

**DEPARTMENT OF  
PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE**

***STANDARDS FOR THE ADMINISTRATION OF  
CRIME VICTIM COMPENSATION PROGRAMS***



Office for Victims Programs  
Crime Victim Services Advisory Board  
As adopted – February 5, 2010

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## INTRODUCTION

Effective July 1, 2009, Senate Bill 09-047 created the Crime Victim Services Advisory Board (“Advisory Board”) and repealed the Victim Compensation and Assistance Coordinating Committee (“Coordinating Committee”) and the State Victims Assistance and Law Enforcement Advisory Board (“State VALE Board”). Senate Bill 09-047 incorporated into the Advisory Board many of the powers and duties of the repealed boards, including the development and revision of Standards for the administration of victim compensation and VALE funds by local boards. Senate Bill 09-047 also gave the Advisory Board the power and duty to develop, revise, and impose sanctions for violating these Standards. These Standards are also known as interpretive rules or general statements of policy. See C.R.S. §24-4.1-117.3(3)(a).

On February 5, 2010, the Advisory Board adopted the Standards that had been in place since they were revised in 2004. The Advisory Board felt it was important to preserve the historical development of the preceding Standards that were promulgated through the Administrative Procedures Act. The following background paragraphs outline the significant stages and development of the Standards.

## BACKGROUND

In 1981, the Colorado General Assembly passed legislation creating the Crime Victim Compensation Program (Victim Compensation Program). The legislation created a funding mechanism that generates funds to assist crime victims with actual expenses incurred as a result of criminal acts that are not reimbursed by another source. The statute applies to crimes committed after July 1, 1982.

The legislation established victim compensation programs in each of Colorado’s twenty-two judicial districts. Funding and service delivery are decentralized with each district being responsible for administration, financial management, and decision-making regarding its victim compensation funds.

The federal Victims of Crime Act (VOCA) of 1984 added additional funds, administration and state level responsibility to the victim compensation program. Colorado has received federal funds to supplement the victim compensation program since 1985.

Like the state legislation, the federal Act created a system which is funded by assessments on criminal offenses. Federal crime victim compensation funds are administered by the Division of Criminal Justice and are sub-granted to each of the local judicial district programs.

During 1989, the Office of the State Auditor conducted a comprehensive performance audit of Colorado's services to crime victims through both the Victim Compensation and the Victim Assistance and Law Enforcement (VALE) programs.

The purpose and scope of the audit was to evaluate the effectiveness of the decentralized structure of Colorado's victim compensation and victim assistance programs; to evaluate compliance with the federal victim compensation grant requirements and other applicable requirements of laws and regulations; to evaluate the adequacy of the victim compensation and victim assistance programs in measuring and reporting performance; and to evaluate the risk of abuse and illegal acts.

Additionally, the auditors reviewed the processes through which local programs provide compensation to victims and grant awards to victim service providers and law enforcement agencies; the process through which victims receive restitution; and the internal control procedures of the local programs.

The audit concluded that the strengths of Colorado's decentralized system outweigh the weaknesses. Specifically, the audit was complimentary of the speed with which Colorado crime victims receive compensation compared to centralized programs in other states. The audit also concluded, however, that the weaknesses of Colorado's system for both victim compensation and victim assistance were material and should be addressed and resolved. The audit contained thirty-eight recommendations that the auditors believed should be implemented in order to maintain a system that remained decentralized but had mechanisms in place to correct the identified problems.

In response to the audit and testimony presented before the Legislative Audit Committee, legislation was introduced in 1990 to address the most significant issues identified in the audit. The resulting legislation, House Bill 90-1267, was passed by the legislature, signed by the Governor, and became effective on July 1, 1990. This piece of legislation made a number of significant changes in state statutes pertaining to the provision of services to crime victims.

The legislation changed the name of the existing Victim Assistance Advisory Council (commonly referred to as the VOCA Board), to the Victims' Compensation and Assistance Coordinating Committee (hereafter Coordinating Committee). The renamed Coordinating Committee retained its original responsibility to advise the Governor regarding the use of federal victim assistance funds. It was also charged with the additional responsibility of developing Standards for the administration of Victim Compensation and Victim Assistance and Law Enforcement (VALE) programs. The Division of Criminal Justice (DCJ) is statutorily mandated to provide staff to support this effort.

The Coordinating Committee was statutorily expanded to include: a local victim compensation board chairperson; a local VALE board chairperson; an elected district attorney; a local victim compensation program administrator; a local VALE program administrator; a judicial district representative; a representative of a statewide victims' organization; and a judge. The eight additional Coordinating Committee members provide knowledge and expertise pertaining to crime victims compensation and VALE programs. They also serve as an advisory subcommittee to the Coordinating Committee in developing standards and related minimum implementation requirements.

The Victim Compensation and Assistance Coordinating Committee, in revising, reorganizing and approving the Standards for the Administration of the Crime Victim Compensation Programs, reaffirmed the importance of a decentralized philosophy for victim services balanced with accountability. The intent of the Standards is to maximize fair and equitable assistance to victims of crime while preserving local priorities and administration. The Standards include modifications resulting from the experiences of victim compensation staff and board members and Division of Criminal Justice staff members during the years following the adoption of the initial Standards in 1992.

Prior to the development and issuance of the initial Standards for the Administration of Victim Compensation Programs in 1992, DCJ staff collected information from all twenty-two judicial districts regarding existing policies and procedures for the administration of victim compensation programs. The audit findings were extensively reviewed and related research was also conducted regarding similar issues in other states and in other program areas. Standards were then drafted, and public hearings, in conformance with requirements of the Administrative Procedures Act, were held in March and April of 1992 to allow opportunity for wide public comment and discussion. Written and oral comments concerning the proposed standards were provided to the Coordinating Committee. Each comment was given careful consideration.

The first sets of Standards were adopted by the Executive Director of the Colorado Department of Public Safety on August 14, 1992 and became effective on September 30, 1992.

DCJ staff visited each district between 1992 and 1994 to determine the district's ability to comply with the Standards and to provide technical assistance to districts requesting or needing such assistance. A reasonable time period was allowed before DCJ began to monitor for compliance with the Standards. Beginning in 1995, the DCJ staff began to conduct site visits in each of the twenty-two districts to measure actual compliance with the Standards. District programs are provided a comprehensive report that identifies the program's level of compliance with each Standard. For those districts that are found not to be in compliance, technical assistance is provided, and, if necessary, a follow-up site visit is scheduled.

House Bill 90-1267 also provided the Coordinating Committee with the authority to impose sanctions for non-compliance with the approved Standards. Sanctions for non-compliance were developed, and public comment was sought as required by the Administrative Procedures Act. The Sanctions for non-compliance were adopted on June 7, 1994 and became effective on July 30, 1994.

Meanwhile, a follow-up victims' services performance audit by the Office of the State Auditor was conducted and published in May, 1994. The purpose of the audit was to follow up on the status of thirty-eight recommendations made in the 1989 audit concerning victims' compensation, state and local victim assistance programs, and restitution. The follow-up audit found that most of the prior recommendations had been fully or partially implemented, but that some recommendations had not yet been fully addressed or implemented.

Since the implementation of the Standards, Colorado's judicial districts have made significant improvements in the manner in which victim compensation and victim assistance programs are administered. These improvements were made during the same time period in which other significant victim assistance initiatives were implemented, such as passage of a state constitutional amendment to assure the rights of crime victims in Colorado, and implementation of the accompanying legislation. These activities collectively represented the enormous commitment to victims of crime that is evidenced in Colorado by volunteer boards, local and state-level staff, and private non-profit victim service providers.

In November, 1996, the Victims' Compensation and Assistance Coordinating Committee (Coordinating Committee) began its first review of the Standards since 1992. The purpose of the review was to consolidate, clarify, and revise the existing standards to address the identified needs of the victim compensation programs. The Standards Subcommittee of the Coordinating Committee (Standards Subcommittee) proposed certain changes to and reorganization of the Standards. In the spring of 1998, proposed changes were informally submitted for wide public review and comment by sending them to local victim compensation administrators, local board members, District Attorneys, Judicial District Administrators, Chief Judges, and other Coordinating Committee members. Comments received from this informal review and comment process were then brought to the Standards Subcommittee for discussion and final recommendations to the Coordinating Committee as a whole. As a result of this process, many issues or questions were resolved and a broad general consensus was developed prior to the initiation of the formal rulemaking process later in 1998.

During 1998, as part of the rulemaking process required by the Administrative Procedures Act, the Division of Criminal Justice submitted the revised Standards for public review and comment and held a public hearing in three parts, in three locations across the state. The Standards Subcommittee carefully reviewed comments and questions before making final recommendations to the full body of the Coordinating Committee, which subsequently recommended adoption of the proposed Standards to the rulemaking authority, the Executive Director of the Colorado Department of Public Safety.

In July, 2001, the Office of the State Auditor conducted a performance audit of the Division of Criminal Justice, including the local victim compensation and victim assistance programs. The audit was published in July, 2001. Four recommendations were made as a result of this audit. The recommendations included a review of the redistribution process for victim compensation funds, improving the accountability of the use of administrative funds associated with the victim compensation and local VALE programs, development of a standard application for all victim compensation programs that would be available on the Division of Criminal Justice – Office for Victim Programs web site, and improving access to victim compensation services by establishing a policy that allows individuals to apply to an alternative board in certain cases. The redistribution process was eliminated through a statutory change in 2002 as the process was determined to have outlived its usefulness and was not cost effective. The other recommendations have been addressed through the revisions to the Standards.

In 2003, as with the 1998 revisions to the Standards, the Standards Subcommittee solicited feedback from administrators and board members from the local programs, District Attorneys, Judicial District Administrators, Chief Judges, and other interested parties. This information was incorporated into the proposed Standards prior to the initiation of the formal rulemaking process in 2004. As part of the rulemaking process required by the Administrative Procedure Act, the Division of Criminal Justice submitted the revised Standards for public review and comment and held a videoconference in five locations throughout the state. Comments and questions were reviewed by the Standards Subcommittee before making a final recommendation to the full body of the Coordinating Committee, which subsequently recommended adoption of the proposed Standards to the rulemaking authority, the Executive Director of the Colorado Department of Public Safety. The revised Standards became effective August 30, 2004. These Standards became the basis for the Standards adopted by the Advisory Board on February 5, 2010.

## **STANDARD 1 - DATA COLLECTION AND CENTRAL REPOSITORY FOR INFORMATION AND FORMS**

The Division of Criminal Justice shall serve as the central repository for victim compensation data and shall be responsible for collecting, collating and distributing this data in report form on an annual basis. The Victim Compensation Board shall submit standardized data and reports to the Division of Criminal Justice, as requested.

### **Minimum Implementation Requirements:**

The Division of Criminal Justice shall prepare and transmit data collection tools to collect information pertaining to the financial and programmatic activity of each Victim Compensation Board (Board), as determined by the Crime Victim Services Advisory Board (Advisory Board).

- 1.1 The Victim Compensation Board shall comply with requests from the Division of Criminal Justice for standardized data and reports. This information shall be provided by a date specified by the Division of Criminal Justice.
- 1.2 The Division of Criminal Justice shall analyze the data collected from each of the Victim Compensation Boards and will provide the analysis and related technical assistance to the Boards.
- 1.3 The Division of Criminal Justice, in coordination and consultation with the Victim Compensation Boards, shall prepare standardized forms for reporting the programmatic and financial activities of the Boards.
- 1.4 The Division of Criminal Justice shall compile an annual report of the activities of the twenty-two Victim Compensation Boards and shall distribute and/or make the report available via the Internet for the Boards and other interested parties.

## **STANDARD 2 – BYLAWS**

Each Victim Compensation Board shall develop and maintain bylaws that describe the authority, purpose, operations, and responsibilities of the Board. The bylaws shall be reviewed annually and updated as necessary. Bylaws shall be approved by a quorum of the Board. The Board members shall sign the bylaws and provide a copy to the District Attorney and the Judicial District Administrator, and shall keep written documentation of the dates of review and revision.

### **Minimum Implementation Requirements:**

- 2.1 The bylaws shall include the following elements:
- A. A statement of the authority and purpose of the Board, and a description of its duties including, but not limited to, the following:
    - 1. The responsibility to conduct an open, fair and equitable application and award process for victim compensation claims, as outlined in Standard 3;
    - 2. The responsibility to maintain sound written financial and programmatic policies and procedures, and reporting mechanisms, as outlined in Standard 3;
    - 3. The responsibility to conduct an annual financial and programmatic review, as outlined in Standard 3; and
    - 4. The responsibility to enter into a written agreement with the District Attorney regarding the type and level of administrative assistance and legal advice that is mutually agreeable, as outlined in Standard 4.
  - B. A statement describing the membership of the Board.
  - C. A statement that the Chairperson is designated by the District Attorney.

- D. A statement that Board meetings are held monthly, unless there is documentation that no new claims or ongoing requests for payment have been received.
- E. A statement that monthly meetings may be held by telephone conference call if deemed necessary by the Board.
- F. A statement as to how votes are taken and documented in the meeting minutes.
- G. A statement that a quorum of Board members, defined as a minimum of two-thirds of the appointed Board, must be present for the decision-making process to go forward.
- H. A statement that Board members may not give a proxy vote to any other person.
- I. A statement that outlines how a conflict of interest for Board members and designated staff will be managed.
- J. A statement that outlines the expectations of Board members for attendance at meetings, and describes the possible outcome of unexcused absences and/or continued non-attendance.
- K. A statement that public notice of meetings shall be provided in compliance with the Colorado Open Meetings Law. The public notice shall also include information on how to request a copy of the Board's policies and procedures as well as how to make a report alleging a violation of the standards.
- L. A statement authorizing Board members to be reimbursed for actual, reasonable and necessary expenses from the administrative fund.
- M. A statement of the items to be included in Board meeting minutes, including the following:
  - 1. Documentation of a quorum of Board members in attendance;

2. Date of meeting, time and location, review and approval/correction of previous month's minutes, and members in attendance at the meeting;
3. The language of any motion, together with a summary of any objection or amendment to the motion, and votes taken on each motion, including the vote on each victim compensation claim;
4. Declaration of Board or staff member's conflict of interest prior to the motions and the votes of the Board on that matter;
5. Identification and documentation of any claim approved, denied or reduced for "good cause" or "in the interest of justice" as specified in section 3.3(H);
6. Documentation of waivers, including the claim identifier and the reason for the waiver;
7. The reason for a denial of an award, or a partial or reduced award;
8. Identification of any claim brought to the Board for reconsideration of the original decision and the reason for the final decision(s);
9. Documentation of the financial and programmatic review and planning (See Standards 3.11; 3.12; and 3.13);
10. Documentation of any review, amendments, and/or revisions to the policies and procedures, including limitations on awards for certain types of services, together with the record of votes, and the effective date of change(s);
11. Documentation of any other business brought before the Board; and
12. Documentation of any review, amendments and/or revisions to the bylaws.

N. Definitions of terminology used by the Board in related materials and in policies pertaining to Board business.

### **STANDARD 3 – POLICIES AND PROCEDURES OF THE VICTIM COMPENSATION PROGRAM**

Each Victim Compensation Board shall develop and maintain written policies and procedures, in the form of a manual, for the operation of the Crime Victim Compensation program, and shall insure sound financial and programmatic planning. Policies and procedures shall be approved by a quorum of the Board. The Board members shall sign the program's policies and procedures and provide a copy to the District Attorney and Judicial District Administrator, and shall keep written documentation of the dates of review and revision.

Written policies and procedures shall be applied equally among all crime victims and shall be reviewed annually to determine their impact on crime victims.

#### **Minimum Implementation Requirements:**

- 3.1 **Written Application:** The Victim Compensation Board shall utilize a common written statewide application that contains standardized information for all crime victim compensation claims. The Victim Compensation Board may require additional information beyond that which is included in the statewide application, at its discretion, but shall not omit information from the statewide application.

The statewide application shall be jointly developed by the Division of Criminal Justice and representatives of Victim Compensation Boards' administrative and legal staff, and shall include the following elements:

- A. Information on whom to contact if there are questions on filling out the application.
- B. General victim/claimant identification information including: name, address, phone number, date of birth, gender, physical or emotional disability, race/ethnicity, social security number, and source of referral.
- C. The date, location, and type of crime, information about the crime report and agency to which the crime was reported, and information about the perpetrator, if known.
- D. Itemized documentation of compensable expenses, if known. If compensable expenses are not known, instructions as to the process for submission at a later date.

- E. Disclosure of insurance coverage and other collateral sources of reimbursement.
- F. The applicant's written authorization for release of information from service providers, creditors, and employers.
- G. Attestation to the truthfulness of the information contained in the application, and signature of the applicant.
- H. A subrogation agreement.
- I. A statement that there is an alternative application process available if there is a conflict of interest between the victim and two or more Board members. (See Standard 3.3.D.)
- J. A statement advising the victim of the right to request a reconsideration of the Board's decision and information regarding the process for reconsideration.
- K. A statement advising the victim of the statutory right to have the Board's decision reviewed by the district court after denial of a reconsideration.
- L. Authorization for release of funds directly to a service provider for approved services provided.

3.2 **Claim File:** The victim compensation claim file shall include the following:

- A. Documentation of a compensable crime (e.g. report from law enforcement agency).
- B. A completed application, signed by the victim or claimant.
- C. Verification of expenses.
- D. A treatment plan from the provider for mental health claims.

3.3 **Application Review:** The Victim Compensation Board shall have written policies and procedures describing the standard process for the receipt, investigation and review of applications and for the award and disbursement of crime victim compensation funds. The policy shall ensure that the process is equitable for all applicants, and shall contain the following elements:

- A. The criteria for evaluation of applications for crime victim compensation that clearly outlines any policies that differentiate between applicants based on special circumstances, type of crime, or type of service.
- B. The role of the legal advisor in assisting the Board in the determination of claim eligibility to ensure that there is no conflict of interest.
- C. The criteria describing the authority, responsibility, and circumstances under which administrative and legal staff shall screen applications, including screening of applications from victims requesting an alternate application process due to a conflict of interest with two or more Board members. (See Standard 3.3.D.)
- D. Policies and procedures for reviewing requests for an alternate application process due to a conflict of interest of a victim with two or more Board members. Policies and procedures shall contain, but not be limited to, the following elements:
  - 1. The request by the victim must be made before the decision-making process of the Board occurs;
  - 2. A clarification that a request for an alternate application process does not guarantee approval of the request;
  - 3. When a potential conflict is raised by the victim during the application process, the Victim Compensation Board or the District Attorney's administrative staff, with Board approval, shall determine if such a conflict exists;
  - 4. If a conflict is determined to exist, the victim compensation administrator shall transfer the claim information to another Victim Compensation Board that has agreed to review the application. (If necessary, the District Attorney's administrative staff may request assistance from the Division of Criminal Justice to identify an alternate compensation Board.)
  - 5. The alternate Board will honor the written payment policies of the originating Board, and shall return all records to the originating Board.

6. The victim shall have the same right to request reconsideration of the decision by the alternate Board to which the application was transferred.
  7. The originating Board shall accept the decision of the alternate Board.
  8. Any payment to the victim shall be provided by the originating Board.
- E. The criteria for the evaluation of applications from primary victims, secondary victims, and relatives. The criteria shall include a definition of primary victim, secondary victim, and relative.
  - F. The criteria for authorizing the payment of claims for mental health treatment including minimum standard qualification requirements of the service provider.
  - G. The criteria for the payment of property damage claims that includes a definition of victim safety and specifies how property damage claims will be reviewed.
  - H. Any policies or criteria that limit or reduce an eligible victim award, including a policy regarding the Board's use of "good cause" and "interest of justice" waivers (pursuant to C.R.S. §24-4.1-108) to limit or increase an award. Waivers shall be documented in Board meeting minutes and shall include the claim identifier and the reason for the waiver.
  - I. Any policies that establish dollar amount limitations (caps) that are less than the maximum authorized by statute.

3.4 **Payment Policies:** The Victim Compensation Board shall have a written policy regarding the disbursement of crime victim compensation funds that includes the following elements:

- A. The receipt of written documentation pertaining to all awards. For mental health claims, this documentation shall include a treatment plan that has been approved by the Victim Compensation Board or its designee.
- B. The issuance of written authorizations with an original signature for all payments.

- C. Written authorization of any delegation of signing authority regarding the payment of expenses. A copy of this authorization must be in the custody of the Judicial District Administrator and the District Attorney's Office.

3.5 **Emergency Awards:** The Victim Compensation Board shall have written criteria for emergency awards, including a definition of what is considered to be an emergency, and a policy for the authorization of emergency awards, as allowed by statute, that shall contain the following elements:

- A. The number of Board members needed to authorize an emergency award.
- B. The time frame within which the Board shall review the request after receipt of the application, which shall not extend beyond 72 hours.
- C. The ability to authorize the award by telephone, fax, or e-mail and that written authorization for the award must be obtained no later than the next scheduled Board meeting.
- D. The amount of assistance for which the victim is eligible and an explanation if it is less than the amount authorized by state statute pursuant to C.R.S. §24-4.1-112.
- E. The procedures for documentation of emergency awards.
- F. If a Board chooses not to authorize any emergency awards, there shall be a written policy to that effect.

3.6 **Notification of Decisions:** The Victim Compensation Board shall have a policy requiring written notification to applicants of the decisions of the Board, and written notification to service providers when there are pre-authorized and/or on-going services. The notification shall include information about the circumstances under which a victim may request a reconsideration of the decision of the Board.

- 3.7 **Reconsideration Process:** The Victim Compensation Board shall have a written policy regarding the reconsideration of claims. Denials of all or part of a claim shall include a specific statement as to why the claim was denied or reduced (per Colorado statute or Board policy), and the Board shall inform the applicant of the right to request reconsideration of a claim and the conditions under which a claim decision may be reconsidered. The instructions shall include the time frame within which the Board will review the request for reconsideration and make a decision. The process shall include the right to submit new or additional information and the right to appear before the Board. Claim decisions made at a reconsideration hearing shall be documented in Board meeting minutes and shall include the reason for the final decision(s). If upon reconsideration of a claim the denial or reduction is upheld, the applicant shall be notified in writing of the ability to have the Board's decision reviewed in accordance with the Colorado Rules of Civil Procedure, C.R.S. §24-4.1-105 and C.R.S §24-4.1-106(5).
- 3.8 **Public Education:** The Victim Compensation Board shall have a written policy describing the manner by which the Victim Compensation Board shall provide public education/outreach about the availability of victim compensation funds. The Victim Compensation Board shall distribute written information that maximizes awareness of the purpose and availability of crime victim compensation funds to crime victims and agencies that serve crime victims. Written information shall include a general description of the program including eligibility criteria, compensable services, award amount, and notice of the victim's right to request emergency assistance (if available) and under what conditions the victim is eligible for such assistance, if applicable.
- 3.9 **Review and Revision:** The Victim Compensation Board shall have a written policy describing the process to review, amend and/or revise the policies and procedures.
- 3.10 **Records Retention:** The Victim Compensation Board shall have a written policy regarding records retention for claim and financial information. The policy should be consistent with the records retention requirements of both the District Attorney's Office and the Colorado Judicial Department, and should also take into consideration the records retention requirements for federal funds, if applicable.

- 3.11 **Annual Financial and Programmatic Review:** The Victim Compensation Board, the District Attorney and/or designated administrative staff within the District Attorney's Office, and the Judicial District Administrator and/or designee shall review and assess the effectiveness of the financial and programmatic reports and policies of the program, as it pertains to their victim compensation responsibilities, at least annually.
- 3.12 **Financial Review:** The financial review shall be conducted by the Victim Compensation Board, the Judicial District Administrator, the District Attorney and/or designated administrative staff as specified in Standard 3.11 and shall include the following elements:
- A. A review of the amount of victim compensation funds received since the last review and an analysis of the increase or decrease in the amount of dollars coming into the fund.
  - B. A review of the claims received and paid since the last review, an analysis of the claims paid in relation to the funds available, and an analysis of significant increases or decreases in requests for victim compensation.
  - C. A review of the funds encumbered on behalf of victims that shall include an evaluation of the amount of unpaid obligations, and an analysis of the Board's ability to pay obligations when due.
  - D. A review of the ability to meet existing unpaid obligations in the future, prior to making new financial commitments.
  - E. A review of the program's current fund balance and a projection of the program's financial status in six months and one year. This fund balance review shall be used to determine if current payment policies are appropriate to maintain a reasonable fund balance.
- 3.13 **Programmatic Review:** The programmatic review and analysis referenced in Standard 3.11 shall be conducted by the Victim Compensation Board, the District Attorney and/or designated administrative staff and shall include an evaluation of the efficiency and effectiveness of the program, to include the following elements:

- A. A review of the average claim processing time. The average claim processing time should be within 45 working days of the receipt of the completed application to the Board's initial eligibility determination, but shall be no later than 60 working days from the receipt of the completed application.
- B. A review of the claims denied during the reporting period to determine if patterns of denial exist (i.e., type of crime, race, gender, etc.).
- C. A review of policies that affect the amount of funds a claimant may receive, including but not limited to, dollar limitations related to type of crime or type of service. Such policies/changes to policies shall be disseminated to victims impacted by the decision and to service providers in a manner determined appropriate by the Board.
- D. The program shall use the financial and programmatic review to amend policies as appropriate. All supporting materials shall be documented in the meeting minutes and shall be available for review upon request.

## **STANDARD 4 - ADMINISTRATIVE, LEGAL, TRAINING, AND FINANCIAL SUPPORT TO THE VICTIM COMPENSATION PROGRAM**

The District Attorney (or designee) is responsible to provide appropriate administrative and training assistance to the Victim Compensation Board and shall act as the legal advisor to the Victim Compensation Board. (See Standard 4.1.)

The Judicial District Administrator (or designee) is responsible to maintain custody of all state and federal victim compensation funds, and to carry out all designated financial duties of the program in order to ensure compliance with state and federal laws and requirements.

The State Court Administrator's Office is responsible to provide training and technical assistance to Judicial District Administrators in carrying out their responsibilities under the statute and Standards.

### **MINIMUM IMPLEMENTATION REQUIREMENTS:**

- 4.1 The District Attorney (or designee) shall have the following responsibilities:
  - A. The Victim Compensation Board shall enter into a written agreement with the District Attorney that specifies the level of administrative assistance and legal advice that is mutually acceptable to the Board and the District Attorney. The level of assistance shall not deprive the Board of its authority to make independent decisions, nor shall it place an unreasonable burden on the District Attorney. The agreement shall be reviewed annually and updated as needed. The written agreement between the District Attorney and the Victim Compensation Board shall also include, but not be limited to, the following:
    1. A statement that designated administrative staff shall maintain accessible and verifiable documentation of program encumbrances and program expenses that have been approved by the Board and paid to crime victims.
    2. A statement that designated administrative staff shall reconcile program expenses with the financial records of the Judicial District Administrator (the custodian of the victim compensation fund) at least quarterly.

3. A statement describing the authority and responsibility of designated administrative and/or legal staff to screen applicants and/or applications for victim compensation for the Board, and written documentation of any delegation of signing authority from Board to staff, and the conditions under which such delegation may be used.
- B. In accordance with the Colorado Open Records Act, the District Attorney's Office shall provide public access to bylaws and policies and procedures.
  - C. The District Attorney (or designee) shall periodically review the training needs of and provide training to administrative staff, legal staff, and Victim Compensation Board members, especially new staff or Board members, on compliance with victim compensation statutes, standards and bylaws.
  - D. The District Attorney (or designee) shall provide regular training to Deputy District Attorneys on the victim compensation statutes and the correct assessment of surcharges.
- 4.2 The Judicial District Administrator (or designee) shall have the following responsibilities:
- A. The Judicial District Administrator shall maintain a fund accounting system with an adequate method of internal controls to safeguard the funds and assets.
  - B. The system shall have the capacity to maintain separate documentation of federal and state fund deposits, disbursements, recoveries, and interest earned.
  - C. The Judicial District Administrator shall be responsible for maintaining the original written authorizations for the disbursements of victim compensation funds.
  - D. The Judicial District Administrator shall disburse funds only upon the written authorization of the Board (or the Chief Judge, in the case of the court's administrative funds), or in accordance with statutory mandates.

- E. Any delegation of signing authority for the program must be in written form, signed by the official or Board delegating this authority, and maintained by both the Judicial District Administrator and the District Attorney's Office.
- F. The Judicial District Administrator shall be responsible for issuing payments on victim compensation claims within ten working days of the receipt of the signed payment authorizations submitted by the Board.
- G. The Judicial District Administrator shall provide the Board with written reports regarding the status of the fund in a manner that is acceptable to the Judicial District Administrator and the Board so that the Board can make well-informed decisions. Financial reports requested by the Board or the District Attorney's Office shall be due on a date mutually agreed upon by all parties. The report shall include beginning and ending fund balances, amount of funds collected, and amount of funds expended.
- H. The Judicial District Administrator shall reconcile the victim compensation bank statement(s) to subsidiary ledger(s) monthly and shall provide reconciled revenue and expenditure records to the District Attorney's administrative staff on a monthly basis. The expenditure records shall provide the District Attorney's administrative staff with sufficient information to reconcile the financial records with the records of the program expenses approved by the Victim Compensation Board.
- I. The Judicial District Administrator (or designee) shall participate in the annual financial review of the victim compensation program described in Standard 3.

4.3 The State Court Administrator's Office shall have the following responsibilities:

- A. Consult, coordinate, and develop with the Division of Criminal Justice financial and administrative operating procedures that provide technical support and assistance regarding fiscal requirements affecting all districts, and policies and procedures of federal and state victim compensation funds.
- B. Train and provide guidance to the Judicial District Administrators on victim compensation financial and reporting responsibilities and the use of the judicial district administrative funds.

- C. Consult and coordinate with the Division of Criminal Justice on preparation of standardized financial activity reporting forms for state and federal funds.

## STANDARD 5 – FINANCIAL REQUIREMENTS FOR ADMINISTRATIVE FUNDS

To implement the provisions of C.R.S §24-4.1-101 et seq., the District Attorney and the Judicial District Administrator may use up to the amount allowed by statute of the victim compensation collections in the judicial district.

### Minimum Implementation Requirements:

- 5.1 The District Attorney and Chief Judge (or designee) shall have a written annual budget and expenditure agreement with the Victim Compensation Board regarding the use and disbursement of the administrative funds. For the District Attorney, the budget and expenditures for allowable administrative costs shall be governed by the current set of Guidelines for Administrative Expenses for Victim Compensation programs, herein incorporated by reference. For the Judicial District Administrator, the budget and expenditures for allowable administrative costs shall be governed by the Judicial Department Fiscal Policies and Procedures. Such agreements shall be developed annually, prior to the disbursement of administrative funds, and shall include only those expenditures allowed by statute. Once adopted by the Board, the budget and expenditure agreement shall be considered a local encumbrance of victim compensation administrative funds. The agreement shall include a description of the manner in which administrative funds are expended and/or reimbursed, as outlined in requirement 5.5 below.
- 5.2 The Chief Judge shall provide written authorization for the disbursement of the court's administrative funds for allowable expenses.
- 5.3 Unused portions of the District Attorney and Judicial District Administrator administrative funds may be reserved for future use or may be transferred to the victim compensation program portion of the fund, at the discretion of the District Attorney and the Judicial District Administrator, respectively.
- 5.4 The authorized budget shall be subject to the availability of funds.

- 5.5 The Victim Compensation Board shall provide written authorization to the Judicial District Administrator for the disbursement of administrative funds for the District Attorney. The Board may authorize the Judicial District Administrator to disburse administrative funds to the District Attorney in one of the following manners, at the discretion of the District Attorney:
- A. Allowable expenses directly incurred by the District Attorney may be reimbursed by direct transfer of funds to the District Attorney's funding source, the Victim Compensation Board, or the Boards of County Commissioners of a Judicial District. Specific reimbursable costs must be identified in the written financial records of the District Attorney.
  - B. With the agreement of the Judicial District Administrator, the District Attorney may authorize the payment of allowable expenses incurred directly to the vendor.
  - C. Unless otherwise prohibited, the District Attorney may establish a separate account held by the District Attorney's Office to receive administrative funds for the expenditure of allowable costs, providing that this separate fund is subject to all generally accepted accounting principles, and is part of the audit obtained by the District Attorney's Office.
- 5.6 The District Attorney and the Judicial District Administrator shall be responsible for maintaining accounting documentation that is accessible and verifiable as to the expenditures from the Victim Compensation administrative funds.
- 5.7 The Court may disburse its administrative funds into its personal services and operating budget as reimbursement for victim compensation services in accordance with Standard 5.1.
- 5.8 The District Attorney and the Chief Judge, or designee, shall submit an annual report to the Victim Compensation Board that documents actual expenditures from the administrative fund. This report shall provide sufficient details to determine the relationship of the expenditures to victim compensation program administration. The Board shall submit a copy of the budget and expenditure report to the Division of Criminal Justice on an annual date and in a format determined by the Division.

## **STANDARD 6 – FEDERAL FUNDS**

The Division of Criminal Justice shall provide the Victim Compensation Boards with guidelines and technical assistance regarding the administration of federal victim compensation grants.

### **Minimum Implementation Requirements:**

- 6.1 The Division of Criminal Justice shall compile an administrative guide that provides specific information regarding the administrative requirements of federal victim compensation grants. The guide will be reviewed at least once per year and revised as necessary.
- 6.2 The Victim Compensation Board and designated staff shall review the guidelines and shall comply with the federal grant and reporting requirements.
- 6.3 The Division of Criminal Justice shall provide technical assistance at the request of Victim Compensation Boards or as necessary to ensure that the Boards and designated staff are in compliance with federal grant requirements.
- 6.4 The District Attorney and designated administrative staff shall provide a copy of his/her annual audit to the Division of Criminal Justice on an annual basis pursuant to federal and state requirements. The audit shall include federal crime victim compensation funds, if applicable.

## **STANDARD 7 – BOARD APPOINTMENTS**

The District Attorney shall consider appointments to the Board that provide geographic, ethnic and victim representation and that are representative of the judicial district.

### **Minimum Implementation Requirements:**

- 7.1 The District Attorney shall consider for appointment to the Victim Compensation Board only those individuals who are not employed by the District Attorney or the Judicial Department within that judicial district.
- 7.2 The District Attorney shall consider for appointment to the Victim Compensation Board only those individuals who currently reside within that judicial district.
- 7.3 The District Attorney shall not consider any attorney actively practicing law in the criminal court of the judicial district for appointment to the Board.

## GLOSSARY OF TERMS

Advisory Board: The Executive Director of the Department of Public Safety appointed Crime Victim Services Advisory Board.

Approved Claim: A claim where the recipient is determined to be ELIGIBLE to receive victim compensation funds, even though the amount to be received may not be known or where some of the known expenses are covered by collateral sources (insurance, government assistance programs, etc.). If any portion of a claim is approved, it shall be considered an approved claim for reporting purposes.

Boards: The term used to refer to the twenty-two local Crime Victim Compensation Boards.

Case specific waiver: A waiver by the Board of any of the requirements set forth in sections C.R.S. 24-4.1-108 and 24-4.1-109 (1) of the statute when such waiver has been determined by the Board to be in the interest of justice.

Claim: A formal written request for victim compensation by an individual. (For example, if one compensation application covers three related victims from one crime, each of whom is requesting compensation, that represents three claims.) Inquiries or requests for application forms should not be counted.

Collateral sources of reimbursement: Sources of funds available to the victim for expenses related to the crime including, but not limited to, reimbursement by insurance providers, civil suits, or other sources.

Colorado Open Meetings Law: The policy of the state that the formation of public policy is public business and may not be conducted in secret (C.R.S. §24-6-401, 402).

Division of Criminal Justice: The Colorado state criminal justice planning agency.

Encumbrance: An unpaid obligation that the Board is legally obligated to pay because it has ordered something, or has entered into a written agreement for some service, but which has not yet been paid.

Federal grant requirements: The requirements for the use of federal crime victim compensation funds. The requirements are outlined in the Division of Criminal Justice Administrative Guide for Federal Crime Victim Compensation.

Payments of Crime Victim Compensation: Crime victim compensation payments that are made to a victim, relative, or service provider on behalf of a crime victim.

Payment patterns: The patterns resulting from judicial district specific payment limits that have been established by the Board including, but not limited to, limits for specific types of services or limits for specific types of victimization.

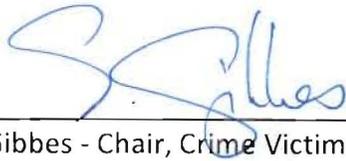
Quorum: A quorum is at least two of the three appointed Crime Victim Compensation Board members.

Reporting Agency: The law enforcement agency to whom the crime was reported.

Restitution: The dollars an offender is court ordered to pay to reimburse a victim, service provider, or victim compensation fund for actual expenses incurred as a result of the crime.

*These Standards for the Administration of Crime Victim Compensation Programs shall remain in place until amended or abolished.*

Date of Adoption: February 5, 2010



Elaine G. Gibbes - Chair, Crime Victim Services Advisory Board



Jeanne M. Smith - Director, Division of Criminal Justice