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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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STATE OF NEBRASKA

MINUTES OF THE CRIME VICTIM'S REPARATIONS COMMITTEE

January 23, 2015

The Crime Victim's Reparations (CVR) Committee met on Friday, January 23, 2015 at 1:08 pm in the Crime Commission conference room, Nebraska State Office Building, 14th & M Streets, Lincoln, Nebraska. A legal notice of the meeting was published in the Lincoln Journal Star on January 9, 2015. An agenda of this meeting was available for public inspection during normal office hours at the Crime Commission office, Nebraska State Office Building, Lincoln, Nebraska.

CALL TO ORDER

The meeting was called to order at 1:08 pm by Joe Kelly, Chair. The following members were present: Jeff Davis, Rand Hansen, Joe Kelly, Michelle Schindler, and Brian Wachman (arrived at 1:10 pm.) The following members were excused: Fred Ruiz and Rita Sanders. Staff present: Bruce Ayers, Pat Dessel, Robin Peck, Sher Schrader, and Mary Thomason.

APPROVAL OF MINUTES

A motion was made by Davis and seconded by Schindler to approve the minutes of the October 17, 2014 meeting. Motion carried by acclamation.

LB 354

Ayers presented LB 354 to the Committee. This includes amendments to the Statutes regarding adding an additional public member to the Committee, removing the notary from the claim form, raising the limits on funeral, medical, and other related costs. In addition, there were additions to the victim's bill of rights to remove personal identifiers from court documents. Senator Bolz authored the bill. Ayers will write a fiscal note regarding this bill and there is no hearing date set yet.

LB 294

Ayers presented LB 294 to the Committee. This is regarding the Human Trafficking Victim Assistance Fund. We are unsure at this time how many human trafficking victims are in Nebraska or how this program would be administered. This would most likely be administered along with the CVR program. We would need to add Rules & Regulations regarding administration. This may potentially require additional staff if claims increase exponentially. Hansen inquired if this would be a separate fund. Ayers will write a fiscal note regarding this bill and there is no hearing date set yet.

APPEALS

Claim #11-14-3580

Schrader reviewed the case and submitted information. The claim is for \$2,270.30 in hospital bills and \$1,200.00 in lost wages.

At 1:19 pm, Thomason left the room to see if the claimant was present for the Hearing. The claimant was not yet present.

At 1:25 pm, Kelly asked if we should give the claimant a call.

At 1:27 pm, a call was placed to the claimant. There was a message stating the voicemail is full and unable to accept messages.

Kelly submitted a record that the Committee called the claimant at 1:27 pm. The voicemail was full and not accepting messages. Hearing was scheduled for 1:15 pm.

A motion was made by Davis and seconded by Kelly to go into executive session at 1:28 pm. Motion carried by acclimation.

A motion was made by Hansen and seconded by Schindler to return from executive session at 1:45 pm. Motion carried by acclimation.

A motion was made by Hansen and seconded by Schindler to uphold the decision of the Hearing Officer. Motion carried by acclimation.

DOMESTIC ASSAULT

Ayers presented to the Committee information regarding the legal definition of Domestic Assault and whether we are able to consider a pending claim under our current parameters. The incident used for example is categorized as a Misdemeanor Assault according to the police report as it involved a brother/sister, and therefore it does not currently fall within the parameters of the program. A similar case is classified as a Domestic Assault involving a mother/son. Kelly advised we could work on adding to the list of claims we will accept to include Household Assaults (excluding roommates). Schindler posed a question regarding the definition of Domestic Assault. Hansen clarified Kelly's question as to how we make the determination to include one vs. another. Schindler expanded upon the definition of Domestic Assault and the reason why Misdemeanor Assault was excluded. Discussion ensued regarding expanding to include family members, etc., what Domestic Assault is viewed as vs. what the legal definition is. Kelly is hesitant to expand given the limited funds at this time. Hansen asked what the procedure is to change Rules & Regulations. Ayers stated that a draft would be reviewed by agency legal counsel David Stolz which would then come before the Committee for approval. The Committee would have to approve and then there would be a public hearing. Davis pointed out that staff is relying upon police reports and county attorney reports to determine eligibility. Discussion continued regarding categorization from the different police reports and that charges can be amended by the county attorneys. Staff should continue to refer to the legal definitions and use all of the resources available to us to make our decisions. If the decision is made to propose additions to coverage i.e. household assault, it will be presented to the Committee for vote if resources are available. It will be added to the agenda when ready.

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OLD BUSINESS

Thomason let the Committee know about Dessel's upcoming retirement in March.

Schrader let the Committee know about updates to the CVR claim form. Hansen asked about communication regarding the program, that we are here, and what is available. Hansen suggested that we communicate with the Committee and all the programs again in six months regarding how much has been spent, reminder about the program, and potentially send a quarterly report as well. Kelly suggested appearing at the County Attorney training that happens yearly. Schindler inquired regarding translation of the form. Thomason stated that the victim witness groups usually have translators available to help those with language barriers.

There being no further business, the meeting adjourned at 2:10 pm. The next scheduled Crime Victim's Reparations Committee meeting will be held on Friday, May 8, 2015 at 1:00 pm in the Crime Commission's conference room at the Nebraska State Office Building, 14th & M Streets, Lincoln, Nebraska.

Respectfully submitted,

Sher Schrader