**SOUTH DAKOTA CRIME VICTIMS’ COMPENSATION COMMISSION MEETING**

**Meeting held via Zoom Conference**

**Wednesday, April 27th, 2022**

**1:00pm (Central Time)**

**1:00 P.M: Introduction (via zoom)**

***Rollcall***

* Keith Hansen (KH)
* Lisa Heth (LH)
* Becky Rasmussen (BR)
* Ann Holzhauser (AH)

***Absent***

* Brian Mueller
* Rebecca Knudsen

**Also, present:**

* Chazzy Smith, SDVS Program Assistant
* Cora Olson, SDVS Program Director
* Heather Anderson, SDVS Assistant Program Specialist
* Kami Marts, SDVS-CVC Claims Specialist

*Cora motioned to approve Keith as hearing officer of this meeting*

* **BR** motioned to approve
* **LH:** Seconded
* *Motion to appoint Keith as hearing officer passes*

*The meeting was called to order at 1:08 pm Keith Hansen served as the hearing officer. Roll-call attendance was taken, and a quorum is present.*

**Review of minutes:**

*The meeting minutes from September 24th, 2021, were reviewed.*

* **KH:** motioned for approval
* **LH:** seconded
* **BR:** Agrees
* *Motion to approve minutes passes*

**SOUTH DAKOTA CRIME VICTIMS’ COMPENSATION COMMISSION MEETING**

**Program Update:**

*Cora provides a program update and how the transition into the CVC online data base (MAVIS) has gone so far.*

Our program went live with our online applications in January of 2021. When we went live there was a heavy load of data transfer to do and we also had to work out some development issues in order for the online program to function properly. Covid also caused some issues with the department and created the back load of claims with half of the claims still waiting on decisions to be made. Fortunately, we were able to tackle the back load and currently have about 301 active claims, with only 18 pending decisions and those are generally all new applications that we have received within the last 30 days. We have made it a goal in our office to try and have a decision made within 45 days from the receipt of the application. August of last year our program averaged about 29 days from initial receipt of application to having a decision made. With the back load of decisions taken care of we are now able to focus on expenses. In 2019 we averaged a total of roughly 15 applications a month, in 2020 that number was roughly 19 applications per month and in 2022 on average, we are receiving about 22 applications a month. In 2019 we received a total of 182 applications and are estimating receiving roughly 260 applications for 2022. In 2019-2020 we paid out around $260,000-$290,000 for the whole year and $188,884 in 2021. So far this year we have paid out $514,509 with an estimated total of around $900,000. Our program also had some staff turnover and in June of 2021 Kami Thompson joined us as a claim’s specialist. Megan Kwilinski left our program at the beginning of this year, and we will have an open position in our office soon.

***Commission questions:***

* **LH:** How much has been paid out to Law Enforcement for reimbursement?
  + **CO:** We have not received any requests or paid anything out yet but will continue to make the information available.
* **BR:** Congratulated us on our hard work.
* **KH:** Also congratulated us.

***Public Comment:*** None

***1:20pm- Ann provides training on commission roles and hearings***

*Key points of training*

* What role commission members have
* Eligibility for applying for the program and program overview
* Conducting claims hearings
* Prehearing motions
* Hearing procedures

***Questions from the state:*** None

***Commission Questions:*** Yes

**KH:** Are we only supposed to look at the evidence provided to us within Mavis or are we able to look on the internet formore information?

**AH:** You each bring your own perspective, if there was something reported in the news that is available to the public you should not go digging further. Decisions should be based on the information provided to you. Take into consideration all the evidence before you.

**BR:** If we have questions with some of the evidence provided to us in Mavis, who can we request more information from?

**AH:** You can request more information from the program.

*No further questions*

**SOUTH DAKOTA CRIME VICTIMS’ COMPENSATION COMMISSION MEETING**

***1:50pm-Motion to begin reviewing claims***

* **KH:** Motioned to begin
* **BR:** Seconded
* *All in favor*

*Motioned to begin the review of claims approved.*

***1:53pm-Review of claim #200127***

*Claimant and personal representative let into zoom meeting. New individuals present for hearing of claim #200127 are as follows;*

* Jodie Brown (JB) – Personal representative of claimant
* (NS) – Claimant
* **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

*None*

* **KH:** Is a motion needed to go into a closed session?

*None*

* **KH:** Calls on investigator to give summary and program decision as well as take oath.
* **CO:** Will be presenting on behalf of a previous claim’s specialist.
* **KH:** *Gives Oath*
* **CO:** *Takes Oath*

***Investigator reads summary and decision on claim: Cora Olson***

General overview of the claim and decision made by claim’s specialist, denied by CVC for *Contributory Conduct.*

***Commission Questions:*** None

***Victims/Claimant Questions:*** Yes

**JB:** I have a couple of questions, was all of this information obtained from the police report?

**CO:** Yes, this is the summary from the police report received.

**JB:** Did you receive all the reports on this incident?

**CO:** Cannot testify to knowledge of receiving everything.

**JB:** You put this summary together after reading the reports?

**CO:** I did not, reading the summary on behalf of a previous claim’s specialist.

**JB:** No further questions.

*No further questions*

*2:02pm: Hearing none, evidence was admitted.*

***Victim/Claimant Statements*:**

**KH:** Gives JB oath

**JB:** Takes oath

**KH:** Gives NS oath

**NS:** Takes oath

**NS:** Gives her statement.

**JB:** Asks for board to review video footage.

*2:09pm: Video footage is reviewed by commission members.*

**JB:** Gives her statement on behalf of claimant

***Commission Questions:*** Yes

**BR:**  Questions on relationship between victim and ex-wife. Were there any domestic violence issues as stated in the reports.

**NS:** No domestic violence on record.

***Questions from the state:*** None

*No further questions*

*2:27pm: Hearing none, evidence was admitted.*

*No further evidence or witnesses at this time.*

**JB:** Gives closing statement

**NS:** Gives closing statement

***2:33pm: Review of claim #200127 complete***

***2:34pm: Review of claim #2022-00039 begins***

*Claimant is let into zoom meeting. New individuals present for hearing of claim #2022-00039 are as follows;*

* *(SB) – Claimant*
* **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

*None*

* **KH:** Is a motion needed to go into a closed session?

*None*

* **KH:** Calls on investigator to give summary and program decision as well as take oath.
* **CO:** Will be presenting on behalf of a claim’s specialist Kami Thompson.
* **KH:** *Gives Oath*
* **CO:** *Takes Oath*

***Investigator reads summary and decision on claim: Cora Olson***

General overview of the claim and decision made by claim’s specialist. Claim was approved, funeral expenses surpass the $8,000 cap and claimant is requesting to exceed the amount by an additional $1,779.92. Other expenses will be reviewed once all documentation has been received, up to $15,000.

***Commission Questions:*** None

***Victims/Claimant Questions:*** None

*No further questions*

*2:38pm: Hearing none, evidence was admitted.*

***Victim/Claimant Statements*:**

**KH:** Gives oath

**SB:** Takes oath

**SB:** Gives her statement

***Commission Questions:*** None

***Questions from the state:*** None

*No further questions*

*2:42pm: Hearing none, evidence was admitted.*

*No further evidence or witnesses at this time.*

**SB**: Gives closing statement

***2:45pm: Review of claim #2022-00039 complete***

***2:45pm: Review of claim #2022-00163 begins***

*Claimant is let into zoom meeting. New individuals present for hearing of claim #2022-00163 are as follows;*

* *(FS) – Claimant*
* **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

*None*

* **KH:** Is a motion needed to go into a closed session?

*None*

* **KH:** Calls on investigator to give summary and program decision as well as take oath.
* **CO:** Will be presenting on behalf of a claim’s specialist Kami Thompson.
* **KH:** *Gives Oath*
* **CO:** *Takes Oath*

***Investigator reads summary and decision on claim: Cora Olson***

General overview of the claim and decision made by claim’s specialist, denied by CVC for *Contributory Conduct.*

***Commission Questions:*** None

***Victims/Claimant Questions:*** Yes

**FS:** Questions where they could have bought alcohol at that time of day, he had no charges on his debit card at that time.

**CO:** Explains that the program could not testify to this, only provides summary of facts and statements noted in the police reports received.

*No further questions*

*2:50pm: Hearing none, evidence was admitted.*

***Victim/Claimant Statements*:**

**KH:** Gives oath

**FS:** Takes oath

**FS:** Gives her statement

***Commission Questions:*** None

***Questions from the state:*** None

*No further questions*

*3:17pm: Hearing none, evidence was admitted.*

*No further evidence or witnesses at this time.*

**FS**: Gives closing statement

***3:23pm: Review of claim #2022-00163 complete***

***3:24pm: Review of claim #2022-00171 begins***

*Claimant is let into zoom meeting. New individuals present for hearing of claim #2022-00171 are as follows;*

* *(MT) – Claimant*
* **KH:** Are there any pre case motions need for commission members to excuse themselves due to conflict of interest?

*None*

* **KH:** Is a motion needed to go into a closed session?

*None*

* **KH:** Calls on investigator to give summary and program decision as well as take oath.
* **CO:** Will be presenting on behalf of a claim’s specialist Kami Thompson.
* **KH:** *Gives Oath*
* **CO:** *Takes Oath*

***Investigator reads summary and decision on claim: Cora Olson***

General overview of the claim and decision made by claim’s specialist, denied by CVC for *Contributory Conduct.*

***Commission Questions:*** None

***Victims/Claimant Questions:*** None

*No further questions*

*3:32pm: Hearing none, evidence was admitted.*

***Victim/Claimant Statements*:**

**KH:** Gives oath

**MT:** Takes oath

**MT:** Gives her statement

***Commission Questions:*** None

***Questions from the state:*** None

*No further questions*

*3:32pm: Hearing none, evidence was admitted.*

*No further evidence or witnesses at this time.*

**MT**: Gives closing statement

***3:39pm: Review of claim #2022-00171 complete***

* ***3:39pm: Open Discussion closed- Executive discussion to follow***

***3:40pm: Commission Review of Claim #200127***

*Commission Decision:* Commission requested to hear policies for determining contributory conduct. Cora provided the commission with language from policy.

**BR:** Moves to deny request and except the states order

**KH:** Seconds

**LH:** Agrees.

***4:05pm: Commission Review of Claim #2022-00039***

*Commission Decision:*

**LH:** Motions to approve request for reconsideration and allow requested additional funeral expenses.

**BR:** Seconds

**KH:** Agrees

***4:15pm: Commission Review of Claim #2022-00163***

*Commission Decision:*

**KH:** Motions to deny request and except the states order

**BR:** Seconds

**LH:** Agrees

***4:21pm: Commission Review of Claim #2022-00171***

*Commission Decision:*

**KH:** Motions to approve request for reconsideration and reverse the decision of the state.

**BR:** Seconds

**LH:** Agreed

* ***4:40pm: End of Executive Discussion***

***CO:*** *Explains the process flow in MAVIS going forward in regard to commission decisions. Program will be working with system programmer to make the process smoother as we move forward.*

***4:46pm: Scheduling next Commission meeting***

* *CO will be sending out a doodle pole with date options as other commission members are not present.*

***4:50PM: Meeting Adjourned:***

**LH:** Motion to adjourn

**KH:** Seconded.

**BR:** Agreed