

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

***STANDARDS FOR THE ADMINISTRATION OF
VICTIM ASSISTANCE AND LAW ENFORCEMENT
(VALE) PROGRAMS***



Office for Victims Programs
Crime Victim Services Advisory Board

As adopted – February 5, 2010

CONTENTS

	<u>PAGE</u>
INTRODUCTION	3
BACKGROUND	3
STANDARD 1 – DATA COLLECTION AND CENTRAL REPOSITORY FOR INFORMATION	8
STANDARD 2 – BYLAWS	9
STANDARD 3 – POLICIES AND PROCEDURES FOR THE VALE GRANT PROGRAM	12
STANDARD 4 – ADMINISTRATIVE, LEGAL, TRAINING, AND FINANCIAL SUPPORT TO THE LOCAL VALE PROGRAM	17
STANDARD 5 – FINANCIAL REQUIREMENTS FOR ADMINISTRATIVE FUNDS	20
STANDARD 6 – BOARD APPOINTMENTS	22
GLOSSARY OF TERMS	23

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Effective July 1, 2009, Senate Bill 09-047 created the Crime Victim Services Advisory Board (“Advisory Board”) and repealed the Victim Compensation and Assistance Coordinating Committee (“Coordinating Committee”) and the State Victims Assistance and Law Enforcement Advisory Board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 Senate Bill 09-047 incorporated into the Advisory Board many of the powers and duties of the repealed boards, including the development and revision of Standards for the administration of victim compensation and VALE funds by local boards.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 1985, the Colorado General Assembly passed legislation creating the Victim Assistance and Law Enforcement (VALE) Program. The legislation created a funding mechanism, which is an assessment on criminal and traffic offenses, which generates funds to provide programs and services for crime victims and to assist law enforcement agencies. A percentage of the monies collected statewide is deposited with the State Treasurer for administrative costs and State VALE grants.

The legislation established Victim Assistance and Law Enforcement 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 assistance and law enforcement funds.

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 victim compensation and VALE programs. They also serve as an advisory subcommittee to the Coordinating Committee in developing standards and related minimum implementation requirements.

The Victims' Compensation and Assistance Coordinating Committee, in revising, reorganizing and approving the Standards for the Administration of Victim Assistance and Law Enforcement (VALE) 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 assistance 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 Victim Assistance and Law Enforcement (VALE) Programs in 1992, DCJ staff collected information from all twenty-two judicial districts regarding existing policies and procedures for the administration of Victim Assistance and Law Enforcement 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 monitoring 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 which 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 subsequently 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 they were promulgated in 1992. The purpose of the review was to consolidate, clarify, and revise the existing standards to address the identified needs of local VALE 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 VALE administrators, local board members, District Attorneys, Judicial District Administrators, Chief Judges, and other interested parties. 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. Comments and questions were carefully reviewed by the Standards Subcommittee 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. Four recommendations were made as a result of this audit. One of the recommendations addressed both the Victim Compensation and local Victim Assistance and Law Enforcement programs. This recommendation addressed improving the accountability of local administrative funds associated with victim compensation and VALE programs. The other three recommendations were specific to the Victim Compensation Program.

In 2003, as with the 1998 revisions to the Standards, the Standards Subcommittee began to solicit 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 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. 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

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

Minimum Implementation Requirements:

- 1.1 The Division of Criminal Justice shall prepare and transmit data collection tools to collect information pertaining to the financial and programmatic activities of each local VALE Board.
- 1.2 Each local VALE 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.
- 1.3 The Division of Criminal Justice shall analyze the data collected from each of the local VALE Boards and will provide the analysis and related technical assistance to the local Boards.
- 1.4 The Division of Criminal Justice shall compile an annual report of the activities of the twenty-two local VALE Boards and shall distribute and/or make the report available via the Internet for the local Boards and other interested parties. This report shall be completed by July 1 of each year.

STANDARD 2 – BYLAWS

Each local VALE Board shall develop and maintain bylaws that describe the authority, purpose, operations and responsibilities of the Board, and define the roles and responsibilities of the District Attorney and Judicial Department staff with respect to administrative, legal and financial assistance to the Board. The bylaws shall be reviewed annually and updated as necessary. The 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 Judicial District Administrator, and shall keep written documentation of the types and 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, minimally including, but not limited to the following:
 - 1. The responsibility to conduct an open, fair and equitable application and award process for local VALE grant requests, 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 Board.
- D. A statement that if deemed necessary by the local VALE Board, a meeting may be held by conference call to conduct nonrecurring business.
- E. A statement regarding how votes are taken and documented in the meeting minutes.
- F. A statement that a quorum of Board members, defined as a minimum of three-fifths of the sitting Board, must be present for the decision-making process to go forward.

- G. A statement that Board members may not give a proxy vote to any other person.
- H. A statement that outlines how a conflict of interest for Board members, designated District Attorney and Judicial Department staff will be managed.
- I. 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.
- J. 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, Bylaws, and meeting minutes as well as how to make a report alleging a violation of the Standards.
- K. A statement authorizing Board members to be reimbursed for actual, reasonable and necessary expenses from the administrative fund.
- L. A statement of the items to be included in Board meeting minutes, including the following items:
 - 1. Documentation of a quorum of Board members in attendance;
 - 2. Date of meeting; time and location; review and approval/correction of previous Board meeting 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 grant request;
 - 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. The reason(s) for a denial of a grant application;
 - 6. Identification of any grant application brought to the Board for reconsideration of the original decision regarding funding and the reason(s) for the final decision;
 - 7. Documentation of the financial and programmatic review and planning (See Standard 3);

8. Documentation of any review, amendments and/or revisions to the Policies and Procedures, including the record of votes and the effective date of the change(s);
 9. Documentation of any other business brought before the Board; and
 10. Documentation of any review, amendments and/or revisions to the bylaws, including the record of votes and effective date of the change(s).
- M. Definitions of terminology used by the Board in related materials and in policies pertaining to Board business.

STANDARD 3 - POLICIES AND PROCEDURES FOR THE VALE GRANT PROGRAM

Each local VALE Board shall develop and maintain written policies and procedures for the operation of the local VALE grant program, and shall insure sound financial and programmatic planning. The policies and procedures shall be reviewed annually and updated as necessary. The policies and procedures shall be approved by a quorum of the Board. The Board members shall sign the 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 describe the process by which the Board operates an open, fair and equitable grant application and award program.

Minimum Implementation Requirements:

Policies and procedures shall include the following elements:

3.1 **Public notice of the availability of funds:** The local VALE Board shall provide public notice (e.g. newspaper, website, mail to past recipients and those requesting) to prospective applicants stating the purpose and availability of local VALE funds prior to each funding cycle, and shall issue a notice (request for proposal) that shall contain the following information:

- A. Starting date and length of grant cycle.
- B. Local VALE administrator's name, address, and phone number.
- C. Eligibility requirements to apply for funding.
- D. Funding purpose and priorities as identified by the local VALE Board and outlined in statute.
- E. Amount of funds available.
- F. Application deadline (which shall be no less than 30 days after the Request for Proposal is issued, unless the Board has determined that extenuating circumstances exist).
- G. Criteria the Board uses in determining the funding of grant awards and that these criteria are applied to all grant applicants.

- H. Eligibility requirements or criteria for funding that apply specifically to continuation grants and/or new applicants, if different from one another.

3.2 **Written application to request funds for services:** Each local VALE Board shall utilize a written application form with clear and concise instructions for all applicants seeking funding from the Board. The application for requesting funds for goods or services shall contain the following information:

- A. A problem statement from the applicant that is specific to the community the project will serve.
- B. A description of the applicant agency.
- C. A description of the project for which funding is requested.
- D. Goals and objectives of the project that are measurable and specific.
- E. A time line and work plan for the project, unless waived by the Board for continuation applicants.
- F. A budget request for the project, and a budget narrative that includes an explanation and justification for the requested items.
- G. A description of the entire victim assistance budget of the applicant agency that includes all funding sources.
- H. A plan for evaluation of the services requested to be funded.
- I. Statements demonstrating cooperation, referrals and non-duplication of services with other victim service agencies in the community.
- J. A 501 C (3) tax-exempt certificate or evidence that application is in process (if the applicant is a non-profit organization).
- K. Any requirements listed in the statute.
- L. Specific signing authorities including authorized official, project director, and financial officer.

- 3.3 **Written applications for scholarships and/or law enforcement applications for equipment or training:** The Board shall utilize a written application form for all applicants seeking funding from the Board for scholarships, equipment, or training. The application for requesting funds for scholarships and/or law enforcement applications solely for equipment or training may be abbreviated at the discretion of the Board. At a minimum, the application and other documentation shall contain sufficient information to adequately document the amount requested, the reason for the request, the recipient of funds, and a report of actual expenditures by the recipient.
- 3.4 **Written applications for funding from the District Attorney's Office, Judicial District Administrator's Office, or organizations with which Board members are affiliated:** District Attorneys' Offices, Judicial District Administrators, or Board members affiliated with a particular applicant agency are allowed to make applications for funds in the same manner as any other applicant. However, a conflict of interest shall be assumed and declared, and the policy shall contain the statement that "all members of the District Attorney's staff, Judicial District Administrator's staff, or Board members having an interest in an application with which he or she is affiliated shall be excused from the Board meeting during discussion and voting on the pertinent application."
- 3.5 **Decision making process:** Each local VALE Board shall engage in an impartial and equitable decision making process, utilizing the criteria for eligibility and funding decisions contained in the request for proposal.
- 3.6 **Notification of decisions:** Each local VALE Board shall have a policy requiring written notification to applicants of the decisions of the Board, including applicants who are denied funding. The notification shall include specific information regarding the reason for denial and the circumstances under which an applicant may request a reconsideration of the Board.
- 3.7 **Reconsideration process:** Each local VALE Board shall have a written policy regarding the reconsideration of grant applicants who were denied funding. Notification of denial of funding shall include a specific statement as to why the application was denied, and the Board shall inform the applicant of the right to request a reconsideration of the application and the conditions under which a funding decision may be reconsidered. An applicant may request a reconsideration of the Board's decision if the applicant can show that additional information is available or if a change of circumstances has occurred. The instructions shall include the time frame within which the Board will review the request for reconsideration and make a decision. Funding decisions made at a reconsideration hearing shall be documented in the Board meeting minutes and shall include the reason(s) for the final decision.

- 3.8 **Final funding decisions:** Funding decisions shall not be final, and no disbursements of funds for the grants under consideration shall take place until the reconsideration process has been completed, unless at the discretion of the Board, there are adequate funds available for successful reconsidered applications.
- 3.9 **Allocation of funds for victim assistance and law enforcement grants:** All grants that provide victim and witness services, as described by Section 24-4.2-103 (5), shall be paid from the Victim Assistance portion of the VALE fund, even if a law enforcement agency is providing the services. Such grants shall comprise not less than 85% of the funds available for grants. Grants that fund other law enforcement expenditures, as described in Section 24-4.2-105 (3) and Section 24-4.2-105 (4.3) shall not exceed 15% of the funds available for grants. Expenditures from the law enforcement portion of the VALE fund shall be for expenses that are directly related to the implementation of the rights afforded to crime victims pursuant to Section 24-4.1-302.5, and the provision of services delineated pursuant to Sections 24-4.1-303 and 24-4.1-304.
- 3.10 **Written Agreement:** The local VALE Board shall issue a written agreement (hereafter *grant*) to the recipient of funds for the purchase of goods or services with local VALE funds. The grant shall contain the following elements:
- A. A statement of the purpose of the grant and the specific goods or services being purchased.
 - B. The duration of the grant and the ability to amend the terms.
 - C. The specific dollar amount approved including the payment schedule and a disclaimer stating that the grant is contingent upon the availability of funds.
 - D. Any special conditions to the grant.
 - E. The reporting requirements and consequences for noncompliance including the conditions under which a grant may be suspended or terminated for cause.
 - F. The requirement that funded agencies shall make written financial and programmatic reports at least semi-annually.
 - G. The policy of the Board regarding the conditions of ownership of equipment or real property purchased with VALE funds and circumstances under which others may use the equipment or real property, or when ownership may be transferred. At the option of the Board, ownership may be transferred to the funded agency with no further conditions.
 - H. A statement that audit/financial statements may be requested by the Board, and the agency's books shall be available for review upon request.

- I. The procedure of the Board for the timing, frequency, and percentage of VALE funds disbursed during the grant period.
 - J. The signature of the authorized official, financial officer, project director and Board chairperson.
- 3.11 **Monitoring and reporting:** Each local VALE Board shall hold local VALE grant recipients accountable for their performance and financial management, and shall have a monitoring process for grant recipients that includes both financial and programmatic reporting. Funded agencies shall report at least semi-annually.
- 3.12 **Documentation of grant decision:** Each local VALE board shall assure that all actions taken on matters related to grant applications and awards shall be recorded in the minutes of the meeting.
- 3.13 **Review and revision:** Each local VALE Board shall have a written policy describing the process to review, amend and/or revise the policies and procedures.
- 3.14 **Records retention:** Each local VALE Board shall have a written policy regarding records retention for programmatic/financial information. The policy should be consistent with the records retention requirements of both the District Attorney's Office and the Colorado Judicial Department.
- 3.15 **Annual financial and programmatic review:** The local VALE 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 local VALE responsibilities, at least annually.

STANDARD 4 – ADMINISTRATIVE, LEGAL, TRAINING, AND FINANCIAL SUPPORT TO THE LOCAL VALE PROGRAM

The District Attorney (or designee) is responsible for providing appropriate administrative and training assistance to the local VALE Board and shall act as the legal advisor to the Board (See 4.1).

The Judicial District Administrator (or designee) is responsible for maintaining custody of all local VALE funds, and will carry out all designated financial duties of the program (See 4.2).

The State Court Administrator is responsible to provide training and technical assistance to the Judicial District Administrator in carrying out their responsibilities under the statute and the Standards (See 4.3).

Minimum Implementation Requirements:

4.1 The District Attorney shall have the following responsibilities:

- A. Each local VALE 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 local VALE 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 expenses that have been approved by the Board, including copies of financial and programmatic reports received from funded agencies;
 2. A statement that designated administrative staff shall reconcile program expenses with the financial records of the Judicial District Administrator (the custodian of the local VALE fund), at least quarterly; and
 3. A statement describing the authority and responsibility of designated administrative and/or legal staff to screen grant applications 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 access to Bylaws, Policies and Procedures, and Board meeting minutes.
 - C. The District Attorney (or designee) shall periodically review the training needs of and provide training to administrative and legal staff, and local VALE Board members, especially new staff or Board members, on compliance with local VALE statutes, standards, and Bylaws.
 - D. The District Attorney (or designee) shall provide regular training to Deputy District Attorneys on the local VALE statutes and the correct assessment of surcharges.
 - E. The District Attorney and designated staff within the District Attorney's Office shall assure that a record of encumbrances by grant or scholarship, and a record of administrative fund encumbrances is maintained. An encumbrance is defined as an unpaid obligation (a legal obligation to pay for goods and services, supported by a contract, grant, letter of agreement or purchase order). The local VALE Board and designated staff within the District Attorney's Office shall assess the ability to meet existing unpaid obligations in the future, prior to making new financial commitments.
 - F. The local VALE Board, designated staff within the District Attorney's Office and the Judicial District Administrator shall have a process by which encumbrances (unpaid obligations) which will not be utilized can be periodically cleared, no later than three months following the end date of a grant or scholarship award.
- 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 Judicial District Administrator shall be responsible for maintaining the original written Board authorizations for the disbursements of local VALE funds.
 - C. The Judicial District Administrator shall disburse funds only upon the written authorization of the Board or in accordance with statutory mandates.
 - D. 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 Court and the District Attorney's Office.

- E. 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, amount of funds encumbered, and amount of funds expended.
- F. The local VALE Board, designated administrative staff within the District Attorney's Office, and the Judicial District Administrator shall review the existing methods used by the Judicial District Administrator to determine the amount of local VALE funds available and the accuracy of the determination. Such review shall be recorded in the minutes of the Board meeting.
- G. The Judicial District Administrator (or designee) shall participate in the annual financial review of the local VALE program described in Standard 3.15.

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.
- B. Train and provide guidance to the Judicial District Administrators on local VALE financial and reporting responsibilities.

STANDARD 5 – FINANCIAL REQUIREMENTS FOR ADMINISTRATIVE FUNDS

To implement the provisions of Section 24-4.2-103(4), the District Attorney may use up to the amount allowed by statute of the local VALE collections in the judicial district. The budget and expenditures for allowable administrative costs shall be governed by the current set of *Guidelines for Administrative Expenses for VALE Programs*, hereby incorporated by reference.

Minimum Implementation Requirements:

- 5.1 The District Attorney shall have a written annual budget and expenditure agreement with the local VALE Board regarding the use and disbursement of the administrative funds. Such agreement 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 VALE administrative funds. The agreement shall include a description of the manner in which administrative funds are expended and/or reimbursed, as outlined in requirement 5.4 below.
- 5.2 Unused portions of the District Attorney's administrative funds may be reserved for future use or may be transferred to the grant portion of the VALE fund, at the discretion of the District Attorney.
- 5.3 The authorized budget shall be subject to the availability of funds.
- 5.4 The local VALE Board shall provide written authorization to the Judicial District Administrator for the disbursement of administrative funds to 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. With the agreement of the Board, allowable expenses directly incurred by the District Attorney may be reimbursed by direct transfer of funds to the District Attorney's funding source, the Board, or Boards of County Commissions 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 Board, the District Attorney may direct the payment of allowable expenses incurred, with said payments to be made by the Judicial District Administrator 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 universe in the annual audit obtained by the District Attorney's Office.
- 5.5 The District Attorney shall be responsible for maintaining accounting documentation that is accessible and verifiable as to the administrative expenditures from local VALE funds.
- 5.6 The District Attorney shall submit an annual report to the local VALE Board that documents actual expenditures from the administrative fund. This report shall provide sufficient details to determine the relationship of the expenditures to local VALE 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 follow a format determined by the Division.

STANDARD 6 – BOARD APPOINTMENTS

The Chief Judge shall consider appointments to the local VALE Board that provide geographic, ethnic and victim representation that are representative of the judicial district.

Minimum Implementation Requirements:

- 6.1 The Chief Judge shall consider for appointment to the local VALE Board only those individuals who are not employed by the District Attorney or the Judicial Department within that judicial district.
- 6.2 The Chief Judge shall consider for appointment to the local VALE Board only those individuals who currently reside within that judicial district.
- 6.3 The Chief Judge 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.

Applicant Agency: An agency that has formally applied for funding from the local VALE Board.

Authorized Official: The authorized official is the person who is, by virtue of their position, authorized to enter into contracts for the funded agency.

Examples of Authorized Officials -

If the funded agency is a:

Then the Authorized Official may be the:

State Agency

Department or Division Director

An agency of/or a unit of
local government:

City

Mayor or City Manager

County

Chairperson of the County

Commissioners

Sheriff's Department

Chairperson of the County Commissioners

Police Department

Mayor or City Manager

Courts

Chief Judge

District Attorney's Office

District Attorney

Private Non-Profit Agency

President or Chairperson of the Board of Directors

School District

Superintendent

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 (CRS 24-6-401,402).

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

Encumbrance: A legal obligation to pay for goods or services, supported by a contract, grant, letter of agreement, or purchase order.

Financial Officer: The person who is responsible for all financial matters related to the program and who has responsibility for the accounting, management of funds, verification of expenditures, audit information and financial reports. The person who actually prepares the financial reports may be under the supervision of the Financial Officer. The Financial Officer must be a person other than the Authorized Official or the Project Director.

Funded Agency: The term used for the agency which has been awarded local VALE funds.

Local Boards: The term used to refer to the twenty-two local Victim Assistance and Law Enforcement (VALE) Boards.

Project Director: The person who has direct responsibility for the implementation of the project. This person should combine knowledge and experience in the project area with ability to administer the project and supervise personnel. He/she shares responsibility with the Financial Officer for seeing that all expenditures are within the approved budget. This person will normally devote a major portion of his/her time to the project, and is responsible for meeting all reporting requirements. The Project Director must be a person other than the Authorized Official or the Financial Officer.

Quorum: A quorum is at least three of the five appointed members of the local Victim Assistance and Law Enforcement (VALE) Board.

Unpaid obligation: A fiscal encumbrance which 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.

These *Standards for the Administration of Victim Assistance and Law Enforcement (VALE) 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