

# VERMONT'S VICTIM COMPENSATION PROGRAM STANDARDS

## Section I MISSION, GOALS AND OBJECTIVES

### 1.1 Mission:

To join with victims, survivors and those who interact with victims to implement, sustain and support a victim Compensation Program that is victim-centered, comprehensive, and just.

### 1.2 Goals

**Goal I.** To support a strong and active network of victims and survivors of crime.

#### **Objectives:**

a. The Victim Compensation Program will utilize the Center's Victim Advisors in an advisory role. We will share information, provide support and acknowledge their work in the field.

**Goal II.** To support increased accessibility for all Vermonters to crime victim and criminal justice services.

#### **Objectives:**

- a. Services are accessible to all Vermonters regardless of age, race, disability, ethnicity, sexual orientation, or geographic location.
- b. Services are accessible to eligible victims in a timely manner.
- c. Services effectively reduce the financial, emotional, and physical consequences of criminal victimization.

**Goal III.** To support a strong victim services network, strengthening links among advocates of all kinds.

#### **Objectives:**

a. The Victim Compensation Program collaborates with

advocates/providers from all types of programs to ensure coordinated and comprehensive services to victims/survivors of crime.

- b. Training on the Victim Compensation Program is readily available.

**Goal IV.** To support stronger cooperative relationships across systems.

**Objectives:**

- a. Effective relationships exist with other victim service providers in order to deliver consistent services to victims.
- b. Collaboration is an accepted principle of the work of victim services.

**Goal V.** To support greater accountability to victims and survivors of crime.

**Objectives:**

- a. Victims/survivors of crime are meaningfully involved in planning, implementation and evaluation of services.
- b. It is an accepted principle of the work of victim services that we "do no harm."
- c. The rights and needs of victims and survivors are valued and promoted by the Victim Compensation Program through public education, legislative initiatives, and advocacy.
- d. The Victim Compensation Program is evaluated through the use of a consumer feedback questionnaire sent to applicants upon a decision made on their claim; approval, denial, ineligible, or no loss of their claim.
- e. The Victim Compensation Board provides oversight and accountability to ensure that federal and state statutes and program policies are consistently followed by program staff.

## **1.2 Service Area and Eligibility**

The Victim Compensation Programs serves “victims” of crime when the crime occurs in Vermont, or when a Vermont resident is victimized outside of Vermont and the jurisdiction does not have a Victim Compensation Program. [13 V.S.A. §5353]

“Victim” means:

- a. A person who sustains injury or death as a direct result of the commission or attempted commission of a crime; or
- b. An intervener who is injured or killed in an attempt to assist a person describe in (A) of this subdivision (7); or the police; or
- c. A surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent or other survivor who may suffer severe emotional harm as a result of the victim’s death as determined on a case-by-case basis in the discretion of the Victim Compensation Board. [13 V.S.A. §5351(7)]

A crime victim is eligible for Victim Compensation when:

- a. the crime occurs in Vermont,
- b. the crime is reported to law enforcement, and
- c. law enforcement finds probable cause that a crime was committed. [13 V.S.A. §5353]
  - 1) There is, however, one exception to requirements b. and c. The Program covers payments for rape exams, HIV counseling and testing, Post Exposure Prophylaxis drug treatment, and limited mental health counseling and does not require the victim to report the incident to police.

### 1.3 **Adherence to State and Federal Laws and Program Standards**

The Vermont Victim Compensation Program must adhere to:

- a. The provisions of 13 V.S.A. §§5351 – 5358 (see Appendix);
- b. The policies and procedures as defined by the Victim Compensation Board; and
- c. All other applicable state and federal laws and regulations.

All staff of the Victim Compensation Program will abide by federal laws

including:

- a. The Americans with Disabilities Act, and
- b. The federal drug-free workplace requirement.

All staff of the Victim Compensation Program will abide by the program's Ethical Standards.

#### 1.4 **Core Rights of Victims of Crime**

All staff of the Victim Compensation Program will be guided by the eight core rights of Victims of Crime:

- a. **Safety/Security** – addressing the safety needs of crime victims by helping them with safety planning, referrals to other victim service providers, and when possible, providing them with security systems and measures through the Compensation Program.
- b. **Testimony** – giving crime victims opportunity to share their experiences during the course of providing services, and referral to the Center's Crime Victim Advisors.
- c. **Notification** – providing crime victims with information about their rights and available services.
- d. **Choice** – allowing crime victims to make their own choices about utilizing the options available to them.
- e. **Information** – answering crime victims' questions and providing them with appropriate referrals to other services and assistance.
- f. **Restitution** – providing information to crime victims about their right to restitution.
- g. **Validation** – showing crime victims respect for and acknowledgement of their victimization experience.

## Section II **COORDINATING WITHIN THE COMMUNITY**

### 2.1. **Accessibility and Safety of Services**

The Victim Compensation Program is located in an accessible building at 58 S. Main Street, Waterbury, VT 05676. Office hours are Monday through Friday, 8:30 – 4:30.

Crime victims are encouraged to access the Program by telephone. The Program maintains a toll free telephone number: 1-800-750-1213 (VT only).

- a. To facilitate communication with Deaf and hard of hearing persons, the program will utilize the Telecommunications Relay Services (711) to ensure access to the program.
- b. The program will use foreign language interpreters through the Refugee Re-settlement program, 802-655-1963, or the AT&T Language line for foreign language speaking crime victims, 1-800-752-6096, ext.1. The state also has a contract with Language Learning Enterprises, 1-888-464-8553, [www.lle-inc.com](http://www.lle-inc.com).

The program encourages victim advocates on the local level to assist crime victims in filling out applications and with follow-up. Program staff will follow-up with applications primarily via the telephone or by written correspondence. Victims who wish to meet with program staff in person may schedule an appointment.

Information about the Compensation Program is included in numerous publications available through the Victim Advocates at the State's Attorneys' offices, the programs of the Vermont Network Against Domestic and Sexual Violence, law enforcement, special units of investigation, hospitals, child advocacy centers, mental health providers, courts, the Department of Corrections, and other state agencies.

- a. Information about the program and an application form are available on the Center's web site [www.ccvs.state.vt.us](http://www.ccvs.state.vt.us). The application is available Spanish, Bosnian, French, Somali, Vietnamese, and Braille.
- b. The program also uses radio public service announcements and posters to advertise the availability of the program.

## **2.2 Policy on Nondiscrimination**

It is the policy of the Compensation Program that services shall be delivered

with sensitivity towards the differences many crime victims struggle with because they are part of a minority or targeted cultural group. This includes race/ethnicity, language, sex/gender, age, sexual orientation, disability, social class, economic status, education, marital status, religious affiliation, residency, or HIV status.

It is not the policy of the Compensation Program and staff to advance any religious doctrine, practice or affiliation during the provision of services unless special circumstances exist where it is appropriate to accommodate culture-specific religious practices.

### **2.3 Equal Access to Services**

The Program maintains statistical data on cases that allows board and staff to assess the geographic areas served, the types of crime and the types of expenses paid on claims. The Program reports to the federal government on age and sex/gender. Additionally, the Program asks applicants to voluntarily disclose race for statistical purposes.

### **2.4 Safety, Security and Maintenance of Building**

The Victim Compensation Program leases space from the state of Vermont.

- a. As such, the building is accessible, is maintained in good repair by the landlord and has a weekly cleaning service.
- b. The building is inspected by the State's Department of Buildings to ensure compliance with health, fire and safety codes.
- c. The conference room is available to meet with crime victims in private when necessary.
- d. The front entrance is open during normal business hours. Visitors must check in with the Office Manager who notifies the appropriate staff person. The side entrance is locked at all times and only staff has access to that entrance.
- e. All doors are locked during non business hours.

The Compensation Program staff does not provide transportation to crime

victims.

When the receptionist receives a voice mail message for the Compensation Program:

- a. It is forwarded to the proper staff person in the compensation office and then deleted from his/her voice mail system.
- b. Compensation staff listens to these messages and then deletes them.
- c. A written record of the message may be included in the crime victim's file when necessary.

When calling victims:

- a. Staff will only speak to persons authorized through the victim's written or verbal consent.
- b. Staff members do not identify themselves to other parties who answer the phone.
- c. The Compensation Program maintains a phone block on all lines so that caller ID doesn't identify the Program.

When mail is received:

- a. A designated Claims Specialist opens the mail; date stamps the correspondence, and delivers all compensation-related mail to the Compensation Program staff.
- b. All correspondence related to a crime victim is put in their file. Files are confidential and are maintained in locked file cabinets.
- c. All written material with victim-sensitive information that does not need to be saved is shredded.

It is standard practice not to use a victim/claimant's name in any e-mail correspondence.

- a. If a victim/claimant wants to communicate with the Program using e-mail, staff will inform the victim of the security risks of using e-mail.
- b. E-mail communication with Victim Advocates can reference the suspect's name but not the victim/claimant's name.

- c. When the Program receives an e-mail from an outside source that contains the name of a crime victim or claimant, staff will create a new e-mail message that omits the victim's name in order to respond to the sender.

Conversations about compensation cases in the office shall only take place between Compensation staff, their supervisors, and the Compensation Board. These conversations shall not take place in the presence of other Center staff or members of the public.

## **2.5 Communication and Collaboration**

Vermont statute requires law enforcement to provide crime victims with applications to the Victim Compensation Program. Law enforcement and Victim Advocates provide victims with brochures on victim services, the rights of crime victims, information about the criminal justice system and other victim service providers, and the Compensation application.

- a. The Compensation Program works collaboratively with law enforcement to design and print educational information about the Program.
- b. The Center provides training to new recruits at the Vermont Police Academy about the Compensation Program.

The Victim Compensation Program can also make these publications available to crime victims when needed.

All victim service providers who receive Victims of Crime Act funding (VOCA) are required to assist victims in applying for crime victim compensation.

- a. On a yearly basis, the Program mails applications to all of the Center's VOCA grant recipients.
- b. The Program strives to maintain positive working relationships with all of these organizations.

Victim Assistance Program: Victim Advocates in the State's Attorneys' offices assist eligible crime victims when filling out the application for

victim's compensation and send it to the Compensation office.

- a. All newly hired Victim Advocates receive training on the Victim Compensation Program by Compensation staff.
- b. Victim Advocates send the affidavit of probable cause to the office when it is available; otherwise Compensation staff request it directly from the investigating police department. Vermont State Police reports are requested through the Department of Public Safety.
- c. Once the application has been reviewed, staff notifies the Victim Advocate that we have received the victim's application and are processing the claim. When additional information is needed, or the victim needs additional support, staff will call Victim Advocates for assistance.
- d. Victim Advocates are also notified when a claim is approved.
- e. The Compensation Program provides each Victim Advocate with a year-end report detailing the number of applications received from their county so they may monitor their usage of the Program.
- f. Victim Advocates are responsible for contacting the Program for the purpose of verifying the amounts paid out on Compensation claims for the purpose of ordering restitution to the Compensation Program.
- g. The Compensation Program uses a Victim Advocate Satisfaction Form to evaluate Compensation staff's job performance and to solicit feedback on the Program's policies and procedures.

Department of Corrections: Victim Service Specialists work with the Compensation Program on safety planning for crime victims when the offender is being released.

- a. Whenever possible, the Program provides resources such as a security system to the victim.
- b. The Compensation Program participates in the Victim Wrap Around process used by the Department of Corrections when necessary or appropriate.

Training and information on the Compensation Program is available to all other state and community-based victim services programs.

Representatives from the Compensation Program serve on multi-disciplinary boards, task forces and committees as needed. Some examples include the SANE Advisory Board and the Vermont Council on Domestic Violence.

## **2.6 Public Education/Outreach**

Compensation staff routinely provide information, education, and referrals to crime victims receiving compensation through the Program. In addition, the Program utilizes radio and TV public service announcements, posters, brochures, and other publication to advertise the Program to the general public. The Program coordinates these efforts with the Center's Public Relations Coordinator.

A description of the Victim Compensation Program and an application form are available on the Center's web site at [www.ccvs.state.vt.us](http://www.ccvs.state.vt.us). Applications are also translated into Braille and foreign languages.

The Center conducts a Victim Assistance Academy, which consists of 40 hours of basis training for professionals on victimology and victim services. Included in the academy is a section on the Victim Compensation Program and other forms of compensation available to crime victims.

The Program accepts training requests and staff is available to train other professional groups as needed.

## **Section III: DIRECT SERVICES**

### **3.1 General Victim Services**

Once a victim reports a crime to law enforcement, there is no deadline for when a victim must apply for Compensation or file a claim for crime-related losses.

Services will be provided upon receipt of a victim's application to the Compensation Program.

- a. Each victim is assigned to a Compensation Claim Specialist who is responsible for processing a victim's application.
- b. The Program strives to work in a timely manner to determine eligibility, verify the victim's losses and approve their application, usually within 6 weeks to 12 weeks.
- c. Crime victims who have been found eligible for services receive regular written correspondence regarding their case and the services provided by the Program.

The Program adheres to the following policies:

- a. When making a claim for compensation, the victim must submit all crime-related losses to any applicable insurance company before the Compensation Program can consider payment.
- b. Pursuant to state statute, the Compensation Program has a \$10,000 cap on each individual claim to cover crime-related losses. The Program can only cover losses for crimes occurring after July 1, 1987 if the losses occurred on or after July 1, 1990.
- c. The Program covers the following losses: medical and dental care, counseling for victims and family members, funeral expenses, lost wages due to time missed at work, other expenses such as prescriptions, eye glasses, transportation, temporary living expenses, crime scene cleanup, relocation, limited pet care/injury/death, loss of support, and other types of safety measures. Other losses may be considered by the Program on a case-by-case basis. Such cases are reviewed by the Board of Directors for approval.
  - 1) Property is not normally covered by the Victim Compensation Program.
  - 2) The Victims Compensation Program does not pay for victims' legal fees.
- d. Funeral expenses are subject to a \$7,000 cap plus an additional \$2,000 cap for payment of headstones, cemetery plots, and memorial items. In cases where the victim has life insurance, the first \$50,000 is excluded from consideration as a resource for reimbursement of crime-related expenses.

- e. Counseling expenses must be submitted to insurance first. Uninsured counseling expenses are limited to \$70/hour with a licensed mental health provider. The first 4 sessions with the provider are covered by the Program without a treatment plan from the mental health provider. After the fourth session, a mental health treatment plan is required. A treatment plan covers 20 sessions. If a victim needs additional services beyond the 20 sessions, a new treatment plan is required. Group counseling is covered for \$35/session. Medication management is covered at \$25/session. The Program does not make referrals to mental health providers.
- f. Lost wages are covered up to a maximum of \$500/week for not more than 12 weeks. For claims submitted prior to 7/10/08 to be eligible for reimbursement of more than one month's lost wages a victim must submit a note from a Doctor/mental health provider to verify inability to work. For claims filed on or after 7/10/08 to be considered eligible for reimbursement of more than two weeks lost wages a victim must submit a note from Doctor/mental health provider to verify inability to work. Self-employed crime victims must provide a copy of their most recent tax return and schedules.
- g. Crime scene clean-up is capped at \$1,500. Eligible expenses for crime scene clean-up may include cleaning services and supplies, windows, doors, wall repair, rug replacement, and replacement of items taken as evidence.
- h. Relocation is capped at \$1,500. This includes rental trucks, moving companies, transportation costs, storage fees not to exceed 3 months. In addition, emergency housing is paid at \$100/night for not more than 7 nights, security deposit and up to 2 months of rent will be determined on a case-by-case basis. Start-up costs not to exceed \$500.00. Start-up costs could include the following: deposits for gas and electricity utility connection; basic land line phone connection; initial post office box fee.
- i. For all non-homicide criminal cases travel expenses are capped at \$2,000. Eligible travel expenses include travel to funerals, criminal court proceedings/trials, Parole Board hearings, and to participate in pre-sentence investigations. Gas reimbursement is calculated on a formula using the actual cost of gasoline and the number of miles

traveled based on a vehicle that gets 15 miles per gallon. For out-of-state travel to Vermont, the actual cost of airfare, bus, train, or car rental fees, and lodging is reimbursed up to the \$2,000 cap. This cap also includes meals and lodging while traveling. Meals are reimbursed at a flat rate determined by the Program. In cases where there are multiple defendants which require the crime victim to attend multiple court proceedings/trials an additional \$2,000 is allowed. For all homicide cases the \$2,000 cap does not apply.

- j. If a victim who has received compensation initiates a civil suit or insurance claim and receives an award, they are required by law to reimburse the Compensation Program in full for any losses the Program covered on behalf of the victim.

The Program provides information about the criminal justice system and other services and programs available to crime victims including referral to those services. The Program also refers crime victims to the Center's Crime Victim Advisors Program.

### **3.2 Civil/Criminal Remedies**

The Victims Compensation Program prohibits staff from practicing law or providing legal representation if they are not licensed to engage in such practice. Staff will not give out legal advice to the victims that they serve.

For criminal matters, the Program refers crime victims to the Victim Advocate in the county in which the crime occurred.

When appropriate, the Victims Compensation Program will refer victims to the Lawyer Referral Service, Vermont Legal Aid, and legal services provided through the Vermont Network Against Domestic and Sexual Violence.

The Program does not make referrals to private attorneys.

### **3.3 Assisting Victims in Crisis Situations**

If the Victims Compensation Program receives a call from a victim who is

threatening to commit suicide or harm him or herself:

- a. Staff will encourage the victim to call their local mental health agency or the police for assistance.
- b. If that is not possible, and if we can obtain the victim's name and phone number, then staff will contact the appropriate mental health agency and ask that they contact the victim. The mental health agency will screen the situation and determine if the police should be called.
- c. If assistance from the local mental health agency is not available, staff should notify their supervisor to determine whether the police should be called to intervene.
- d. The Program maintains a listing of all mental health agencies for quick reference. The Program will also provide the following referrals:
  - 1) American Foundation for Suicide Prevention: 1-888-333-2377
  - 2) National Hopeline Network: 1-800-784-2433 (suicide); 1-800-639-6095 (crisis)
  - 3) Suicide Awareness/Resource Offering/Support Groups for Suicide Survivors: 802-223-4111

If Compensation staff receives a call from any person who threatens a victim with a criminal act of bodily harm, the staff will attempt to notify the victim of this threat. If the victim can't be notified, then the police will be notified of the threat.

If Compensation staff hears a victim threaten a suspect with a criminal act of bodily harm and believes it to be a credible threat, then staff will inform the victim of the potential consequences of such action and let the victim know that we have a duty to warn police or the suspect.

Crime victims who report imminent danger and stalking will be advised to report the situation to law enforcement.

- a. If reluctant to do so, the victim will be referred to their local domestic violence/sexual assault program for information, safety planning, or assistance obtaining a Relief From Abuse Order.
- b. For crime victims whose cases are being prosecuted, referral will also

be made to the local Victim Advocate in the State's Attorney office, especially if victim is a witness and is being harassed or intimidated.

- c. For cases involving an offender on parole or probation, referral will be made to a Victim Service Specialist or a probation officer at the Department of Corrections.

Upon arrival at the Center a victim must check in with the Administrative Assistant and identify him or herself. If a victim meets with the Victims Compensation staff in person and the victim's behavior becomes verbally or physically threatening to any staff member, then the victim will be asked to leave. If necessary other employees may be called in for support or the police will be contacted if the situation escalates.

When staff is communicating with a victim by telephone and the conversation escalates to the point where the victim is verbally aggressive and staff is unable to de-escalate the situation, then staff will inform the victim that they are ending the phone conversation and encourage the victim to call back when they are able to conduct a civil conversation.

### **3.4 Record-keeping**

Each applicant who applies to the Victims Compensation Program for assistance is assigned a claim number and a Compensation Claim Specialist who will gather and verify the information included in the request for compensation. A file is opened on each applicant both on paper and electronically in the Program's database. The file includes:

- a. The affidavit of probable cause from law enforcement, the application including authorization to obtain crime-related information from providers, and an intake form that documents any verbal correspondence with the victim or other providers.
- b. All written/electronic correspondence to victim and providers is included in the file, including referrals to other programs and services.
- c. When applicable, medical records, treatment plans, housing agreements, insurance information, wage verification, and records of the actual bills paid by the Program are included in the file.

- d. Every three months, a victim will receive an Additional Payment Letter which outlines all of the expenses the Program has paid out on their behalf for that period.

All paper files are kept in locked file cabinets at the Compensation office.

- a. Staff members are not allowed to remove paper files from the office.
- b. Any written document that contains personal information regarding a victim that is not pertinent to the file shall be shredded when no longer needed.

A file is closed when the \$10,000 cap has been met. Once the file is closed, the following information is kept on file: Compensation application, police affidavit and the listing of all expenses paid out on the claim up to the \$10,000 cap. All other information in the file will be destroyed.

Electronic files are backed up once a week.

### **3.8 Confidentiality**

A. All information maintained in a claimant's file is confidential and will not be released absent a court order. [Title 13 Chapter 167 § 5358a. Application information; confidentiality]. Statute reads:

(a) All documents reviewed by the victims compensation board for purposes of approving an application for compensation shall be confidential and shall not be disclosed without the consent of the victim except as provided in this section and subsection 7043(c) of this title.

(b) For the purpose of requesting restitution, the amount of assistance provided by the victims compensation board shall be established by copies of bills submitted to the victims compensation board reflecting the amount paid by the board and stating that the services for which payment was made were for uninsured pecuniary losses.

(c) The following shall be confidential and shall be redacted by the victims compensation board for any purpose including restitution: the victim's residential address, telephone number, and other contact information and the

victim's Social Security number. In cases involving stalking, sexual offenses, and domestic violence, the following information shall also be confidential and shall not be disclosed by the victims compensation board for any purpose, including restitution, absent a court order:

- 1) the victim's employer's name, telephone number, address, or any other contact information; and
- 2) the victim's medical or mental health provider's name, telephone number, address, or any other contact information.

[Title 13 Chapter 221 § 7043] Statute reads:

(c) Restitution hearing.

- (1) Unless the amount of restitution is agreed to by the parties at the time of sentencing, the court shall set the matter for a restitution hearing.
- (2) Prior to the date of the hearing, the prosecuting attorney shall provide the defendant with a statement of the amount of restitution claimed together with copies of bills that support the claim for restitution. If any amount of the restitution claim has been paid by the victims compensation fund, the prosecuting attorney shall provide the defendant with copies of bills submitted by the victims compensation board pursuant to section 5358(a) of this title.
- (3) Absent consent of the victim, medical and mental health records submitted to the victims compensation board shall not be discoverable for the purposes of restitution except by order of the court. If the defendant files a motion to view copies of such records, the prosecuting attorney shall file the records with the court under seal. The court shall conduct an in camera review of the records to determine what records, if any, are relevant to the parties' dispute with respect to restitution. If the court orders disclosure of the documents, the court shall issue a protective order defining the extent of dissemination of the documents to any person other than the defendant, the defendant's attorney, and the prosecuting attorney.

- B. Per public record statute [Title 1 Chapter 5 §317 (c)(41)] records/documents reviewed by the Victims Compensation Board for purposes of approving an application for compensation are exempt from public inspection and copying except as provided by 13 V.S.A. § 5358a and 7043(c). Therefore, all internal Compensation forms used to verify crime-related expenses are the property of the Compensation Program and are confidential and will not be released to any person or

agency. If A victim wants copies of police documentation, medical records, or mental health treatment plans they must request these documents directly from law enforcement or the medical or mental health provider.

- C. All board and staff are required to sign a confidentiality agreement when hired and upon leaving employment. Compensation staff shall only share information from a file with other Compensation staff, supervisors, legal staff, and board members when needed. Care will be taken not to have these conversations in the presence of other Center staff.
- D. E-mail correspondence will not contain any victim information, only suspect information. E-mail will be used on a very limited basis due to security risks. Staff is required to use telephone or fax when handling confidential information.

Any identifying victim information will only be released by the Center with the victim's written permission.

- a. Program staff will not discuss a victim's case with any other person outside of the Center unless the victim has signed a written release form.
- b. The only time information will be released without the victim's written permission is through a court order; however, the victim, if available, will be notified before the release.

It is the policy of the Compensation Program to respond to all subpoenas requesting disclosure of information in a file with a motion to quash. If the motion is denied, then the Program will request an in-camera review of the records by the judge.

#### **Section IV: ADMINISTRATION AND EVALUATION**

- 4.1 A Victim Compensation Board has been established for the purpose of awarding compensation to victims of crime and their dependents. The board is appointed by the Governor in accordance with Vermont statute [13 V.S.A.

§5352]. The statute requires the appointment of an attorney, doctor, crime victim, and two members of the public at large. Each member serves a term of three years and may be re-appointed at the end of their three-year term. Vacancies are filled by the Governor for the remainder of the unexpired term. Members of the board are entitled to compensation and expenses as provided under 32 V.S.A. §1010.

- a. The Compensation board will adhere to all applicable state and federal laws and state rules governing the Program, the Governor's code of conduct for board appointments, and the board's internal code of conduct.
- b. The Compensation board is responsible for approving and denying all Compensation claims. If the board intends to deny an application, the board shall send the applicant written notice of the decision personally or by certified mail. The notice shall include a statement of the reasons for the action and shall advise the applicant that they may file a petition with the board for review of its preliminary decision within 30 days of the date on which the notice is mailed. After the hearing, the board shall affirm or reverse the preliminary denial, explaining its reasons in writing. The decision of the board shall be final.
- c. The board has adopted rules under chapter 25 of Title 3 in order to carry out the purposes of chapter 167, including rules relating to evaluation and determination of awards under chapter 167.
- d. The board has employed such staff as needed to carry out the provisions of chapter 167. Staff retained by the board are not considered to be state employees.

The Compensation board holds monthly meetings. All meetings are open to the public. Notice is given to the Vermont Department of Libraries in order to post the location, date, and time of meeting on the state's web site for notice to the public.

- a. At their monthly meetings, the Board reviews and approves claims that were pre-approved by Compensation Manager. Other cases that require board consultation are presented by Program staff and are approved, found ineligible, or denied by the board.
  - 1) All victim identifying information from cases is redacted when

- necessary and kept confidential.
  - 2) Pursuant to the statute, victims who are denied compensation may appeal the decision to the board [13 V.S.A. §5355]
  - c. The board reserves the right to go into executive session, closed to the public, at any time.
  - e. A quorum of the board is required for all decisions.
  - f. There is a written record of the minutes of all board meetings. Decisions regarding victim's Compensation claims are referenced by a case number with no victim identifying information included.
  - g. The board also reviews Program policies and procedures when necessary and approves any changes.
- 4.2 The Victim Compensation Program is part of the Vermont Center for Crime Victim Services which is a state agency and is governed by the state's system of fiscal management. The Center is required to use the state's VISION system which is monitored by the Department of Finance for all financial transactions. Annual audits are conducted by the state Auditor of Accounts. The board of the Center receives monthly financial statements in order to monitor the agency's adherence to the annual budget.
- a. The Victim Compensation Program is funded through state government through a \$41.00 surcharge on criminal fines and traffic tickets of which \$23.75 goes into a special fund called the Victim Compensation Special Fund.
  - b. The administration and the legislature set the Program's spending authority each year through the state's budgeting process.
  - c. The Program also receives a 60% federal reimbursement on the amount paid out on qualifying Compensation claims.
  - d. The Program may also request excess receipts from the Compensation Special fund when necessary to meet its financial obligations, subject to approval from the Department of Finance.
- 4.3 The Victim Compensation Program is governed by the Center's personnel policies (see Appendix). All Compensation staff is expected to follow these policies.

- a. All positions in the Center and the Compensation Program have written job descriptions that list job duties and qualifications. The Center maintains a written organizational chart (see Appendix).
- b. The Compensation Program expects all staff to work in a professional manner and values collaboration and coordination with other victim service providers. Staff is expected to comply with all Program statutes, rules, policies, and procedures. Staff is expected to treat all clients, other staff and colleagues, with the utmost respect. Program staff is not allowed to accept any gifts from any client. Regular supervision is exercised to ensure proper code of conduct and satisfactory job performance.
- c. The Victim Compensation Program adheres to the Center's nondiscrimination policy, is an equal opportunity employer and adheres to all state and federal laws regarding discrimination. Program staff has access to diversity training both here in Vermont through the Victim Assistance Academy and at the national and regional Compensation conferences.
- d. The Victim Compensation Program's sexual harassment policy is clearly stated in the Center's personnel policies.
- e. The Victim Compensation Program is governed by the Center's pay plan. Each position is rated and assigned to a pay grade. New hires start at step zero, though the Executive Director has the discretion to start a new employee at a higher step based on their prior experience in the field of victim services. Employees receive a step increase each year on their anniversary date of hire. Cost of living increases are determined by the board at the start of the fiscal year. Both step increases and cost of living increases are contingent on the financial health of the Center. The benefit package is outlined in the Center's personnel policies.
- f. Disciplinary action and the appeal process are clearly laid out in the Center's personnel policies.
- g. The grievance procedures staff must follow are described in the Center's personnel policies.
- h. The Center's personnel policies describe procedures for termination of staff, including procedures for notifying staff and their right to an exit

interview.

The Compensation Program does not utilize volunteers.

- 4.4 All new employees of the Victim Compensation Program receive:
- a. An orientation from the Center that includes an orientation packet and one-on-one interviews with all staff to learn about other positions and their job duties.
  - b. Copies of the Compensation Program's written policies, statutes, rules, and standards.
  - c. On the job training. A new employee is partnered with an experienced staff person who guides the new employee through all aspects of the job.
  - d. A 3 month and 6 month review and an annual performance evaluation thereafter.

All new employees must attend the 40-hour Vermont Victim Assistance Academy.

- 4.5 The Compensation Manager works with Compensation specialists to determine the appropriate level of supervision needed. This may range from daily or weekly supervision or as needed on a case-by-case basis.
- a. Compensation staff is encouraged to attend the National Association of Crime Victim Compensation Programs' national and regional conferences subject to the financial health of the Center. The Center conducts numerous trainings throughout the year that Compensation staff may attend as well as training provided by other agencies. The Center also provides in-house staff development opportunities as needed.
  - b. The Compensation staff is encouraged to debrief and discuss difficult cases on a daily basis. Training on compassion fatigue and avoiding burnout are addressed at national conferences and trainings. It is the policy of the Program to allow staff to see a trauma therapist when necessary. These visits may occur during work time and are billed to the Program and not the staff's health insurance company.

- c. In the course of working with a victim, Compensation staff refers complaints to the Compensation Manager who contacts the victims and tries to resolve the complaints. Complaints may also be referred to the Executive Director as needed.
  - d. Complaints received by the Program through an outside agency, such as the Attorney General's office or the Governor's office, are investigated by the Executive Director and a written response is issued to the victim and the agency when appropriate.
  - e. Program staff is recognized for their work through their annual performance evaluation and with verbal feedback by their supervisor.
- 4.6 Monthly staff meetings are held for the purpose of discussing Program issues, cases and other business as needed. Program practices and policies are discussed as needed and proposals brought to the board for consideration and approval.
- 4.7 Internal legal or ethical issues that are raised by Program staff are referred to in-house legal counsel and brought to the board when necessary. Outside counsel may also be utilized.
- 4.8 Compensation staff members are required to attend monthly board meetings during the case review portion of the meeting. This allows the board to give guidance to the staff regarding how to handle a specific case, and to clarify the intent behind Program policies and procedures.
- 4.9 The Program maintains a database and produces statistical reports on the following demographics: number of new claims, type of crime, type, and cost of service provided and location of victim by county.
- a. The board reviews this information at its monthly meetings.
  - b. Victim Advocates are sent yearly reports on the total number of new applications received statewide and the number of new applications received from their county. Advocates may request additional breakdowns of the data for their review.
- 4.10 The Compensation Program utilizes the Attorney General's office for any legal challenges to the Program. Additionally, public records requests are

also referred to the Attorney General's office.

- 4.11 Client satisfaction surveys are utilized and reviewed for feedback. All crime victims who apply for compensation receive a crime victim satisfaction survey in the mail when a determination has been made on their claim; approved, denied, found ineligible, or no loss. The victim can fill out the survey (either anonymously or with their name) and send it back to the Program. These surveys are reviewed by the Compensation Manager.
- 4.12 The Program receives a federal site visit and review every three years. Additionally, the program participates in program evaluation through initiatives sponsored by the Office of Victims of Crime.

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