



VC GCB

# Annual Report

FISCAL YEAR

# 2012-13

C A L I F O R N I A

VC GCB

Victim Compensation & Government Claims Board

California Victim Compensation  
and Government Claims Board



# Strategic Plan 2012-14

## OUR VISION

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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

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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.

# Strategic Plan 2012-14

## Strategic Goals

### Compensation to Victims:

Improve the quality and efficiency of compensation to crime victims.

### Restitution:

Establish and maintain a stable Restitution Fund to create a \$30 million reserve in order to provide continuous program services.

### Government Claims:

Improve Government Claims Program effectiveness and efficiency.

### Information Technology:

Embrace the innovative use of technology in the delivery of services.

### Workplace:

Promote a positive and supportive workplace environment and culture.



# 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 California State and Consumer Services Agency (SCSA)\*, 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, 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.

# VCGCB Overview

The three-member Victim Compensation and Government Claims Board sets policy for the organization's programs, settles disputes, and makes decisions that come before the Board. The Secretary of the Government Operations 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 2012-2013 fiscal year, the Board members consisted of:

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

\*Effective July 1, 2013, the VCGCB became part of the newly established Government Operations Agency (GovOps).





# California Victim Compensation Program

## Overview

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. Since its establishment in 1965, CalVCP has provided over \$2.3 billion in assistance to victims of crime in California.

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.

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, 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 Victim Compensation Program (CalVCP) 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.

# California Victim Compensation Program

## OVERVIEW CONT.

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.

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.



# CaIVCP Statistical Data

## New Applications by Type of Crime

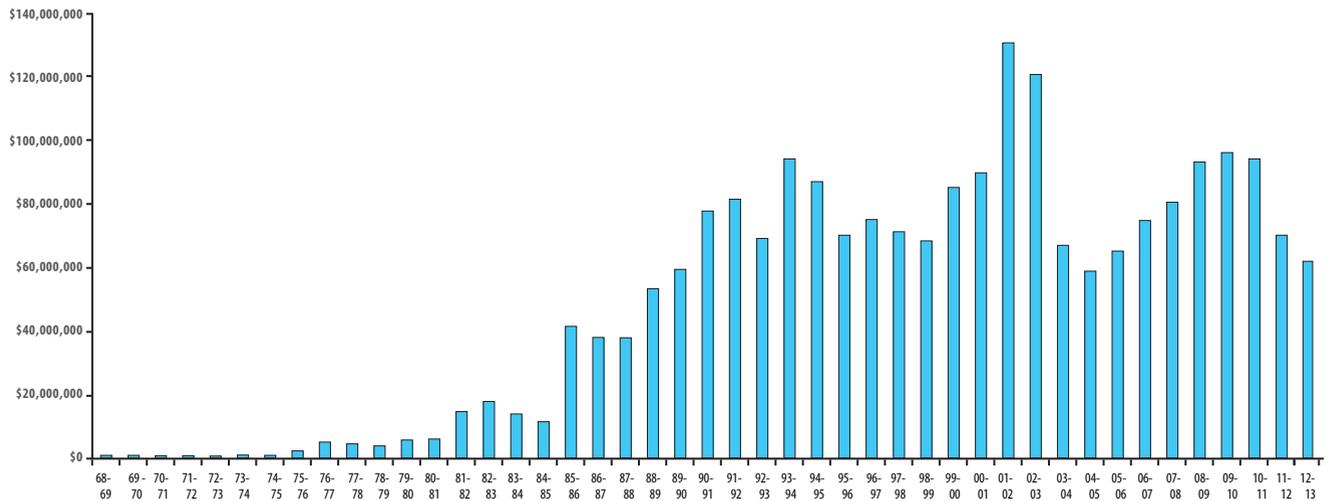
Type of Crime	New Applications
Assault	21,746
Child Physical & Sexual Abuse	10,584
Other Crimes	7,359
Sexual Assault - Adult	4,936
Homicide	5,037
Robbery	2,613
Other Vehicle Crimes	997
Driving Under the Influence	843
<b>Total Applications:</b>	<b>54,115</b>

## Compensation Paid by Type of Expense

	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Dental	\$1,270,149	\$1,501,940	\$1,991,169	\$1,896,541	\$1,177,333	\$1,153,568
Funeral/Burial	\$13,735,465	\$13,200,905	\$12,321,234	\$9,762,135	\$6,265,666	\$6,790,837
Income/Support Loss	\$16,489,302	\$16,802,269	\$16,379,762	\$13,285,715	\$10,562,346	\$7,524,440
Medical	\$24,901,916	\$32,399,633	\$33,824,774	\$32,658,936	\$25,198,192	\$21,839,504
Mental Health	\$19,141,725	\$25,759,062	\$27,465,648	\$33,988,327	\$23,472,571	\$21,084,361
Rehabilitation	\$191,211	\$203,093	\$160,561	\$165,724	\$138,155	\$147,501
Relocation	\$3,050,610	\$4,123,441	\$4,416,546	\$4,069,947	\$3,608,187	\$3,452,226
<b>TOTAL</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>\$61,992,437</b>

# CalVCP Statistical Data

## Payments by Fiscal Year



## Applications Received by Claimant Type

Total Applications	54,115	%
Direct Victims	38,409	71%
Derivative Victims*	12,407	23%
To Be Determined	3,299	6%
Female Claimants	31,483	58%
Male Claimants	19,141	35%
Unknown or Not Specified	3,491	6%
Adult Claimants	31,521	58%
Minor Claimants	19,295	36%
Unknown Date of Birth	3,299	6%
Domestic Violence Claims	14,270	26%
Claimants From Victim Witness Assistance Centers	39,610	73%
Claimants With Attorney Representation	962	2%
Claimants Filing Directly	13,543	25%

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

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

# CaIVCP Statistical Data

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

County	FY 07-08 Compensation	FY 08-09 Compensation	FY 09-10 Compensation	FY 10-11 Compensation	FY 11-12 Compensation	FY 12-13 Compensation	FY 12-13 Applications Received
Alameda	\$4,108,030	\$4,641,157	\$4,783,723	\$4,261,791	\$3,743,927.87	\$3,287,494	3,652
Alpine	\$19,943	\$6,448	\$0	\$2,303	\$1,967.82	\$1,714	5
Amador	\$32,591	\$59,190	\$59,153	\$38,728	\$63,105.36	\$45,699	51
Butte	\$616,045	\$884,878	\$861,695	\$936,841	\$726,042.31	\$770,082.53	798
Calaveras	\$62,146	\$43,898	\$83,422	\$57,924	\$44,561.26	\$62,452.35	85
Colusa	\$93,396	\$125,502	\$173,795	\$35,834	\$40,845.77	\$46,756.15	48
Contra Costa	\$2,492,187	\$2,880,005	\$2,956,663	\$2,792,620	\$2,130,327.73	\$1,837,707.39	1,378
Del Norte	\$90,487	\$85,169	\$78,715	\$99,713	\$56,977.43	\$35,115.75	64
El Dorado	\$300,612	\$313,308	\$297,305	\$299,078	\$216,381.28	\$228,131.14	231
Fresno	\$1,028,888	\$1,515,861	\$1,590,536	\$1,425,006	\$884,059.22	\$760,721.37	984
Glenn	\$122,183	\$117,856	\$77,259	\$130,125	\$104,390.68	\$61,176.31	188
Humboldt	\$170,096	\$404,808	\$373,956	\$417,998	\$442,395.62	\$224,990.45	260
Imperial	\$38,378	\$140,156	\$157,952	\$185,586	\$184,867.63	\$136,156.63	61
Inyo	\$17,771	\$33,094	\$91,399	\$27,929	\$12,061.43	\$14,467.65	26
Kern	\$836,520	\$1,298,497	\$1,414,445	\$1,025,103	\$693,331.40	\$812,384.12	751
Kings	\$83,384	\$112,109	\$380,439	\$240,664	\$271,637.19	\$173,907.77	429
Lake	\$310,163	\$304,185	\$301,731	\$318,997	\$377,554.69	\$235,095.39	203
Lassen	\$58,083	\$60,046	\$79,451	\$96,470	\$34,397.71	\$21,434.6	32
Los Angeles	\$26,740,858	\$29,407,018	\$31,304,317	\$33,627,177	\$23,261,417.46	\$21,308,857.29	12,212
Madera	\$201,934	\$399,065	\$278,417	\$416,752	\$297,559.94	\$175,048.91	306
Marin	\$218,159	\$327,135	\$411,902	\$567,484	\$251,098.78	\$270,111.16	214
Mariposa	\$32,575	\$35,035	\$29,201	\$50,332	\$37,754.11	\$51,034.1	29
Mendocino	\$111,391	\$227,282	\$123,338	\$102,411	\$90,517.34	\$108,138.64	65
Merced	\$633,582	\$652,711	\$690,840	\$575,384	\$464,431.04	\$451,719.57	553
Modoc	\$33,158	\$62,765	\$6,903	\$15,836	\$66,598.54	\$19,141.09	17
Mono	\$6,321	\$7,037	\$22,309	\$2,099	\$6,592.98	\$3,327.31	4
Monterey	\$1,140,144	\$1,480,619	\$1,670,528	\$1,420,025	\$1,099,661.28	\$931,231.91	611
Napa	\$186,345	\$218,675	\$192,023	\$320,241	\$287,175.35	\$337,218.38	213
Nevada	\$219,085	\$120,457	\$153,421	\$154,462	\$152,737.83	\$120,486.81	108
Orange	\$2,645,359	\$4,253,012	\$4,410,144	\$4,414,128	\$2,815,831.71	\$3,248,155.56	1,997

# CalVCP Statistical Data

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

County	FY 07-08 Compensation	FY 08-09 Compensation	FY 09-10 Compensation	FY 10-11 Compensation	FY 11-12 Compensation	FY 12-13 Compensation	FY 12-13 Applications Received
Placer	\$882,823	\$797,877	\$861,726	\$760,666	\$619,860.90	\$439,600.50	526
Plumas	\$16,570	\$36,688	\$62,261	\$85,972	\$24,216.13	\$70,443.41	30
Riverside	\$3,015,789	\$3,671,865	\$3,990,350	\$4,239,407	\$2,791,155.62	\$2,685,444.41	2,003
Sacramento	\$3,540,672	\$3,511,128	\$3,869,844	\$3,933,931	\$2,353,590.19	\$2,115,195.25	1,641
San Benito	\$86,072	\$152,339	\$108,369	\$167,524	\$109,899.96	\$154,023.32	154
San Bernardino	\$4,180,975	\$5,667,614	\$5,296,675	\$4,563,542	\$3,749,208.13	\$2,740,475.88	2,899
San Diego	\$4,941,811	\$6,059,526	\$6,175,283	\$5,898,496	\$4,506,059.33	\$3,773,901.64	2,558
San Francisco	\$3,495,659	\$3,932,139	\$3,158,632	\$2,337,892	\$1,635,876.56	\$1,693,249.22	1,512
San Joaquin	\$2,109,053	\$2,471,114	\$3,031,668	\$3,522,552	\$2,886,522.20	\$2,039,956.3	1,958
San Luis Obispo	\$651,039	\$967,756	\$1,044,605	\$1,006,293	\$773,004.70	\$510,660.13	433
San Mateo	\$1,185,293	\$1,150,008	\$1,280,433	\$1,157,464	\$1,098,652.02	\$1,032,877.46	891
Santa Barbara	\$1,023,374	\$1,446,779	\$1,412,470	\$1,234,021	\$960,988.42	\$948,834.16	770
Santa Clara	\$3,804,277	\$4,260,270	\$4,329,623	\$3,974,386	\$3,462,767.13	\$2,632,058.07	3,080
Santa Cruz	\$1,021,482	\$963,799	\$880,674	\$964,431	\$848,647.62	\$610,117.46	337
Shasta	\$915,544	\$917,068	\$871,526	\$913,445	\$512,844.88	\$445,116.16	1,034
Sierra	\$7,520	\$14,103	\$5,432	\$3,700	\$735.66	\$4,354.97	8
Siskiyou	\$92,589	\$113,961	\$115,963	\$51,477	\$101,772.06	\$85,807.09	94
Solano	\$568,027	\$844,521	\$787,601	\$797,278	\$671,400.07	\$561,572.18	483
Sonoma	\$601,341	\$1,121,575	\$734,867	\$687,906	\$476,327.06	\$433,287.71	731
Stanislaus	\$633,003	\$626,592	\$739,691	\$785,345	\$626,788.21	\$514,732.23	447
Sutter	\$116,852	\$248,445	\$194,311	\$300,896	\$383,231.87	\$244,108.21	236
Tehama	\$91,366	\$217,271	\$73,965	\$92,305	\$85,740.87	\$99,818.97	128
Trinity	\$53,725	\$70,892	\$24,745	\$22,725	\$4,844.33	\$27,428.97	37
Tulare	\$767,888	\$1,097,421	\$992,899	\$1,181,758	\$669,748.21	\$978,682.36	747
Tuolumne	\$88,647	\$138,449	\$92,512	\$82,467	\$76,317.63	\$55,977.36	92
Ventura	\$957,174	\$1,222,114	\$1,295,569	\$1,073,596	\$711,099.06	\$556,534.40	599
Yolo	\$308,110	\$383,989	\$618,544	\$495,220	\$192,401.83	\$162,140.48	383
Yuba	\$215,929	\$211,504	\$221,594	\$276,071	\$243,193.57	\$263,759.08	386
Non-CA, Other	\$757,962	\$1,456,562	\$1,232,876	\$1,157,515	\$985,348	\$749,232.53	4,343
<b>TOTAL</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>\$61,992,437</b>	<b>54,115</b>

# CaIVCP Statistical Data

## Victim Compensation Claims: Payments History 1965 Through Fiscal Year 2012-13

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
		12-13	\$61,992,437
		TOTAL	\$2,199,510,511

# CalVCP

## 2012-13 Highlights

- Lifted the limit for Medically Necessary Physical and Occupational Therapy, allowing CalVCP the flexibility to meet claimants' needs based on the severity of the injury.
- Implemented online, paperless verification to streamline communication with organizations that provide crucial information for bill verification such as the Franchise Tax Board (FTB), The Work Number, The Medical Disability Advisor, and MediCal.
- CalVCP's Office of Audits and Investigations established the CalVCP Fraud Hotline. Since its inception, CalVCP has received over 40 hotline tips concerning suspicious claims for reimbursement
- Participated in the joint meeting of National Association of Crime Victim Compensation Boards and National Association of VOCA Administrators that focused on the full range of issues facing compensation programs as well as victim assistance programs across the country.



## Award Winning Public Outreach

1. State Information Officers Council Awards: won four "Excellence in State Government Communications" awards
  - Gold Award
    - Graphics and Photography
    - Events
    - Public-Private Partnerships
  - Silver Award
    - Social Media
2. Sponsored annual Denim Drive in commemoration of Sexual Assault Awareness Month
3. In observance of California Crime Victims' Rights Month:
  - Hosted 4th annual Victims' Rights Rally and March
  - Hosted first ever Victims' Rights Digital Town Hall
4. Hosted 2nd annual "Suited for Successful Families" drive in commemoration of Domestic Violence Awareness Month

# Government Claims

## Overview

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.

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.

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



# Government Claims

## 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

### 2012-13 Highlights

- Conducted outreach with state agencies (CDCR, CDPH, DMV, DSH, and EDD) to enhance efficiencies and effectiveness.
- Consolidated all GCP procedures into one document maintained by a designated analyst.

# Restitution Recovery Program

## Overview

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.

# Restitution Recovery Program

## 2012-13 Highlights

In fiscal year 2012-2013, the Fund received an average of \$8.9 million per month in restitution collections from restitution fines, diversion fees, orders and penalties imposed on criminal offenders.

- Completed preliminary survey of all CA counties concerning restitution collection practices in order to improve state and local partnerships to improve a victim's right to restitution.
- Liens were filed in 337 cases for a total of \$1.6 million in collected revenue, an increase of 11% from what was collected in FY 11-12.
- 21% increase (from FY 11-12) in the collection of overpayments owed.



# Restitution Recovery Program

## Court Ordered Debt Statistics

Court Ordered Debt (COD) collections exceeded expectations and brought in \$7.374M, which is an increase of 4.7% from FY 11-12.

COD recorded 342,676 restitution payments made during FY 12-13, which is an increase of 39.6% from FY 11-12.

## Through the Restitution

Recovery Program over

**\$4.4 million**

was recovered and directly  
mailed to victims.

## Victim Order Restitution Service

- Sent out 33,246 victim restitution checks, which is an increase of 7.91% from FY 11-12.
- Processed over 211,531 victim restitution files.
- Victim Restitution Checks sent out to victims totaled \$4,429,215, which is an increase of 5.8% from FY 11-12.

# 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 2012, State employees donated more than \$6.6 million to approved CSECC charities. VCGCB employees generously donated \$11,363 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 the following by a preponderance of the evidence:

- 1) he or she did not commit the crime or that the crime never took place; and
- 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 General Fund.



# Additional Board Functions

## 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.



## Program Highlights

Reduced outstanding appeal claims inventory; Completed 1,500 application, bill, and coverage-related appeals and reconsiderations during a month-long "blitz".

Decreased processing time of new claims from over a year to a current average of four to six months.

# Key Legislation

The following bills were signed into California state law in FY 2012-13:

## AB 1531 (Fuentes) — State Claims

VCGCB's first Government Claims Bill of 2012, which appropriates \$859,738.51 to pay 273 claims approved by the Board from June 2011 through December 2011.

*Signed 7/23/12*

## SB 1065 (Kehoe) — State Claims

VCGCB's second Government Claims Bill of 2012, which appropriates \$624,671.86 to pay 117 claims approved by the Board from January 2012 through April 2012.

*Signed 9/17/12*

## SB 1299 (Wright) — Victims of Crime: Compensation

This bill extends the filing period for CalVCP applications from one year to three years and specifies reasons for acceptance beyond that filing period. It also prohibits reductions to CalVCP maximum rates and service limitations from applying to reimbursement of medical or mental health expenses incurred within three months after adoption of the change. It also includes several technical changes to CalVCP statutes.

*Signed 9/30/12*

## SB 1210 (Lieu) — Restitution: Collection of Fines

This bill enhances restitution collection authority for local jurisdictions to address the implementation of public safety realignment, as follows: (1) authorizes counties to collect up to 50 percent of the wages and trust account deposits of prisoners in county jails and to assess an administrative fee for costs of collection; (2) authorizes counties to impose revocation fines on offenders which are payable upon violation of post-release community supervision or mandatory supervision; (3) allows any portion of a restitution order that remains unsatisfied after a defendant is no longer on post-release community supervision or mandatory supervision to be enforced by the county collection agency or by the victim as a civil judgment; and (4) allows court-ordered debt over \$100 imposed by a juvenile court to be referred to the Franchise Tax Board for collection.

*Signed 9/29/12*



# Board Member Bios



## Anna M. Caballero Secretary of the State and Consumer Services Agency and Board Chairperson

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 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.

# Executive Officer

## 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 and of 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 and environmental planning consultant.





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