



OFFICE OF THE DISTRICT ATTORNEY
Michael J. Allen, District Attorney
Colorado's 4th Judicial District - Serving El Paso & Teller Counties

VICTIM COMPENSATION
John Lydiatt, DDS - Board Chair
K. Patrick McCaffery, D.O. and Emily Bowker, LCSW - Board Members

VICTIM COMPENSATION BOARD MEETING MINUTES

August 2, 2023

The Victim Compensation Board Meeting was held on August 2, 2023, at 3:00 p.m. in the first-floor conference room of the District Attorney's Office. The following Board Members and Victim Compensation Staff were present: Board Chair John Lydiatt, Board Members Emily Bowker, Patrick McCaffery, and Victim Compensation Administrator Amber Holland.

The Board meeting was called to order at 3:00 p.m. by John Lydiatt. A quorum of Board Members was in attendance for the meeting.

Board reviewed the following financial information.

| | | |
|----------------------------|----------------|--------------------------------|
| a. Main CVC Fund Balance: | \$1,061,634.01 | (as of June 30, 2023) |
| b. Deposits: | \$ 83,099.64 | (for the month of June 2023) |
| c. Encumbered Funds: | \$ 852,993.78 | (as of July 25, 2023) |
| d. Victim Disbursements: | \$ 86,796.23 | (for the month of August 2023) |
| e. DA Admin. Fund Balance: | \$ 2,807.75 | (as of June 30, 2023) |
| f. DA Admin Expenditures: | \$ 6,373.07 | (for the month of June 2023) |
| g. JDA Admin Fund Balance: | \$ 30,383.45 | (as of June 30, 2023) |
| h. JDA Admin Expenditures: | \$ 0.00 | (for the month of June 2023) |
| i. Target Fund Balance: | \$ 835,562.84 | |

*Note: JDA Admin Expenditure was due to another business successfully withdrawing money from the CVC account. A request to reimburse the CVC account has been placed. In the meantime, the JDA is covering the loss with their administrative funds to ensure no loss to victims.

Review Minutes of Last Meeting –7/12/23

- Patrick McCaffery motioned to approve the meeting minutes. Emily Bowker seconded the motion. The meeting minutes unanimously passed.

The Board reviewed the following claims:

- * Unless otherwise noted, all Board Members present voted unanimously on each claim.
- * Unless otherwise noted, all Board Members present voted unanimously to waive the waivable requirements.

| Key | |
|-----|----------|
| A | Approved |
| T | Tabled |
| D | Denied |

Appeal / Reconsiderations

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN/BUR. | OTHER | DENIAL NOTES |
|-------------|-------------------------|----|-----|-----|-----|-----------|----------|-------|--------------|
| 4-2023-2107 | 6 Month filing | | | | | A | | | |

Previously Tabled

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN/BUR. | OTHER | DENIAL NOTES |
|-------------|-------------------------|----|-----|-----|-----|-----------|----------|-------|--------------|
| 4-2022-1726 | | | A | | | | | | |
| 4-2023-2400 | | | | | | | A | | |
| 4-2023-2537 | 72hr reporting | | | | A | | | | |

*Note: Due to a conflict of interest, Emily Bowker did not vote on the following claim(s) and was not present during the discussion of these claims:

4-2023-2537 (Emily left the meeting at 3:08 p.m., returned at 3:13 p.m.)

Ongoing Claims Requests

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN/BUR. | OTHER | DENIAL NOTES |
|-------------|-----------------------------|----|-----|-----|-----|-----------|----------|-------|---------------------|
| 4-2023-2141 | | | | | | | | A | |
| 4-2023-2147 | | | A | | | | | A | |
| 4-2023-2262 | | | D | | | | | | CVC Policy XXVII |
| 4-2023-2423 | | | | T | | | | | |
| 4-2023-2459 | | A | | | | | | | |
| 4-2023-2467 | 1 yr filing; 72hr reporting | | | | | | | A | |
| 4-2023-2515 | | A | A | | | | | | |
| 4-2023-2518 | 6 month filing | | | | D | | | | CVC Policy XXVII(G) |
| 4-2023-2522 | | A | | | | | | | |
| 4-2023-2525 | 1yr filing | | | A | | | | | |
| 4-2023-2551 | | | | A | | | | | |
| 4-2023-2556 | | | | A | | | | | |

Bills for Review

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN/BUR. | OTHER | DENIAL NOTES |
|-------------|-------------------------|----|-----|-----|-----|-----------|----------|-------|--------------|
| 4-2023-2380 | | | | | A | | | | |

Treatment Plans

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN/BUR. | OTHER | DENIAL NOTES |
|-------------|----------------------------|----|-----|-----|-----|-----------|----------|-------|--------------|
| 4-2022-1208 | | A | | | | | | | |
| 4-2022-1803 | | A | | | | | | | |
| 4-2022-2016 | | A | | | | | | | |
| 4-2023-2135 | 72hr reporting | A | | | | | | | |
| 4-2023-2364 | 1yr filing; 72hr reporting | A | | | | | | | |
| 4-2023-2381 | | A | | | | | | | |
| 4-2023-2407 | | A | | | | | | | |
| 4-2023-2474 | | A | | | | | | | |

*Note: Due to a conflict of interest, Emily Bowker did not vote on the following claim(s) and was not present during the discussion of these claims:

4-2023-2364 (Emily left the meeting at 3:44 p.m., returned at 3:45 p.m.)

New Claims – Administrative Approval

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN./BUR. | OTHER | DENIAL NOTES |
|-------------|-------------------------|----|-----|-----|-----|-----------|-----------|-------|--------------|
| 4-2023-2552 | | A | A | | | | | | |
| 4-2023-2565 | | | A | | | | | | |
| 4-2023-2567 | | A | | | | | | | |
| 4-2023-2569 | | | A | | | | | | |
| 4-2023-2574 | | A | | | | | | A | |
| 4-2023-2575 | | | A | | | | | | |
| 4-2023-2576 | | | A | | | | | | |
| 4-2023-2579 | 1yr filing | A | | | | | | | |
| 4-2023-2586 | | A | | | | | | | |
| 4-2023-2594 | | | A | | | | | | |
| 4-2023-2595 | | | A | | | | | A | |
| 4-2023-2596 | | | | | | A | | | |
| 4-2023-2598 | | | A | | | | | | |
| 4-2023-2599 | | A | A | | | | | | |
| 4-2023-2601 | | A | A | | | | | | |

The Board reviewed all claims assigned to this category. Patrick McCaffery motioned to approve all claims in the Administrative Approval category. Emily Bowker seconded the motion. All Board members voted in favor.

New Claims – Administrative Denial

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN./BUR. | OTHER | DENIAL NOTES |
|-------------|-------------------------|----|-----|-----|-----|-----------|-----------|-------|-----------------------|
| 4-2023-2195 | Wrongful Act | | | | | | D | | C.R.S. 24-4.1-108(e) |
| 4-2023-2572 | | | | | | D | | D | C.R.S. 24-4.1-102(10) |

The Board reviewed all claims assigned to this category. Patrick McCaffery motioned to deny all claims in the Administrative Denial category. Emily Bowker seconded the motion. All Board members voted in favor.

New Claims – Consent Agenda

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN./BUR. | OTHER | DENIAL NOTES |
|-------------|----------------------------------|----|-----|-----|-----|-----------|-----------|-------|----------------------|
| 4-2023-2389 | 1yr filing | | | | | | | | |
| 4-2023-2420 | | A | | | D | | | | CVC Policy XXVII(G) |
| 4-2023-2521 | 1yr filing; failure to cooperate | D | D | | | | | | C.R.S. 24-4.1-108© |
| 4-2023-2555 | | | T | | | | | | |
| 4-2023-2566 | | A | | | | | | D | CVC Policy XXVII |
| 4-2023-2571 | | | | | | A | | | |
| 4-2023-2573 | | | | | | | A | | |
| 4-2023-2577 | | A | A | | | | | | |
| 4-2023-2578 | | A | A | | | | | | |
| 4-2023-2580 | | | D | | | D | | D | C.R.S. 24-4.1-108(1) |
| 4-2023-2581 | 72hr reporting | A | A | | | | | | |
| 4-2023-2583 | | A | A | | | | | | |
| 4-2023-2584 | | | A | | | A | | D | C.R.S. 24-4.1-109 |
| 4-2023-2588 | 1yr filing; 72hr reporting | A | A | | | | | | |
| 4-2023-2591 | 72hr reporting | A | | | | | | A | |

*Note: Due to a conflict of interest, Emily Bowker did not vote on the following claim(s) and was not present during the discussion of these claims:

4-2023-2581 (Emily left the meeting at 3:53 p.m., returned at 3:56 p.m.)

4-2023-2591 (Emily left the meeting at 3:58 p.m., returned at 3:58 p.m.)

Add-Ons

| Claim No. | Eligibility Waiver Req. | MH | MED | LOW | SUP | PROP/RKEY | FUN./BUR. | OTHER | DENIAL NOTES |
|-------------|-------------------------|----|-----|-----|-----|-----------|-----------|-------|--------------|
| 4-2023-2612 | | | | | | | A | | |

Other Business:

- Travel Policy – Sign New Policy : **The Board reviewed the final version of the travel policy that was discussed in the previous board meeting. The Board voted unanimously to approved the travel policy as proposed. The board signed into policy the following: \$3,000**

cap per eligible victim. An eligible victim is an immediate family member (see policy for definition). The policy will calculate travel expenses as outlined in the restitution policy (cited in statute). The board will consider travel expenses for funeral related travel and for critical events. Critical events are designated by the VRA statute which is cited in the board's policy.

- **Safe Passage – Contract Request Update :** The board was notified that UHealth did not consent to Safe Passage releasing a copy of the contract. The board determined that they have exhausted all known routes to obtain the appropriate billing or contract information to support an increase to the Safe Passage medical bill as requested by Safe Passage. The Board will determine the following payments appropriate and crime related: \$400 for a Physical or Sexual Assault Exam at Safe Passage in which the police reports do not indicate that law enforcement obtained forensic evidence. \$200 for a Physical or Sexual Assault Exam at Safe Passage in which the police reports do indicate that law enforcement obtained forensic evidence. \$200 for follow-up exams. The CVC Administrator will send a letter to Safe Passage to notify them of the Board's decision.
- **Walls Counseling – Alternative Bodywork Therapies (sound therapy, reiki therapy, etc.) :** The Board has agreed to invite a representative from Walls Counseling to a future meeting to present on alternative bodywork therapies. The board expressed interest in learning more about this topic, to include appropriate alternatives, cost of alternatives, and appropriate number of sessions. The Board will allow 30 minutes for the presentation and will start the meeting at 2:30pm.
- **Addendum – Will the Board accept addendums for traffic accidents? Will the Board accept typed and electronically signed addendums? :** The Board has approved the use of addendums for traffic accidents that result in death. The addendum will be modified to require insurance information for all involved parties. The Board will also approve typed and electronically signed addendums for homicide and traffic accidents resulting in death.
- **Discuss Policy Expansion :**
 - The Board reviewed the loss of wage policy which states that the board will consider 5 days of lost wages without a doctor's note if visible bruising is present. The Board unanimously voted to expand the 5 days to 21 days for visible bruising. The Board noted that most bruises take 3 weeks to heal. The Board will keep the 5 day limitation for all other reasons for missing work without an appropriate doctor or therapist note.
 - The Board reviewed the loss of support policy which requires victim's to apply for loss of support within 30 days and will not pay if bills are in arrears. The Board was notified that expanding the 30 day application requirement will likely result in bills being in arrears as victim's are unable to make the monthly payments. The CVC Administrator also notified the Board that paying providers directly is resulting in late fees being applied to victim accounts as payments are often being received by providers several weeks late due to our program issuing checks once a month. The CVC Administrator and Board discussed the reason for the current policy and determined that the restrictive policy is to ensure that we pass restitution hearings and can successfully obtain restitution. The Board stated that they are more concerned with helping the victim rather than winning restitution hearings. The Board instructed the CVC Administrator to gather insight from other Administrators and the Office of Victim Programs to determine if we can remove the arrears statement. The CVC Administrator will propose a policy modification that aims to result in high approval rates for loss of support and that will pass a monitoring visit. The CVC Administrator will not aim to pass the standards of a restitution hearing if it will result in lower loss of support payouts.

- Distribute Samples of Treatment Plans from other jurisdictions: **The CVC Administrator distributed several mental health treatment plans and mental health progress reports to the board that are used by other jurisdictions. The Board reviewed the other treatment plans and determined that they most like the 1st and 17th judicial districts. The Board noted that they liked the questions regarding pre-existing conditions and medications. The Board will continue to look at the templates for those two jurisdictions to determine how we will modify and improve our treatment plans. Emily Bowker will also speak with other mental health providers to gain external feedback and suggestions.**
- Distribute Check Summary: **The check summary was reviewed and signed by the Board members.**
- **Executive Session:**

Set Next Meeting Date: September 6, 2023 at 3:00 p.m.

Meeting Adjourned at 4:46 p.m.