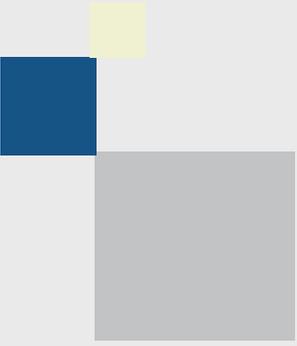


VCGCB

# Annual Report



FISCAL YEAR  
2011 - 2012





**Edmund G. Brown Jr.**  
Governor of California

## Board Members

### California Victim Compensation and Government Claims Board



**Anna M. Caballero**  
**State and Consumer Services Agency and Board Chair, Secretary**

Anna M. Caballero serves Governor Jerry Brown as a cabinet member and as Secretary of the State and Consumer Services Agency. Her mission as Secretary mirrors her 30 year career fighting for working families, children and crime victims; driving to create good paying jobs; and advocating for fair and affordable housing. Caballero's responsibility as Secretary includes the oversight of departments charged with civil rights enforcement, consumer protection, and licensure for 2.4 million working professionals.



**John Chiang**  
**State Controller and Board Member**

State Controller John Chiang serves as a member of the Board. Mr. Chiang was elected in November 2006 to serve as California's Chief Financial Officer. As State Controller, he also presides over the Franchise Tax Board and is a member of the California Public Employees' Retirement System (CalPERS) Board and the California State Teachers' Retirement System (CalSTRS) Board.



**Michael A. Ramos**  
**San Bernardino County District Attorney and Board Member**

Mr. Ramos was appointed to the Board on January 23, 2004, by Governor Arnold Schwarzenegger. Mr. Ramos was elected San Bernardino County District Attorney in 2002 and re-elected in 2006. Previously, he served as a deputy district attorney in San Bernardino County for 13 years, four of which were in the Major Crimes Unit.



**Julie Nauman**  
**VCGCB Executive Officer**

Julie Nauman was appointed to the position of Executive Officer on July 1, 2008. She previously served as the Chief Deputy Director of the Integrated Waste Management Board as well as for the California Department of Housing and Community Development. Ms. Nauman began her career as a consultant to the Assembly Committee on Local Government before spending eight years in the private-sector as a land-use consultant.

# Strategic Plan 2008-2012

**A**s part of its ongoing effort to improve services to crime victims, stakeholders and the public, the VCGCB has continued efforts to complete action strategies set forth in the current Strategic Plan. The plan not only provides strategic direction, but its goals serve as measurable benchmarks for further improving business programs, processes and outcomes.

## **Our Vision**

Provide outstanding service and care to those we serve and be recognized as model of efficient and effective government in California and the nation.

## **Our Mission**

To assure the rights of California victims of crime by providing responsive financial compensation through a stable Restitution Fund, and afford those with claims against the State, an opportunity to resolve those claims or proceed with other remedies in an efficient and effective manner.

# VCGCB Overview

The Victim Compensation and Government Claims Board (VCGCB) is a three-member Board that oversees California's Victim Compensation Program (CalVCP) to assist victims of violent crimes and the Government Claims Program (GCP) which handles claims filed against the State. The Board members set policy for the organization's programs, settles disputes and makes decisions that come before the Board. The Secretary of the State and Consumer Services Agency serves as the Board's chair. The State Controller and a public member appointed by the Governor also serve on the Board. For the 2010-2011 fiscal year, the Board members consisted of:

- Anna M. Caballero, Secretary, State and Consumer Services Agency and Board Chairperson
- John Chiang, State Controller
- Michael Ramos, District Attorney, San Bernardino County

## California Victim Compensation Program (CalVCP)

Established in 1965, CalVCP is dedicated to helping victims of violent crimes and those threatened with injury, by providing financial compensation to cover the costs of crime related expenses, including medical and dental care, income loss, mental health counseling, rehabilitation, relocation, and funeral costs. Among the crimes covered are domestic violence, child abuse, sexual and physical assault, human trafficking, homicide, robbery, drunk driving and vehicular manslaughter. If a person meets the eligibility requirements, the program will compensate many types of services when the costs are not covered by other sources. Funding for the program comes from restitution fines and orders, penalty assessments levied on persons convicted of crimes and traffic offenses as well as federal matching grant funds –not taxpayer supported dollars.

## Restitution Recovery Program

The VCGCB's Restitution Recovery Program focuses on collecting restitution payments and reimbursements. Through innovative efforts, program staff has created partnerships that increase the likelihood of restitution collection. Practices have been established that result in efficient revenue recovery when other sources are available to the victim to cover crime-related losses. One key practice is to work with district attorneys, probation officers and courts to ensure restitution is ordered in all applicable cases. The VCGCB also funds positions in the California Department of Corrections and Rehabilitation to collect on restitution orders and works closely with the Franchise Tax Board through its court-ordered debt program. Through these methods, the VCGCB receives an average of more than \$5 million each month in restitution payments.

## Government Claims Program

Established in 1911, the Government Claims Program (GCP) provides individuals and businesses an administrative opportunity to resolve contract and tort claims for money or damages against California State agencies and employees.

Anyone who believes the State has caused them harm must first present a claim to the Board prior to commencing litigation against the State. The GCP is the first stop for a person who is considering suing the State.

Typical claims involve State vehicle accidents, contract disputes and damage to property. When a claim is received, the program staff investigates and makes a recommendation to the Board regarding the disposition of the claim. The Board either rejects the claim or orders the responsible State agency to pay the claim. In 2004, the program became self-funded, supported by a \$25 filing fee and a surcharge paid by State agencies on approved claims.

# VCGCB Organization



# Additional Board Functions

## Bid Protests

California law provides that an unsuccessful bidder may protest the award of a State contract if the bidder believes they were the low bidder meeting specifications or should have been selected based on the criteria in the bid request document. Bid protests are filed with the Department of General Services (DGS), which forwards them to the Victim Compensation and Government Claims Board (VCGCB). Protests are assigned to a hearing officer, who prepares a proposed recommendation for consideration by the Board.

## California State Employees Charitable Campaign

The Board assists with the administration of the California State Employees' Charitable Campaign (CSECC). This campaign provides a single, coordinated fund-raising drive that allows State employees to direct regular contributions from their paychecks to any of the thousands of participating charitable organizations. In 2011, State employees donated more than \$6.9 million to approved CSECC charities.

Each year, the Board certifies the eligibility of charities and selects organizations to manage the campaign in various regions throughout the State. All applicants must certify their exempt status under California Revenue and Taxation Code section 23701(d) and United States Internal Revenue Code section 501(c)(3). Furthermore, they must also certify compliance with the California Fair Employment and Housing Act, Part 2.8 (commencing with Section 12900).

## Claims of Erroneously Convicted Felons

Under California Penal Code section 4900, a person erroneously convicted of a felony and incarcerated in a California State prison may file a claim against the State for pecuniary loss with the Board. The claim needs to be filed within six months from the date he or she was acquitted, pardoned, or released from State prison.

The person filing the claim must prove the following three elements by a preponderance of the evidence: (1) he or she did not commit the crime or that the crime never took place; (2) he or she did not intentionally or negligently contribute to his or her arrest or conviction; and (3) he or she suffered a monetary loss because of the incarceration. If the claim is granted, the Board will make a recommendation for a legislative appropriation in the amount of \$100 for each day of incarceration served after conviction. Payments are made from the State General Fund.

## Victim Compensation Program (CalVCP)

Established in 1965, California's Victim Compensation Program (CalVCP) was the first program in the nation, solely dedicated to providing compensation to victims who suffer physical injury or the threat of physical injury as a direct result of a violent crime. Survivors of crime victims who have died, persons who are legally dependent upon the victim for financial support and certain members of an eligible victim's family may also qualify for financial assistance. A claimant may be eligible for assistance if he or she meets defined statutory criteria, including filing within the specified time limit, no involvement in the crime as well as cooperation with law enforcement.

Crimes covered by the program include domestic violence, child abuse, assault, sexual assault, molestation, homicide, human trafficking, robbery, drunk driving, vehicular manslaughter and other violent crimes that result in physical injury or death.

CalVCP assists eligible victims with several crime-related costs including medical and dental treatment, mental health services, funeral and burial expenses, home security, residential crime scene cleanup and emergency relocation. Victims can also apply for an emergency award in certain situations where hardship and the immediate need for

payment are substantiated. Emergency awards are most often obtained to cover relocation costs or funeral/burial expenses. Additionally, the program can assist with wage loss, dependent support loss, job retraining and home or vehicle modifications if a person is disabled as a result of the crime.

The program does not cover any expenses not related to the crime, any expenses paid by insurance or other sources of reimbursement, damages for pain and suffering or expenses for lost, stolen, or damaged property, except medically necessary items.

Minors who suffer emotional injuries from witnessing a violent crime may be eligible for mental health counseling. A minor witness may be eligible for assistance even if he or she is unrelated to the crime victim. To qualify, the minor witness must have been in close proximity to the crime.

CalVCP may be able to provide assistance for costs that are not reimbursable if the crime occurs in the State of California or involves a Californian who is out of state or out of the country when the crime occurs. Other states' compensation programs are considered a reimbursement source, and therefore victims who have incurred expenses due to a crime outside of California should file an application with that state first.

## Restitution Recovery Program (RRP)

California's Restitution Fund is a key source for compensation paid to victims of violent crime. The Fund receives the majority of its revenue from restitution fines, diversion fees, restitution orders and penalties paid by criminal offenders. Along with these sources, CalVCP also receives federal grant monies from the Victims of Crime Act (VOCA). The VOCA grant monies are also collected from restitution fines and orders paid by offenders convicted of federal crimes.

To ensure the viability of the Restitution Fund, the Victim Compensation and Government Claims Board (VCGCB) works with prosecutors, probation officers, State courts and other State agencies to facilitate the imposition and collection of restitution fines and orders against criminal offenders. To promote collection of restitution owed, the VCGCB also partners with county offices at the local level, the California

Department of Corrections and Rehabilitation (CDCR) and the Franchise Tax Board's (FTB) Court-Ordered Debt Collections program.

The Fund received an average of \$5.5 million per month in restitution collections in fiscal year 2011-2012. In addition, the 25 Criminal Restitution Compacts (CRCs) statewide are important to help ensure restitution orders are complete and timely. The CRCs are partnerships between counties and the VCGCB, and help facilitate the imposition of restitution orders against criminal offenders through coordination with prosecutors, probation officers and the courts.

# CalVCP Statistical data 11-12

## New Applications by Type of Crime

Type of Crime	New Applications
Assault	21,593
Child Physical & Sexual Abuse	10,934
Other Crimes	7,417
Sexual Assault - Adult	4,829
Homicide	4,729
Robbery	2,210
Other Vehicle Crimes	878
Driving Under the Influence	783
<b>Total Applications:</b>	<b>53,373</b>

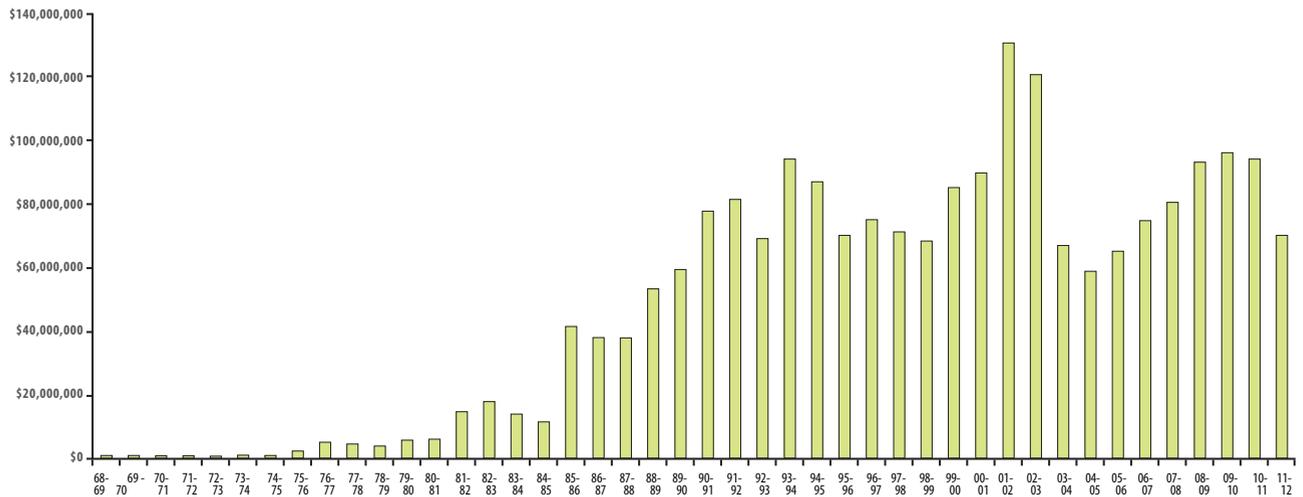
## Compensation Paid by Type of Expense

	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Dental	\$1,351,195	\$1,270,149	\$1,501,940	\$1,991,169	\$1,896,541	\$1,177,333
Funeral/Burial	\$12,004,404	\$13,735,465	\$13,200,905	\$12,321,234	\$9,762,135	\$6,265,666
Income/Support Loss	\$13,110,071	\$16,489,302	\$16,802,269	\$16,379,762	\$13,285,715	\$10,562,346
Medical	\$25,116,259	\$24,901,916	\$32,399,633	\$33,824,774	\$32,658,936	\$25,198,192
Mental Health	\$16,848,714	\$19,141,725	\$25,759,062	\$27,465,648	\$33,988,327	\$23,472,571
Rehabilitation	\$289,006	\$191,211	\$203,093	\$160,561	\$165,724	\$138,155
Relocation	\$2,891,768	\$3,050,610	\$4,123,441	\$4,416,546	\$4,069,947	\$3,608,187
<b>TOTAL</b>	<b>\$71,611,417</b>	<b>\$78,780,377</b>	<b>\$93,990,343</b>	<b>\$96,559,692</b>	<b>\$95,827,326</b>	<b>\$70,422,451</b>

## Victim Compensation Claims: Payments History 1965 Through Fiscal Year 2011-12

Year the Awards were Made	Total Amount Paid Each Year	Year the Awards were Made	Total Amount Paid Each Year
65-69	\$194,056	90-91	\$78,275,000
69-70	\$171,645	91-92	\$81,713,000
70-71	\$385,814	92-93	\$69,633,000
71-72	\$525,050	93-94	\$94,267,000
72-73	\$767,030	94-95	\$87,102,000
73-74	\$1,375,000	95-96	\$70,606,000
74-75	\$1,422,000	96-97	\$75,524,000
75-76	\$2,577,000	97-98	\$71,628,000
76-77	\$5,305,000	98-99	\$68,633,000
77-78	\$5,099,000	99-00	\$85,687,000
78-79	\$4,227,000	00-01	\$85,575,314
79-80	\$6,335,000	01-02	\$125,777,645
80-81	\$6,353,000	02-03	\$117,662,400
81-82	\$15,170,000	03-04	\$66,956,833
82-83	\$18,337,000	04-05	\$58,716,734
83-84	\$14,335,000	05-06	\$65,834,948
84-85	\$12,060,000	06-07	\$71,611,417
85-86	\$41,979,000	07-08	\$78,780,377
86-87	\$38,258,000	08-09	\$93,990,343
87-88	\$38,455,000	09-10	\$96,559,692
88-89	\$53,536,000	10-11	\$95,827,326
89-90	\$59,868,000	11-12	\$70,422,451
		<b>TOTAL</b>	<b>\$2,137,518,074</b>

## Payments By Fiscal Year



## Applications Received by Claimant Type

<b>Total Applications</b>	<b>53,373</b>	<b>%</b>
Direct Victims	38,609	72%
Derivative Victims*	12,643	24%
To Be Determined	2121	4%
Female Claimants	31,634	59%
Male Claimants	19,239	36%
Unknown or Not Specified	2,500	5%
Adult Claimants	31,110	58%
Minor Claimants	20,142	38%
Unknown Date of Birth	2121	4%
Domestic Violence Claims	14,375	27%
Claimants From Victim Witness Assistance Centers	40,159	75%
Claimants With Attorney Representation	1,120	2%
Claimants Filing Directly	12,094	23%

NOTE: "Unknown", "Not Specified" or "To Be Determined" reflect data not available at the time of report.

## Compensation Paid and Applications Received by County Where the Crime Occurred

	FY 06-07 Compensation	FY 07-08 Compensation	FY 08-09 Compensation	FY 09-10 Compensation	FY 10-11 Compensation	FY 11-12 Compensation	FY 11-12 Applications Received
Alameda	\$4,287,617	\$4,108,030	\$4,641,157	\$4,783,723	\$4,261,791	\$3,743,927.87	3,174
Alpine	\$9,234	\$19,943	\$6,448	\$0	\$2,303	\$1,967.82	3
Amador	\$23,058	\$32,591	\$59,190	\$59,153	\$38,728	\$63,105.36	52
Butte	\$496,384	\$616,045	\$884,878	\$861,695	\$936,841	\$726,042.31	800
Calaveras	\$25,928	\$62,146	\$43,898	\$83,422	\$57,924	\$44,561.26	58
Colusa	\$20,718	\$93,396	\$125,502	\$173,795	\$35,834	\$40,845.77	59
Contra Costa	\$1,944,204	\$2,492,187	\$2,880,005	\$2,956,663	\$2,792,620	\$2,130,327.73	1,360
Del Norte	\$76,142	\$90,487	\$85,169	\$78,715	\$99,713	\$56,977.43	72
El Dorado	\$265,093	\$300,612	\$313,308	\$297,305	\$299,078	\$216,381.28	270
Fresno	\$789,384	\$1,028,888	\$1,515,861	\$1,590,536	\$1,425,006	\$884,059.22	1,114
Glenn	\$36,806	\$122,183	\$117,856	\$77,259	\$130,125	\$104,390.68	237
Humboldt	\$260,168	\$170,096	\$404,808	\$373,956	\$417,998	\$442,395.62	297
Imperial	\$49,489	\$38,378	\$140,156	\$157,952	\$185,586	\$184,867.63	94
Inyo	\$42,779	\$17,771	\$33,094	\$91,399	\$27,929	\$12,061.43	38
Kern	\$895,265	\$836,520	\$1,298,497	\$1,414,445	\$1,025,103	\$693,331.40	778
Kings	\$142,008	\$83,384	\$112,109	\$380,439	\$240,664	\$271,637.19	472
Lake	\$286,200	\$310,163	\$304,185	\$301,731	\$318,997	\$377,554.69	164
Lassen	\$50,582	\$58,083	\$60,046	\$79,451	\$96,470	\$34,397.71	28
Los Angeles	\$24,855,381	\$26,740,858	\$29,407,018	\$31,304,317	\$33,627,177	\$23,261,417.46	11,620
Madera	\$223,728	\$201,934	\$399,065	\$278,417	\$416,752	\$297,559.94	363
Marin	\$296,976	\$218,159	\$327,135	\$411,902	\$567,484	\$251,098.78	72
Mariposa	\$22,223	\$32,575	\$35,035	\$29,201	\$50,332	\$37,754.11	20
Mendocino	\$98,287	\$111,391	\$227,282	\$123,338	\$102,411	\$90,517.34	108
Merced	\$461,580	\$633,582	\$652,711	\$690,840	\$575,384	\$464,431.04	492
Modoc	\$48,758	\$33,158	\$62,765	\$6,903	\$15,836	\$66,598.54	18
Mono	\$4,871	\$6,321	\$7,037	\$22,309	\$2,099	\$6,592.98	12
Monterey	\$552,675	\$1,140,144	\$1,480,619	\$1,670,528	\$1,420,025	\$1,099,661.28	726
Napa	\$220,137	\$186,345	\$218,675	\$192,023	\$320,241	\$287,175.35	277
Nevada	\$182,372	\$219,085	\$120,457	\$153,421	\$154,462	\$152,737.83	110
Orange	\$2,722,643	\$2,645,359	\$4,253,012	\$4,410,144	\$4,414,128	\$2,815,831.71	2,071

	FY 06-07 Compensation	FY 07-08 Compensation	FY 08-09 Compensation	FY 09-10 Compensation	FY 10-11 Compensation	FY 11-12 Compensation	FY 11-12 Applications Received
Placer	\$575,959	\$882,823	\$797,877	\$861,726	\$760,666	\$619,860.90	480
Plumas	\$15,676	\$16,570	\$36,688	\$62,261	\$85,972	\$24,216.13	20
Riverside	\$3,202,762	\$3,015,789	\$3,671,865	\$3,990,350	\$4,239,407	\$2,791,155.62	2,023
Sacramento	\$3,600,750	\$3,540,672	\$3,511,128	\$3,869,844	\$3,933,931	\$2,353,590.19	1,547
San Benito	\$55,768	\$86,072	\$152,339	\$108,369	\$167,524	\$109,899.96	127
San Bernardino	\$4,346,701	\$4,180,975	\$5,667,614	\$5,296,675	\$4,563,542	\$3,749,208.13	2,577
San Diego	\$4,404,171	\$4,941,811	\$6,059,526	\$6,175,283	\$5,898,496	\$4,506,059.33	2,535
San Francisco	\$3,015,312	\$3,495,659	\$3,932,139	\$3,158,632	\$2,337,892	\$1,635,876.56	1,089
San Joaquin	\$1,956,673	\$2,109,053	\$2,471,114	\$3,031,668	\$3,522,552	\$2,886,522.20	2,164
San Luis Obispo	\$415,521	\$651,039	\$967,756	\$1,044,605	\$1,006,293	\$773,004.70	540
San Mateo	\$1,007,914	\$1,185,293	\$1,150,008	\$1,280,433	\$1,157,464	\$1,098,652.02	830
Santa Barbara	\$732,382	\$1,023,374	\$1,446,779	\$1,412,470	\$1,234,021	\$960,988.42	892
Santa Clara	\$2,717,481	\$3,804,277	\$4,260,270	\$4,329,623	\$3,974,386	\$3,462,767.13	3,197
Santa Cruz	\$648,704	\$1,021,482	\$963,799	\$880,674	\$964,431	\$848,647.62	460
Shasta	\$799,985	\$915,544	\$917,068	\$871,526	\$913,445	\$512,844.88	1,027
Sierra	\$20,326	\$7,520	\$14,103	\$5,432	\$3,700	\$735.66	5
Siskiyou	\$105,077	\$92,589	\$113,961	\$115,963	\$51,477	\$101,772.06	61
Solano	\$483,727	\$568,027	\$844,521	\$787,601	\$797,278	\$671,400.07	437
Sonoma	\$638,690	\$601,341	\$1,121,575	\$734,867	\$687,906	\$476,327.06	871
Stanislaus	\$506,654	\$633,003	\$626,592	\$739,691	\$785,345	\$626,788.21	474
Sutter	\$71,813	\$116,852	\$248,445	\$194,311	\$300,896	\$383,231.87	223
Tehama	\$82,522	\$91,366	\$217,271	\$73,965	\$92,305	\$85,740.87	143
Trinity	\$73,995	\$53,725	\$70,892	\$24,745	\$22,725	\$4,844.33	34
Tulare	\$704,953	\$767,888	\$1,097,421	\$992,899	\$1,181,758	\$669,748.21	675
Tuolumne	\$198,903	\$88,647	\$138,449	\$92,512	\$82,467	\$76,317.63	92
Ventura	\$1,151,830	\$957,174	\$1,222,114	\$1,295,569	\$1,073,596	\$711,099.06	506
Yolo	\$187,768	\$308,110	\$383,989	\$618,544	\$495,220	\$192,401.83	370
Yuba	\$156,253	\$215,929	\$211,504	\$221,594	\$276,071	\$243,193.57	376
Non-CA, Other	\$342,456	\$757,962	\$1,456,562	\$1,232,876	\$1,157,515	\$985,348	4,639
<b>TOTAL</b>	<b>\$71,611,417</b>	<b>\$78,780,377</b>	<b>\$93,990,343</b>	<b>\$96,559,692</b>	<b>\$95,827,326</b>	<b>\$70,422,451</b>	<b>53,373</b>

# California Government Claims Program

Established in 1911, the Government Claims Program (GCP) processes claims against the State of California. Individuals who have suffered damages or loss due to negligence or actions by an agency or its employees are eligible to file a claim. Additionally, individuals who wish to file a lawsuit against the State must first pursue an administrative remedy through the GCP claims process. After that, a claimant may proceed through the courts only upon a denial or rejection of a claim.

Upon receiving a government claim, program staff reviews the document for sufficiency, jurisdiction and timeliness. GCP staff then prepares a recommendation to the three-member Board based on case facts and input from the affected department. The Board acts on the recommendation during a public meeting where claimants are given the opportunity to comment.

For approved claims, payment is made either by the affected department from existing funds or through an appropriation established by legislation (an annual omnibus claims bill) approved by the Legislature and signed by the Governor.

Effective January 1, 2011, SB 1046 (Cogdill) allows claims against California State Universities to be handled by the Trustees of the University, rather than the VCGCB's Government Claims Program. The bill also authorizes the Trustees to adjust and pay those claims themselves.

Originally supported with an administrative budget from the General Fund, the GCP became a self-funded program in 2004. Legislation now requires a \$25 per claim application filing fee and a surcharge of 15 percent that is paid by the affected department when a claim is allowed. A fee waiver may be obtained by claimants unable to pay the \$25.

## Government Claims and Payment Summary

	<b>FY 07-08</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 11-12</b>
Number of Claims Received	7,472	7,636	7,441	7,473	7,014
<b>Amount Paid</b>	<b>\$8,737,754</b>	<b>\$9,993,886</b>	<b>\$9,892,563</b>	<b>\$142,108,188</b>	<b>\$12,892,312</b>

## Summary of Claims Received and Paid

<b>Fiscal Year</b>	<b>Claims Received</b>	<b>Claims Allowed</b>	<b>Amount Paid</b>
2003-04	9,452	1,151	\$5,957,898
2004-05	8,751	1,109	\$14,306,171
2005-06	6,130	846	\$19,931,281
2006-07	6,953	795	\$5,394,147
2007-08	7,472	840	\$8,737,754
2008-09	7,636	759	\$9,993,886
2009-10	7,441	951	\$9,892,563
2010-11	7,473	1,434	\$142,108,188
2011-12	7,014	882	\$12,892,312

C A L I F O R N I A



Victim Compensation & Government Claims Board

**P.O. Box 48 | Sacramento | CA 95812-0048**

Victim Compensation: **800.777.9229**

Government Claims: **800.955.0045**