

**Center for Crime Victim Services
Board Meeting Minutes
December 10, 2018**

Board Members Present: Bob Paolini, Richard Katzman, Jerry O’Neill, Susan Ide.

Absent: Margaret Joyal.

Staff Members Present: Chris Fenno, Mary Kay Hewlett, Elaine Boyce, Carol Morgan, Christine Morrison, Abby Gladstone-Strobel, Carol Brochu, Cara Cookson, Michelle Pelletier, Melinda Meyer, Rachel Atkins. **Absent:** Jodie Bacon.

The meeting was called to order at 1:30 PM.

REVIEW MINUTES OF LAST MEETING

The Board reviewed the meeting minutes of October 8, 2018, and approved them as presented.

LEGISLATIVE UPDATE

There was no legislative update this month.

COMPENSATION CLAIMS REPORT

Christine Morrison presented the Compensation report for October and November 2018. Both months showed a decrease in the number of regular claims received compared to October and November of the previous year, and the current fiscal year (FY19) had a 2.12% decrease compared to the prior year. The number of Sexual Assault (SA) claims decreased in October, then increased in November 2018, for an overall increase in SA claims of 5.38% for the current fiscal year compared to the previous year. There were no unusually large expenses in November. Year-to-date expenses for Counseling were down by about \$11K in FY19 compared to FY18, which staff think is due to Medicaid covering more counseling. Year-to-date expenses for Rent & Relocation were up by about \$18K in FY19 compared to the prior year. Total year-to-date expenses for both regular Compensation and Sexual Assault were up by \$19K in FY19, with the bulk of the increase related to regular claims. The Compensation Report was accepted as presented.

REVIEW OF SPECIFIC COMPENSATION CLAIMS

Claim 65257 – This claim was originally brought to the Board on September 10, 2018 at which time the Board voted all-in-favor to approve payment of travel expenses of up to \$1,446.52 above the travel expense cap. On December 10, 2018, due to a changed hearing date and changed airfare, staff brought the claim back to the Board for consideration of additional travel expenses above the additional travel expense that was previously approved by the Board. The suspect was charged with First Degree Aggravated Domestic Assault on an infant child. After discussion, the Board voted all-in-favor to approve payment of an additional travel expense of up to \$602.60. The total approved amount above the cap is therefore \$2,048.52.

Claim 66035 – This claim was brought to the Board to determine the eligibility of payment for pecuniary losses sustained as a result of a crime which occurred before July 1, 1987, but which is being currently investigated at the time of application. The applicant was seeking compensation for counseling, lost wages, and medical expenses. Board member Jerome O’Neill recused himself from

the discussion. The remaining three board members voted all-in-favor to table a decision until the January 2019 meeting, pending further information on the case.

COMPENSATION DISCUSSION on ELIGIBILITY of SURVIVING FAMILY MEMBERS

Compensation staff asked the Board for guidance to help staff determine eligibility of surviving family members in claims where a deceased victim died due to drug use. There was no current claim with issue, but Compensation staff had concerns. The language of the statutes 13 VSA 5353(7)(C) and 13 VSA 5355(a) were discussed, along with past allowances made in cases of homicide to include vehicular deaths. Staff and Board members noted that there can be numerous “intervening causes” in a drug-use death, and that eligibility in such cases is really a legislative question. Bob Paolini indicated that this charge doesn’t meet the law school definition of a homicide. It would be seen differently if someone injects someone with a drug, as opposed to the person choosing to take the drug that results in their death. Jerry O’Neill indicated that he does NOT see giving the drug as a direct cause of the death. The taking of the drug is the direct cause. It was noted that an eligible homicide case typically has between 2 to 10 eligible surviving family members and the accounting liability is significant. The Board suggested this issue be brought to the state legislature’s attention. Bob Paolini advised that, with a new legislature starting in January 2019, this would be a good time to bring the issue to them.

The following motion was made and agreed to by the Board: That CCVS staff would draft Jerry O’Neill’s proposal that clarifies Board interpretation of statute 13 VSA 5355(a) (“Approval or rejection of application”) as excluding claims arising from cases charged solely as selling or dispensing a regulated drug with death resulting pursuant to 18 VSA 4250 on the grounds that death was not a direct result of the crime, the decedent’s use of the regulated drug being the direct cause of death. The written proposal will be approved by the Board at the next meeting and reflected in the minutes.

COMPENSATION DISCUSSION on VICTIMS of the ST. JOSEPH ORPHANAGE

Compensation staff asked the Board for general guidance on claims received from victims of the St. Joseph Orphanage, related to crimes which occurred before July 1, 1987 that are currently being investigated. The Attorney General put together a law enforcement task force to investigate these allegations and a victim service subcommittee was created to address these victim’s needs. Currently one such case is being investigated and the victim has applied to Compensation. Jerry O’Neill summarized that the issues before the Board were: was the crime committed within the statute of limitations and can the victim(s) be compensated? Carol Morgan presented the following questions to the Board: would the Board be willing to waive the subrogation requirement if the victim received a past settlement; what is the date upon which Comp may begin reimbursing for losses where the victim is eligible pursuant to 5353(i); and will the Board consider payment of travel expenses to a restorative justice event? Carol Morgan noted that staff would like to keep compensation standards the same for all victims. Chris Fenno noted that victim service representatives are working with her and the Burlington Restorative Justice Center, to plan for a restorative process/event to provide greater closure for these victims, using grant money, since they were victimized by an institution. The Board tabled any further discussion/decision on this issue until the next meeting.

RESTITUTION UNIT REPORT

Michelle Pelletier reported on the Restitution Unit for November 2018. She noted that receipts from tax offsets were beginning to slow but that was normal at this point in the year. The Court Administrator’s office has contacted the RU, wanting to discuss the sending of plea agreements. By statute, the RU gets a copy of an offender’s plea agreement, because an offender could get out of

their restitution obligation if there was not a plea agreement in place. However, the RU has not been consistently receiving plea agreements, and began tracking them in September. RU staff added that Chittenden County is always good about providing data. The Restitution Unit Report was accepted as presented.

FINANCIAL REPORT

Carol Brochu presented the Financial Report through November 2018. At five months into the current fiscal year (FY19), receipts into the Center's three Special Funds were slightly below their appropriations for this point in the year. Carol remarked that if this is still the case at the end of February, it would be more concerning.

Reviewing the report on "Fund Balances," that Carol likens to a checkbook, she noted that the large negative shown for Federal "Accrued Fund Balance" was related to federal grant reimbursements that were on "hold" pending completion of special conditions, and that this was not a cause for concern. The DV/SV Fund, which had been \$80K in the red two years ago, was now doing well, with a decent positive balance. Carol B. noted that expenses for Compensation claims are below the amount she budgeted for, however there could be a sudden increase in claims at any time, so she is not comfortable lowering the budgeted amount. The budget for FY2020 is already completed, but the figures for the current fiscal year (FY19) will inform the planning of the budget for FY'21. Carol uses a three-year average to calculate all the Center's appropriations. The Financial Report was accepted as presented.

REVIEW of AMENDMENT NO. TWO to the CCVS HEALTH REIMBURSEMENT ARRANGEMENT

Rachel Atkins presented the Board with a proposed amendment to the plan document for the Health Reimbursement Arrangement (HRA) for CCVS staff. The amendment would bring the premium cost sharing into alignment for all single or two-person or family HRA plans. After review, the Board voted all-in-favor to approve the amendment and sign the plan document.

CENTER UPDATE

There was no Center Update due to lack of time.

MEETING ADJOURNED: 3:19 PM

EXECUTIVE SESSION: The Board went into Executive Session at 3:20 with Chris Fenno and came out of Executive Session at 3:40 with no action taken.

Next VCCVS Board Meeting Date:

**Monday,
January 14, 2019
1:30 – 3:30 PM**

**Meeting room in the
Compensation Program offices
58 South Main St.
Waterbury, VT**