



Pete Ricketts, Governor

MINUTES OF THE CRIME VICTIM'S REPARATIONS COMMITTEE

January 25, 2019

The Crime Victim's Reparations (CVR) Committee met on Friday, January 25, 2019 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 Friday, January 11, 2019. 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 1:01 pm by Jeff Davis, Chair. The following members were present: Brent Clark, Jeff Davis, Shawn Eatherton, Rand Hansen, Tom Parker, Michelle Schindler, and Brian Wachman. Staff present: Bruce Ayers and Sher Schrader.

APPROVAL OF MINUTES

A motion was made by Hansen and seconded by Clark to approve the minutes of the May 11, 2018 meeting. Motion carried.

APPEALS

Claim #4-17-3920

Schrader reviewed the case and submitted case information. The claim is for \$10,604.00 in funeral expenses.

Discussion ensued between CVR Committee Members and CVR staff regarding the details of the claim.

Appearing was the claimant (the victim's mother), the victim's father, two of the victim's sisters, the victim's brother, and the victim's cousin.

Chairman Davis introduced himself. The Committee introduced themselves. Chairman Davis swore in the claimant and the victim's cousin and invited them to speak.

The claimant explained why she chose to appeal the decision of the Hearing Officer.

Chairman Davis asked the claimant to tell the Committee about the incident involving her son.

Brenda Urbanek, Interim Executive Director

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The claimant explained that she was not present, but the victim's cousin (claimant's nephew) was, and he would provide information. The victim's cousin gave background on the incident and how it unfolded. The incident began at the corner store, and escalated at the cousin's apartment.

Discussion ensued among the Committee members and the claimant and her family members with regard to the circumstances surrounding the incident.

Chairman Davis swore in the victim's father.

The victim's father explained more about his son, the events leading up to the incident, the victim's life – his daughter, his multiple jobs, etc.

Chairman Davis swore in the victim's brother.

The victim's brother spoke about his brother's life, why he was where he was when he was injured. He spoke about the housing project where the incident occurred, how his brother was working towards a better life for himself and to provide for his daughter.

Chairman Davis inquired what the offenders wanted from his brother.

The victim's brother explained that the offenders were looking for any reaction from him. He stated the victim was just trying to ignore them. He explained that they as a family were familiar with the area, and had not had issues in the past as they have other family that live there as well. The victim's father concurred with his assessment. The victim's mother explained that he had been there before and never imagined that there would be any issues for him there. The victim's brother explained that there had been prior confrontations with the victim and a party that is related to the offenders in a different setting, but that it had been several years, and thought the issues were resolved. The victim spoke about the politics of the gang area.

The victim's father and mother relayed that an officer stated there is a videotape of the incident, no audio. Family stated the victim did not return fire.

Chairman Davis offered condolences on behalf of the Committee and explained the next steps regarding the decision.

A motion was made by Hansen and seconded by Schindler to go into executive session at approximately 1:39 pm. Motion carried.



A motion was made by Hansen and seconded by Parker to return from executive session at approximately 1:55 pm. Motion carried.

A motion was made by Parker and seconded by Eatherton to uphold the decision of the Hearing Officer. Motion carried.

Claim #7-18-3946

Schrader reviewed the case and submitted case information. The claim is for \$10,000.00 in loss of support for the minor child.

Discussion ensued between CVR Committee Members and CVR staff regarding the details of the claim. Hansen provided a more detailed explanation regarding the income worksheets from the child support order and tax return information.

Appearing was the claimant.

Chairman Davis introduced himself. The Committee introduced themselves. Chairman Davis swore in the claimant and invited the claimant to speak.

The claimant explained the reason for her appeal and the circumstances surrounding the victim and their daughter. Claimant explained that she and the victim had an arrangement where he paid half of the day care expenses, had their daughter approximately 3 or 4 nights per week while the claimant was at work, and was responsible for providing the winter clothing, outside of the child support decree. Claimant explained that she sought therapy for herself and her daughter after the victim's death. Her daughter is still in therapy. At a prior job, the victim provided insurance, however, at the job he was working at the time of his death, insurance was not available and therefore her daughter was and is now on Medicaid.

Chairman Davis inquired regarding visitation schedules.

The claimant stated they had a personal arrangement outside of the court system. She stated it was their intention to keep everything out of the courts, but when the victim was pulled over for DUI, she filed for child support. At that time he was a contract worker, and his income was based on the contract work. No child support was ever paid as he was killed the month his child support was ordered to begin.

Hansen inquired about visitation arrangements.



The claimant explained how their schedule worked. It was never a set schedule; it was whatever worked for them. Childcare costs were split between them. Claimant provided references and victim impact statement that she submitted to the court. Claimant reiterated what they split as far as co-parenting expenses and that the victim also provided meals for their daughter's birthday parties.

Schindler explained further regarding statutory requirements and inquired if the claimant has sought out other resources such as social security, Mourning Hope counseling, and encouraged her to reach out to those types of resources. Wachman provided information regarding 211 resources of United Way. Davis inquired regarding health insurance after the victim switched jobs.

The claimant stated Medicaid was the insurance after the victim switched jobs and private insurance was not available.

Chairman Davis offered condolences on behalf of the Committee and explained the next steps regarding the decision.

A motion was made by Hansen and seconded by Parker to go into executive session at approximately 2:30 pm. Motion carried.

A motion was made by Hansen and seconded by Schindler to return from executive session at approximately 2:34 pm. Motion carried.

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

Claim #9-18-3962 and Claim #9-18-3963

Schrader reviewed the case and submitted case information. The claims are for \$10,000.00 in loss of support for the minor children.

Discussion ensued between CVR Committee Members and CVR staff regarding the details of the claim.

Appearing was the claimant, her daughter, and a family friend.

Chairman Davis introduced himself. The Committee introduced themselves. Chairman Davis swore in the claimant and invited the claimant to speak.



The claimant explained that she and the victim were separated at the time of death, that he was not a part of her tax forms as they were separated. She stated he was providing some monetary support even though they were not living together. She stated he was working “under the table” to assist, but there was no tax form to provide documentation. He helped out with rent, part of the bills, taking kids shopping as he could. He would work wherever he could; roofing, siding, construction.

Hansen inquired regarding the claimant’s job and asked for clarity regarding the support he contributed, i.e. a dollar amount.

Claimant stated he would help pay the rent and part of the bills when she couldn’t work while pregnant. Rent was \$800/month – he would give half. He would take the younger children shopping to buy clothes when he had money.

Chairman Davis offered condolences on behalf of the Committee. He asked for clarification that the victim was paid in cash while he was working, and how often the victim contributed to rent, etc.

Claimant confirmed the cash payments, and stated he helped more than twice, not just when she couldn’t work while pregnant.

Schindler explained the reason why the Committee is asking the questions regarding monetary contribution, because of the rules that the Committee must follow. Schindler inquired if there are any forms that document what he contributed.

Claimant stated that since he was paid in cash there were no forms.

Hansen inquired if the children ever stayed with the victim. Claimant confirmed they did not.

Schindler inquired if the claimant was aware of SSI benefits, explained regarding 211 services, encouraged her to reach out to local resources regarding those benefits.

Schrader provided information regarding Douglas County Victim Assistance and their advocates and would provide the information outside of this meeting.

Chairman Davis offered condolences on behalf of the Committee and explained the next steps regarding the decision.

A motion was made by Hansen and seconded by Clark to go into executive session at approximately 2:48 pm. Motion carried.



A motion was made by Hansen and seconded by Parker to return from executive session at approximately 2:52 pm. Motion carried.

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

CVR BUDGET

Schrader provided an overview of the CVR Budget including appropriations and sources of revenue as well as claims decisions for the previous fiscal year per document provided by Ayers. Schrader provided an update regarding proposed updates to the CVR Rules and Regulations.

OTHER BUSINESS

Hansen provided some clarity regarding income, expenditures, insurance, and how those amounts might be considered.

There being no further business, the meeting was adjourned at approximately 3:05 pm. The next Crime Victim's Reparations Committee meeting will be held Friday, May 10, 2019 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

