

SOUTH DAKOTA CRIME VICTIMS' COMPENSATION COMMISSION MEETING

Meeting held via Zoom Conference

Thursday, May 23rd 2024

Meeting Minutes

9:30am (Central Time)

Call to Order and Roll Call (9:33am)

Rollcall of Commission

- *Dustin Morrison (via Zoom)*
- *Becky Rasmussen (via Zoom)*
- *Lisa Heth (via Zoom)*
- *Keith Hansen (via Zoom)*

Also, present:

- Chazzy Smith, SDVS Program Assistant (*via Zoom*)
- Laura Quasney, SDVS Program Specialist (*via Zoom*)
- Heather Meyers, SDVS Assistant Program Specialist (*via Zoom*)
- Randi Spaid, CVC Claims Specialist (*in-person*)
- Nicci Rancy, CVC Claims Specialist (*via Zoom*)
- Paul Bachand-Hearing Examiner (*in-person*)
- David McVey – Attorney General's Office (*in-person*)

Established Quorum

Adoption of Agenda

- **Hansen:** Motioned to adopt agenda
- **Rasmussen:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

Review of minutes:

The meeting minutes from March 2nd, 2023, were reviewed.

- **Hansen:** Motioned to approve
- **Rasmussen:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

Program Update from Victims' Services

- **Claim Specialist: Randi Spaid**
 - Since the last commission meeting, SDVS has gone through staff changes within the program. Previous SDVS Director Cora Olson resigned in March of 2024 to return to law enforcement. DPS is currently in the last phases of hiring a new Director. In June of 2023, SDVS hired a new Claims Specialist, Nicci Rancy.
 - As of SFY 2024, Crime Victims' Compensation Program has processed 248 claims compared to 224 claims processed in SFY 2023.

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- Another area of focus for SDVS is the law enforcement reimbursement program to be utilized more frequently for direct reimbursement to the officers who assist those in crisis.
- **David McVey: Attorney Advisor**
 - Provided update from Office of Justice Programs of proposed rulemaking to enhance the federal Crime Victim Compensation Program. Most relevant to SD, the proposed rule would impact contributory conduct, and the Commission would be precluded from considering contributory conduct for the award. The proposed changes would also preclude criminal history and prior payments when making award decisions. The contributory conduct has multiple states with issues. SD Office of Attorney General has signed on to a letter with other states opposing those changes. It is anticipated if rule passes in its current form, there could be multi-state litigation over that. The position the states are taking is OJP lacks the authority to make those changes.

Commission comments/questions: NONE

Public comment (SDCL 1-25): NONE

Designation of Hearing Officer:

Motion needed to designate Paul Bachand as Commission Chair for this meeting.

- **Hansen:** Motioned
- **Morrison:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

4 items on the agenda: No conflict of interest regarding items on the agenda.

There was a discussion between Mr. Bachand and Mr. McVey on having the Commission Chair present during the Commission deliberation. Mr. Bachand agreed to step out.

Claim #2024-00044 – Hearing Began (9:47am)

- SDCL 23A-28B-37 Determination

Action Item: Discussion of circumstances surrounding the denial of the claim being contributory conduct, a statement from claimant, and questions from Commission.

Action Item: Claims Specialist Randi Spaid provided a statement and information surrounding the initial claim decision of denial based on contributory conduct.

Executive Session (1-25-2) (10:09am)

Motion needed to enter into Executive Session

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- **Hansen:** Motioned
- **Rasmussen:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

End of Executive Session (10:14am)

- **Hansen:** Motioned to uphold denial based on SDVS's initial decision of contributory conduct
- **Morrison:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

Claim # (2024-00044) Hearing-Closed (10:15am)

Claim # (2024-00127) -- Hearing Began (10:16am)

- SDCL 23A-28B-37 Determination

Action Item: Discussion of circumstances surrounding the denial of the claim being due to lack of cooperation with law enforcement, a statement from claimant, and questions from the Commission.

Action Item: Claims Specialist Randi Spaid provided a statement and information surrounding the initial claim decision of denial based on a lack of cooperation with law enforcement. Ms. Spaid also noted that although contributory misconduct existed, it cannot be considered as the victim and offender were roommates which constitutes a crime of domestic violence pursuant to (SDCL-23A-28B-25).

Executive Session (1-25-2) (10:38am)

Motion needed to enter into Executive Session

- **Hansen:** Motioned
- **Morrison:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

End of Executive Session (10:49am)

- **Hansen:** Motioned to overturn the decision of denial
- **Morrison:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

Claim # (2024-00127) – Hearing Closed (10:51am)

5-minute break- at 10:52am. Back at 10:57am

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Claim # (2023-00142) -- Hearing Began (10:58am)

- **Roll Call:** All present
 - Mr. Bachand commented this should be a closed hearing and asked if the Commission agreed and advised there would need to be a motion for a closed hearing.
- **Morrison:** Motioned
- **Hansen:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

Hearing goes into closed session at 11:00am-Waiting room via Zoom is closed off so no public access

- SDCL 23A-28B-37 Determination

Executive Session (1-25-2) (11:19am)

Motion needed to enter into Executive Session

- **Hansen:** Motioned
- **Morrison:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

End of Executive Session (11:29am)

- **Rasmussen:** Motioned to modify and allow additional sessions until January 29th 2025, not to exceed the program's CAP of \$15,000.
- **Hansen:** Seconded
- **Roll Call:** All members voted in favor. Motion passed.

Claim #2023-00142 Hearing-Closed (11:31am)

Claim # 2024-00119 Hearing

Not able to proceed with the hearing of this claim due to the updated agenda not being posted on the Board and Commissions website within a reasonable time prior to the meeting. This claim will be rescheduled for the next Commission meeting.

Spaid: Notified claimant of why the claim is unable to be heard.

Additional Business

Motion to adjourn

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Hansen: Motioned

Heth: Seconded

Roll Call: All members voted in favor. Motion passed.

Adjournment (11:33am)