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STATE OF NEBRASKA

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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MINUTES OF THE CRIME VICTIM'S REPARATIONS COMMITTEE

July 24, 2015

The Crime Victim's Reparations (CVR) Committee met on Friday, July 24, 2015 at 1:00 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 July 10, 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 1:00 pm by Joe Kelly, Chair. The following members were present: Rand Hansen, Joe Kelly, Fred Ruiz, Rita Sanders, Michelle Schindler, and Brian Wachman. The following members were excused: Jeff Davis. Staff present: Bruce Ayers, Laurie Holman (arrived at 2:03 pm), Sher Schrader, Mary Thomason.

APPROVAL OF MINUTES

A motion was made by Hansen and seconded by Ruiz to approve the minutes of the January 23, 2015 meeting. Motion carried by acclamation.

APPEALS

Claim #12-14-3599

Schrader reviewed the case and submitted information. The claim is for \$6,464.96 in funeral expenses.

Appearing was the claimant, her mother, and her sister.

Kelly introduced himself. The committee introduced themselves.

Kelly admitted Exhibit 1 into the record.

The claimant stated her name and address for the record.

The claimant gave information regarding the loan amount that her mother and sister obtained to assist her with payment of funeral expenses for her son. The claimant produced receipts indicating payment to her mother and sister repaying the loan.

Hansen inquired if the claimant signed a note with her mother and sister to indicate she would be repaying them for the loan.

The claimant indicated no.

Schindler inquired if claimant paid the cost of the loan payment monthly to her mother and sister, and then they would pay the bank.

Claimant indicated yes.

Ruiz inquired if this was a personal loan and if the claimant had an account at the bank.

Claimant indicated yes, it is a personal loan, and that she did not currently have an account at the bank, but did years ago.

Schindler inquired if there were interest fees associated with the loan.

Claimant's mother and sister indicated that there is an 18% interest fee. Claimant's mother indicated that if so desired, the committee could pay the bank directly. Claimant's mother indicated they were all trying to assist the claimant's grandchildren since the death of their father.

Kelly thanked the claimant, her mother, and her sister for their time. Kelly indicated that the Committee would make their decision and that the claimant would be notified via mail shortly of the decision.

A motion was made and seconded to go into executive session at 1:15 pm. Motion carried by acclamation.

A motion was made by Hansen and seconded by Ruiz to return from executive session at 1:30 pm. Motion carried by acclamation.

A motion was made at 1:31 pm by Hansen and seconded by Wachman to overturn the decision of the Hearing Officer and award the full \$5,000.00 allowable in two payments. The CVR program should make one payment to pay off the remainder of the loan directly to Wells Fargo as promptly as possible, with the remainder to the claimant for out-of-pocket expenses. The CVR program should obtain permission from the claimant's mother to speak with the banker directly, obtain names and phone numbers accordingly, and obtain a receipt from the bank as proof of payment for program records. Motion carried by acclamation.

Claim #1-15-3609

Schrader reviewed the case and submitted information. The claim is for \$6,338.12 in medical expenses.

Appearing was the claimant.

Kelly introduced himself. The committee introduced themselves.

Kelly admitted Exhibit 2 into record.

The claimant explained about the medical bills that she incurred as a result of her assault. She indicated that Bryan Hospital has worked with her and is not requiring payment, that her mother has assisted with some of the bills, and that she is afraid because the person who assaulted her has contacted her. She is concerned as her claim was denied for being a misdemeanor but the county clerk has told her that it was a felony.

Schindler asked if the offender is still being held in custody.

Claimant indicated that she thought he was being held at the Regional Center for evaluation and that is why she is afraid as she knew someone who escaped from the Regional Center not that long ago who was violent.

Wachman inquired as to how the claimant is feeling now.

Claimant indicated she has some memory issues, it is difficult to keep a job, and has been let go from some temp jobs since the incident.

Schindler inquired if this is a new situation since the assault.

Claimant replied yes. She is looking for assistance with the ambulance bills, prescription bills, and paying her mother back for her help with the doctor bills.

At 1:50 pm Kelly excused himself to take a call from his office. At 1:53 pm Kelly returned from taking the call. Kelly indicated to the claimant that he has confirmed that the offender has been found competent to stand trial and is going to be transferred back into police custody from the Regional Center. Kelly reassured the claimant that the offender should be back in police custody shortly.

Kelly thanked the claimant for her time. Kelly indicated that the Committee would make their decision and that the claimant would be notified via mail shortly of the decision.

A motion was made and seconded at 1:55 pm to go into Executive Session. The motion carried by acclamation.

A motion was made by Hansen and seconded by Wachman to return from Executive Session at 2:00 pm. The motion carried by acclamation.

A motion was made at 2:01 pm by Hansen and seconded by Wachman to overturn the Hearing Officer's decision based on the Felony Assault determination of the Strangulation charge and to instruct CVR staff to pay service providers and reimburse the claimant for eligible expenses related to the incident.

BUDGET AND PROGRESSION OF CVR STATUTES

At 2:06 pm Ayers provided an update on the CVR budget including appropriations and sources of revenue. Ayers provided an update regarding claims statistics for the previous year.

LB 605

At 2:08 pm Ayers provided an overview of the progression of CVR statutes from inception of the program through LB 605.

Hansen inquired as to the increase in award limit with regards to the current budget amount that the program has.

Ayers indicated we would proceed as normal and if necessary would have to ask for a budget deficit decision from the legislature.

Holman brought up the new award limit with regards to an annotation to Neb. Rev. Stat. 81-1823 and limitations at the time of the annotation which matched the current award limit in that year, but specifically refer to death of a mother vs. death of a parent, and how that could suggest a disparity in assistance to victims who lose a mother vs. a father with the updated award limit.

Kelly stated that if we were all comfortable that we will be complying with legislative intent regarding the limit in applying the full amount regardless if the victim loses a mother or father, then the CVR program should not be concerned with the annotation.

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Hansen inquired if we should be concerned with the increase in award limit and our ability to assist victims throughout the fiscal year.

Wachman expressed concern about pulling funds from those on work release and potentially putting them in further liability as a result of losing funds.

Holman explained that if the program runs into a shortfall, we would have to appeal to the legislature for a deficit decision.

Schrader let the Committee know that Ayers, Holman, Schrader, and Thomason have been working on proposed updates to the CVR Rules and Regulations, and plan to present the proposed updates to the Committee at the next CVR Committee Meeting in October. Thomason confirmed the scheduled meeting date and time. CVR staff plans to ask for the Committee's recommendations on the proposed updates.

There being no further business, at 2:30 pm a motion was made by Kelly and seconded by Hansen to adjourn the meeting. The next scheduled Crime Victim's Reparations Committee meeting will be held Friday, October 16, 2015 at 1:00 pm in the Crime Commission's conference room at the Nebraska State Office Building, 14th & M Streets, Lincoln, Nebraska.

* - Please note that the recorder malfunctioned and as a result did not record the minutes. Minutes are submitted from the brief notes taken during the meeting.

Respectfully submitted,

Sher Schrader