

CRIME VICTIM SERVICES COMMISSION

Meeting – July 17, 2023

MINUTES

*****APPROVED*****

Cpl. Robin Hornbuckle, Chairperson, called the Crime Victim Services Commission meeting to order at 12:37 p.m. on July 17, 2023, in the Dempsey Room at the Grand Tower Building, 235 S. Grand Avenue, Lansing, MI 48933.

Present:

Commission Members:

Thomas P. Clement
Cpl. Robin Hornbuckle, Chairperson
Karen Gray Sheffield
Dr. Tolulope Sonuyi

Staff Members:

Jess Averill, Policy Analyst
Shalonna Banks, Departmental Analyst - conference line
Katherine Bennett, Assistant Attorney General
Michael Bobbitt, Departmental Analyst
Emily Ely, Compensation Claims Analyst
Gail Krieger, Director of Operations
Beth Nagel, Senior Deputy Director
Leslie O'Reilly, VOCA Program Specialist
Angela Povilaitis, Staff Attorney
Rob Spada, Staff Attorney
Alicia VanEyck – Compensation Analyst

Commission Members Absent with Notice:

Jeffrey S. Getting

Public Comment - None.

Approval of Meeting Agenda – Mr. Clement made a motion, supported by Ms. Gray Sheffield to approve the July 17, 2023, meeting agenda. Motion carried.

Approval of the Open Meeting Minutes – Ms. Gray Sheffield made a motion, supported by Mr. Clement to approve the May 15, 2023, open meeting minutes as written. Motion carried.

Chair Report

Chairperson Hornbuckle thanked the compensation staff for all the hard work they are doing in preparing for the implementation of the new compensation enhancements. They have been very busy and have completed seven in-person trainings, with approximately 175 people attending. They are also creating a recorded training that will soon be released for those who could not attend the in-person trainings. This is a lot of work, and she is thankful that staff are managing all these preparations.

Katherine Bennet, Assistant Attorney General to the Commission, had a memo she wished to discuss with the Commission. This document is subject to attorney-client privilege and is

division-level advice, not the opinion of the Attorney General. To preserve its confidentiality, the Commission transferred into closed session to discuss it. This required a motion.

Ms. Gray Sheffield made a motion, supported by Dr. Sonuyi to go into closed session at 12:42 p.m. Motion carried.

Mr. Clement made a motion, supported by Dr. Sonuyi to come out of closed session at 1:07 p.m. Motion carried.

Staff Report

Ms. Krieger discussed a series of press stories that ran in Michigan and across the country in mid-May regarding crime victim compensation programs, including Michigan, addressing whether compensation programs are denying claims based on “behavioral issues” disproportionately across racial categories. This reporting stems from program data that Michigan and 22 other states shared with the Associated Press. The Office of Victims of Crime (OVC) has looked at updating their rules regarding denying claims based on behavioral issues.

Over the last month the Division of Victim Services has been reviewing the laws, rules and procedures governing cooperation, misconduct and criminal responsibility which fall under behavioral denials. Staff are planning to do a comprehensive review of policy and processes around behavioral denials, including updating administrative rules. Ms. Nagel said she was impressed with the Division of Victim Services taking this issue seriously and for immediately trying to determine where any deficiencies are and address them.

Ms. Nagel said the legislature passed the FY 2024 budget which begins October 1, 2023. It included \$30 million for Crime Victim Services and backfilling VOCA as well. This is an unprecedented use of state funds to support these services and is a tremendous investment by the legislature.

Ms. Povilaitis provided an assessment subcommittee update. A letter was sent to several people at the State Court Administrators Office (SCAO) including Judge Boyd and Laura Hutzler who is involved in data management. Responses were received for a few of the questions that were asked, which pointed to a larger court data collection. They reached out to Stephanie Beyersdorf for assistance with collecting data and getting the other questions answered. This is a mandatory assessment to fund the crime victim rights fund. It is necessary to confirm that courts are ordering the assessment, that the order is being followed and that collection of funds is being made. If funds are not being received, they try to remedy it so that compensation and crime victims’ rights work can continue.

The legislature is currently on summer break. Over the last six months, issues such as gun safety programs, red flag laws, background checks and safe storage have been signed into law. There have also been several sexual assault related bills introduced and signed into law and Ms. Averill and Ms. Povilaitis were present at a bill signing ceremony related to post Nasser era sexual assault reforms that will help more victims.

Ms. Averill spoke about a package of bills, HB4450-4453, that dealt with productivity credits. Staff submitted a card of opposition on behalf of the Crime Victim Services Commission. There was only testimony and there have been no votes yet.

Ms. Povilaitis said there is an advisory work group that the State Police has compiled for the Byrne state crisis intervention program grant funding. This is a separate type of Byrne grant that came through the Safer Communities Act addressing gun violence. She is a representative for the Division of Victim Services on the advisory committee to discuss funding various places within the state for crime victim intervention and gun crime reduction.

Pre-Determinations

Claim 230524 – Issue: Claimant was sexually assaulted as a pre-teen/teenager and did not report before the age of 19 due to fear, as the perpetrator was a friend of her parents who also resided in the home. Claimant is seeking reimbursement for counseling.

Currently, per statute, claims like these are required to be denied due to filing time requirements and the claimant may appeal for the Commission to grant good cause wavier. It was discussed whether it is possible to delegate the ability to waive this requirement, specifically for sexual assault claims where the victim was a minor at the time of the assault, did not report until after the age of 19, and are requesting counseling reimbursement. Ms. Bennett determined there is no reason why the commission cannot delegate to staff the application of rule 18.354 which says the commission may presume the good cause to file a claim late exists unless contrary evidence exists.

Motion: Ms. Gray-Sheffield made a motion, supported by Cpl. Hornbuckle to issue award to Claimant for counseling reimbursement. The Commission also delegates to staff the application of rule 18.354, the ability to waive the denial and allow for a finding of good cause when filing a late claim in cases where the sexual assault of a minor was not reported by the victim until after the age of 19 and the victim is seeking reimbursement for counseling services. Motion carried.

A question was brought before the Commission regarding a claim concerning termination of parental rights and a biological child seeking loss of support. Commission discussed the specifics of the claim and determined that loss of support can only be awarded if there are actual monetary payments paid from victim to dependent. In the case in question, there were no know monetary payments made from the deceased biological father, whose parental rights were terminated, to the biological child. Commission supports denial of claim.

Commission Reports

Ms. Gray-Sheffield made a motion, supported by Mr. Clement to approve the commission reports for claims 220702, 230179, 220565 from the May 15, 2023, meeting.

Claim Updates

Claim 190568 – Claimant has not provided any documentation that his current treatment is related to the injury that occurred on the date of assault. All documentation that has been received is regarding being treated for issues not related to the assault. No new documentation has been received.

Mr. Clement made a motion, supported by Ms. Gray Sheffield to pay any eligible medical bills if the required medical documentation can be obtained from the treating physician to determine eligibility of a claim.

Unfinished Business:

None

Report of the Members:

None.

New Business:

The next Commission meeting is scheduled for September 18, 2023.

Motion from Mr. Clement and seconded by Doctor Sonuyi to adjourn the meeting at 2:03 p.m.

Respectfully submitted,
Michael Bobbitt