

C A L I F O R N I A

V C G C B

Victim Compensation & Government Claims Board

ANNUAL REPORT
FISCAL YEAR
2013-14



Edmund G. Brown, Jr. Governor of California



Victim Compensation and Government Claims Board Member



Marybel Batjer

Secretary of the Government Operations Agency and Board Chairperson

Marybel Batjer was appointed to the post by Governor Edmund G. Brown, Jr. in June 2013 to serve as the first-ever Secretary of CalGovOps. Ms. Batjer served as vice president of public policy and corporate social responsibility for Caesars Entertainment, Inc., the largest gaming-entertainment company. Before joining Caesars in January 2005, Ms. Batjer held senior leadership posts in the executive branches of two state governments, as well as key advisory roles in two U.S. presidential administrations and at the Pentagon.



John Chiang

California State Controller and Board Member

State Controller John Chiang serves as an ex officio 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

Michael 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 for 13 years, four of which were in the Major Crimes Unit.



Julie Nauman

Executive Officer of Victim Compensation and Government Claims Board

Julie Nauman was appointed the Executive Officer of the Victim Compensation and Government Claims Board since 2008. Prior to joining the VCGCB, Ms. Nauman held a number of executive level positions in California State Government. Ms. Nauman served as Chief Deputy Director of the Integrated Waste Management Board and Chief Deputy Director of the Department of Housing and Community Development, as well as Chief Consultant to the Assembly Local Government Committee. Known for her expertise in public policy and land use planning she held the position of Principal-In-Charge of a multi-state private consulting firm. Ms. Nauman received both a Bachelor of Arts degree in Government and a Master of Arts degree in Public Administration from California State University, Sacramento.



The California Government
Operations Agency



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As 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 a 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 affording 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) oversees the provision of compensation to victims of violent crime, the resolution of claims against the state of California, and the collection of restitution from criminal offenders. Established in 1911 as the Board of Control, the agency was originally responsible for supervising the business affairs of all state departments, hospitals, prisons, reformatories, boards, commissions, bureaus, and the Department of Public Accounting. In 1927, the Board's oversight role ended. Thereafter, its duties included the adoptions of rules and regulations governing the presentation and audit of contract or tort claims. Its function expanded in 1963 with the enactment of the Torts Claims Act, which the VCGCB administers on behalf of the State.

In 1965, California created the nation's first Victim Compensation Program. Responsibility for this program was transferred to the VCGCB in 1967 and has since become its largest program.

In 2001, the Board of Control was renamed the Victim Compensation and Government Claims Board to more accurately reflect its increasing roles and responsibilities. Today, the VCGCB is part of the Government Operations Agency, and it administers the California Victim Compensation Program (CalVCP), Government Claims Program, and Revenue Recovery Program. In addition, it oversees a number of other matters including the handling of bid protests, handling claims of erroneously convicted felons, administering the California State Employees' Charitable Campaign (CSECC), setting rates for travel expenses for elected state officials and the judiciary, establishing per diem rates for members of the Legislature, and administering both the Good Samaritan Act and the Missing Children Reward Program.



California Victim Compensation Program



Established in 1965, the California Victim Compensation Program (CalVCP) is a state program dedicated to providing reimbursement for many crime-related expenses to eligible victims who suffer physical injury or the threat of physical injury as a direct result of a violent crime.

CRIMES COVERED BY CALVCP INCLUDE:

- **Assault**
- **Child Abuse**
- **Domestic Violence**
- **Drunk Driving**
- **Elder Abuse**
- **Hate Crimes**
- **Homicide**
- **Human Trafficking**
- **Robbery**
- **Sexual Assault**
- **Stalking**
- **Vehicular Manslaughter**

CalVCP can help qualifying victims of crime that occur in California, and residents who become victims while they are visiting other states or countries. 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.

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. 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.

If a person meets the eligibility requirements, the program will compensate many types of services when the costs are not covered by other sources.

CRIME-RELATED EXPENSES INCLUDE:

- **Medical and dental treatment**
- **Mental health services**
- **Income Loss**
- **Funeral and burial expenses**
- **Loss of support for dependents when a victim is killed or permanently disabled**
- **Residential security**
- **Relocation**
- **Crime scene cleanup**
- **Home or vehicle modifications for victims who became disabled**
- **Medical equipment**

There are limits on how much can be paid for each loss.

WHAT IF I NEED FINANCIAL HELP IMMEDIATELY?

In certain situations, CalVCP can provide the applicant with emergency financial assistance within 30 days. For example, you may qualify for emergency assistance if your personal safety is at risk and you need to relocate. Necessary documentation must be provided in a timely manner. 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.

WHAT EXPENSES CANNOT BE PAID BY CALVCP?

- **Any expenses not related to the crime**
- **Any expenses paid by insurance or another source of reimbursement or coverage**
- **Expenses for lost, stolen, or damaged property**
- **Damages for pain and suffering**

The program cannot pay expenses while a person is on parole, probation, incarcerated, or post-release community supervision.

CHILD WITNESS TO A VIOLENT CRIME:

Children under the age of 18, who suffer emotional injuries as a result of witnessing a violent crime, may qualify for mental health counseling benefits even if they are unrelated to the crime victim.

The minor witness must have been in close proximity to the crime.

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.



New Applications by Type of Crime

Type of Crime	New Applications
Assault	20,527
Child Physical & Sexual Abuse	10,441
Other Crimes	6,112
Sexual Assault - Adult	4,801
Homicide	4928
Robbery	2,615
Other Vehicle Crimes	1,065
Driving Under the Influence	888
Total Applications:	51,377

Compensation Paid by Type of Expense

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Dental	\$1,501,940	\$1,991,169	\$1,896,541	\$1,177,333	\$1,153,568	1,193,587
Funeral/Burial	\$13,200,905	\$12,321,234	\$9,762,135	\$6,265,666	\$6,790,837	6,455,273
Income/Support Loss	\$16,802,269	\$16,379,762	\$13,285,715	\$10,562,346	\$7,524,440	6,939,095
Medical	\$32,399,633	\$33,824,774	\$32,658,936	\$25,198,192	\$21,839,504	21,396,726
Mental Health	\$25,759,062	\$27,465,648	\$33,988,327	\$23,472,571	\$21,084,361	21,528,453
Rehabilitation	\$203,093	\$160,561	\$165,724	\$138,155	\$147,501	136,627
Relocation	\$4,123,441	\$4,416,546	\$4,069,947	\$3,608,187	\$3,452,226	3,427,877
Total	\$93,990,343	\$96,559,692	\$95,827,326	\$70,422,451	\$61,992,437	\$61,077,637

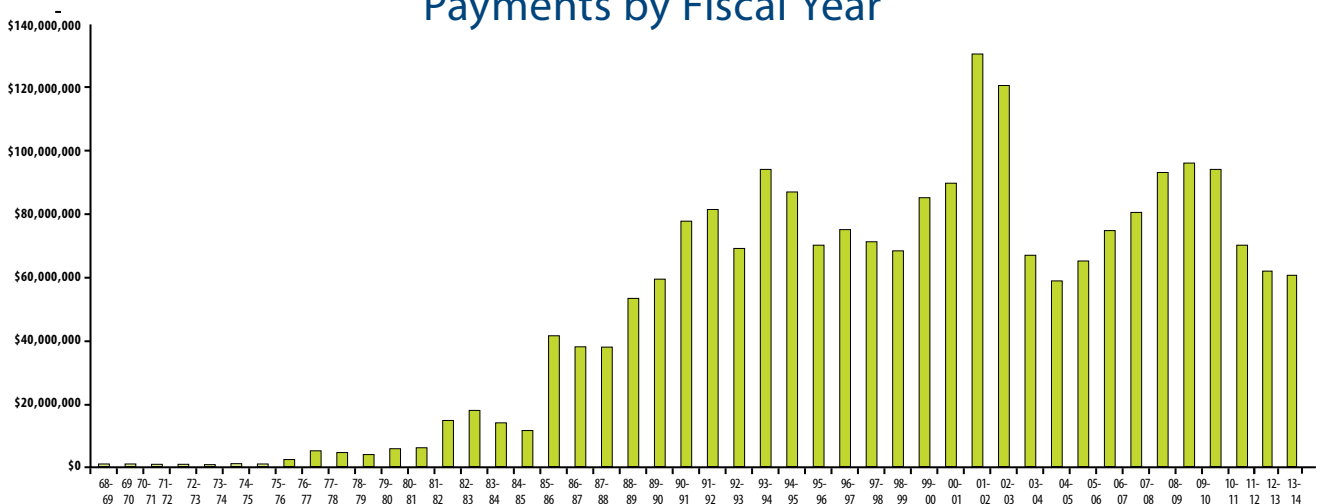
Applications Received by Claimant Type

Total Applications	51,377	%
Direct Victims	37,516	73%
Derivative Victims*	11,990	23%
To Be Determined	1,871	4%
Female Claimants	30,850	60%
Male Claimants	18,434	36%
Unknown or Not Specified	2,093	4%
Adult Claimants	30,670	60%
Minor Claimants	18,836	37%
Unknown Date of Birth	1,871	4%
Domestic Violence Claims	14,074	27%
Claimants From Victim Witness Assistance Centers	38,450	75%
Claimants With Attorney Representation	819	2%
Claimants Filing Directly	12,108	24%

* Adjusted based on re-analysis and/or data provided to DOF

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

Payments by Fiscal Year



Compensation Paid and Applications Received by County

	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 13-14
County	Compensation	Compensation	Compensation	Compensation	Compensation	Received
Alameda	\$4,783,723	\$4,261,791	\$3,743,928	\$3,287,494	\$2,754,520	3,432
Alpine	\$0	\$2,303	\$1,968	\$1,714	\$1,736	3
Amador	\$59,153	\$38,728	\$63,105	\$45,699	\$30,232	51
Butte	\$861,695	\$936,841	\$726,042	\$770,083	\$661,614	682
Calaveras	\$83,422	\$57,924	\$44,561	\$62,452	\$42,082	78
Colusa	\$173,795	\$35,834	\$40,846	\$46,756	\$70,291	50
Contra Costa	\$2,956,663	\$2,792,620	\$2,130,328	\$1,837,707	\$1,776,231	1,224
Del Norte	\$78,715	\$99,713	\$56,977	\$35,116	\$28,695	51
El Dorado	\$297,305	\$299,078	\$216,381	\$228,131	\$187,360	189
Fresno	\$1,590,536	\$1,425,006	\$884,059	\$760,721	\$881,187	1,046
Glenn	\$77,259	\$130,125	\$104,391	\$61,176	\$56,302	154
Humboldt	\$373,956	\$417,998	\$442,396	\$224,990	\$262,053	299
Imperial	\$157,952	\$185,586	\$184,868	\$136,157	\$68,850	80
Inyo	\$91,399	\$27,929	\$12,061	\$14,468	\$12,355	21
Kern	\$1,414,445	\$1,025,103	\$693,331	\$812,384	\$864,612	540
Kings	\$380,439	\$240,664	\$271,637	\$173,908	\$120,632	392
Lake	\$301,731	\$318,997	\$377,555	\$235,095	\$157,635	147
Lassen	\$79,451	\$96,470	\$34,398	\$21,435	\$27,590	24
Los Angeles	\$31,304,317	\$33,627,177	\$23,261,417	\$21,308,857	\$22,341,717	13,621
Madera	\$278,417	\$416,752	\$297,560	\$175,049	\$216,635	362
Marin	\$411,902	\$567,484	\$251,099	\$270,111	\$437,011	315
Mariposa	\$29,201	\$50,332	\$37,754	\$51,034	\$60,566	19
Mendocino	\$123,338	\$102,411	\$90,517	\$108,139	\$81,273	88
Merced	\$690,840	\$575,384	\$464,431	\$451,720	\$554,754	524
Modoc	\$6,903	\$15,836	\$66,599	\$19,141	\$42,609	64
Mono	\$22,309	\$2,099	\$6,593	\$3,327	\$21,708	3
Monterey	\$1,670,528	\$1,420,025	\$1,099,661	\$931,232	\$959,343	568
Napa	\$192,023	\$320,241	\$287,175	\$337,218	\$189,749	206
Nevada	\$153,421	\$154,462	\$152,738	\$120,487	\$151,422	80
Orange	\$4,410,144	\$4,414,128	\$2,815,832	\$3,248,156	\$2,843,278	2,041

Compensation Paid and Applications Received by County

	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 13-14
County	Compensation	Compensation	Compensation	Compensation	Compensation	Received
Placer	\$861,726	\$760,666	\$619,861	\$439,600	\$497,743	556
Plumas	\$62,261	\$85,972	\$24,216	\$70,433	\$10,009	11
Riverside	\$3,990,350	\$4,239,407	\$2,791,156	\$2,268,544	\$1,996,621	1,906
Sacramento	\$3,869,844	\$3,933,931	\$2,353,590	\$2,115,195	\$2,259,219	1,489
San Benito	\$108,369	\$167,524	\$109,900	\$154,023	\$141,997	91
San Bernardino	\$5,296,675	\$4,563,542	\$3,749,208	\$2,740,476	\$2,901,183	2,483
San Diego	\$6,175,283	\$5,898,496	\$4,506,059	\$3,773,902	\$3,368,297	2,385
San Francisco	\$3,158,632	\$2,337,892	\$1,635,877	\$1,693,249	\$1,692,431	1,772
San Joaquin	\$3,031,668	\$3,522,552	\$2,886,522	\$2,039,956	1,688,439	1,615
San Luis Obispo	\$1,044,605	\$1,006,293	\$773,005	\$510,660	\$559,764	365
San Mateo	\$1,280,433	\$1,157,464	\$1,098,652	\$1,032,877	\$759,122	653
Santa Barbara	\$1,412,470	\$1,234,021	\$960,988	\$948,834	\$814,991	897
Santa Clara	\$4,329,623	\$3,974,386	\$3,462,767	\$2,632,058	\$2,563,380	2,782
Santa Cruz	\$880,674	\$964,431	\$848,648	\$610,117	\$552,772	571
Shasta	\$871,526	\$913,445	\$512,845	\$445,116	\$420,792	729
Sierra	\$5,432	\$3,700	\$736	\$4,355	\$9,205	4
Siskiyou	\$115,963	\$51,477	\$101,772	\$85,807	\$66,100	78
Solano	\$787,601	\$797,278	\$671,400	\$561,572	\$701,464	508
Sonoma	\$734,867	\$687,906	\$476,327	\$433,288	\$496,466	659
Stanislaus	\$739,691	\$785,345	\$626,788	\$514,732	\$677,207	469
Sutter	\$194,311	\$300,896	\$383,232	\$244,108	\$260,595	227
Tehama	\$73,965	\$92,305	\$85,741	\$99,819	\$58,946	120
Trinity	\$24,745	\$22,725	\$4,844	\$27,429	\$26,362	41
Tulare	\$992,899	\$1,181,758	\$669,748	\$978,682	\$746,603	642
Tuolumne	\$92,512	\$82,467	\$76,318	\$55,977	\$61,453	133
Ventura	\$1,295,569	\$1,073,596	\$711,099	\$556,534	\$835,130	707
Yolo	\$618,544	\$495,220	\$192,402	\$162,140	\$245,372	391
Yuba	\$221,594	\$276,071	\$243,194	\$263,759	\$225,626	332
Non-CA, Other	\$1,232,876	\$1,157,515	\$985,348	\$749,233	\$536,307	2,407
TOTAL	\$96,559,692	\$95,827,326	\$70,422,451	\$61,992,437	\$61,077,637	51,377

Victim Compensation Claims Payment History 1965 Through Fiscal Year 2013-14

Year the Awards were Made	Total Amount Paid Each Year
65-69	\$194,056
69-70	\$171,645
70-71	\$385,814
71-72	\$525,050
72-73	\$767,030
73-74	\$1,375,000
74-75	\$1,422,000
75-76	\$2,577,000
76-77	\$5,305,000
77-78	\$5,099,000
78-79	\$4,227,000
79-80	\$6,335,000
80-81	\$6,353,000
81-82	\$15,170,000
82-83	\$18,337,000
83-84	\$14,335,000
84-85	\$12,060,000
85-86	\$41,979,000
86-87	\$38,258,000
87-88	\$38,455,000
88-89	\$53,536,000
89-90	\$59,868,000
90-91	\$78,275,000

Year the Awards were made	Total Amount Paid Each Year
91-92	\$81,713,000
92-93	\$69,633,000
93-94	\$94,267,000
94-95	\$87,102,000
95-96	\$70,606,000
96-97	\$75,524,000
97-98	\$71,628,000
98-99	\$68,633,000
99-00	\$85,687,000
00-01	\$85,575,314
01-02	\$125,777,645
02-03	\$117,662,400
03-04	\$66,956,833
04-05	\$58,716,734
05-06	\$65,834,948
06-07	\$71,611,417
07-08	\$78,780,377
08-09	\$93,990,343
09-10	\$96,559,692
10-11	\$95,827,326
11-12	\$70,422,451
12-13	\$61,992,437
13-14	\$61,077,637
TOTAL	\$2,260,588,148

Restitution Recovery Program

The VCGCB's Restitution Recovery Program focuses on collecting restitution payments and reimbursements to maintain California's Restitution Fund. The Restitution Fund is CalVCP's primary funding source, and it receives the majority of its revenue from restitution fines, diversion fees, orders and penalties imposed on criminal offenders in California. In addition, CalVCP also receives federal grant monies from the Victims of Crime Act (VOCA) funds. The VOCA funds come from penalties paid by offenders convicted of federal crimes.

To ensure the viability of the Restitution Fund, program staff has created partnerships with prosecutors, probation officers, courts, and other state agencies to facilitate the imposition and collection of restitution fines and orders against criminal offenders.

Practices have been established that result in efficient revenue recovery when other sources are available to the victim to cover crime-related losses. For example, the 25 Criminal Restitution Compacts (CRCs) between counties and the VCGCB allow for Victim/Witness Program Specialists that work with victims, prosecutors, probation departments and courts to ensure that offenders are ordered to pay restitution to the victim and the program when appropriate.

In addition to collaborating with county offices at the local level, the VCGCB also partners with the California Restitution Recovery Program (RRP), Department of Corrections and Rehabilitation (CDCR), and the Franchise Tax Board's (FTB) Court-Ordered Debt Collections program to help ensure restitution orders are complete and timely.

Financial Recovery: A Victim's Guide to Restitution



A Publication of CalVCP and CDCR's Office
of Victim and Survivor Rights and Services
www.calvcp.ca.gov | www.cdcr.ca.gov

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 the state of California. Individuals who have suffered damages or loss due to negligence or actions by a state agency or its employees are eligible to file a claim.

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 approved. A fee waiver may be obtained by claimants unable to pay the \$25.

The GCP is the first stop for a person who is considering suing the state. Anyone who believes the state has caused them harm 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. Typical claims involve state vehicle accidents, contract disputes, and damage to property. 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 regarding the disposition of the claim 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 (an annual omnibus claims bill) approved by the Legislature and signed by the governor.



Government Claims Received and Payment Summary

Fiscal Year	Claims Received	Claims Allowed	Amount Paid
1999-00	9,605	N/A	N/A
2000-01	9,570	N/A	N/A
2001-02	10,743	N/A	N/A
2002-03	10,197	1,399	\$7,781,948
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
2012-13	6,626	1,041	\$8,032,247
2013-14	7,033	781	\$5,956,797



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 3,708 participating charitable organizations. In 2014, state employees donated more than \$6.4 million to approved CSECC charities. VCGCB employees generously donated \$11,108 to non-profits through the CSECC.

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).



Additional Board Functions



Claims of Erroneously Convicted Felons

Under California Penal Code sections 4900 through 4906, a person erroneously convicted of a felony and incarcerated in a California state prison may file a claim for pecuniary loss with the Board.

The claim needs to be filed within two years from the date the person was acquitted, pardoned, or released from state prison.

The person filing the claim must prove both of the following by a preponderance of the evidence:

- 1) he or she did not commit the crime or the crime never took place
- 2) he or she suffered a pecuniary 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. Once approved by the legislature, payments are made from the state's General Fund.

Appeals

An applicant has a right to file an appeal if a claim is recommended for denial, or if any part of the claim is recommended for denial. An appeal must be filed within 45 days of the date the Board mailed the notice to deny the claim and/or expense. In some cases, if new information is provided, the denial may be reconsidered immediately. Otherwise, most appeals are scheduled for a hearing before a Hearing Officer. This hearing will give the applicant the opportunity to present information supporting the claim. Hearings are not held to contest the denial of an emergency award.

If the applicant does not agree with the outcome of the Board's final decision, a Petition for a Writ of Mandate may be filed in the Superior Court.

The following bills were signed into California state law in FY 2013-14:

SB 60 (Wright) — Crime Victims: Human Trafficking

This bill expands eligibility for the Victim Compensation Program by adding victims of human trafficking to those eligible for compensation when only emotional injury has occurred.

Signed 8/26/13

AB 235 (Gatto) — State Claims

VCGCB's first Government Claims Bill of 2013, which appropriates \$1,080,580.70 to pay 343 claims approved by the Board from May 2012 through December 2012.

Signed 8/19/13

SB 369 (De Leon) — State Claims

VCGCB's second Government Claims Bill of 2013, which appropriates \$414,054.01 to pay 155 claims approved by the Board from January 2013 through April 2013.

Signed 9/20/13

SB 618 (Leno) — Wrongful Convictions

This bill makes changes to the process by which VCGCB considers claims for the compensation of erroneously convicted individuals of \$100 per day of incarceration. The provisions include setting time frames for the consideration of a claim, removing the requirement that claimants prove they did not contribute to their own arrests or convictions, requiring a recommendation to pay without a hearing when a court has made specified findings on innocence, and changes to conform to public safety realignment.

Signed 10/13/13



