Governor's Crime Commission
Crime Victim Services Committee Meeting
Virtual Meeting Via WebEx
1201 Front Street
Raleigh, NC 27609

Wednesday, November 4, 2020
10:00 am -12:00 pm
Meeting Minutes

Attendees:
Members: Patrice Andrews (Chair), Sherri Allgood, Charles Blackwood, Charles Brown, Leto Matthew Cooper, Copeley, Benjamin Curtis, David Elliott, Samuel J. Ervin, Robert Evans, Karen Howard, Patricia Lawler, Susan Osborne, Beverly Scarlett, Theresa Starling (for Tracy Lee), Mary Williams-Stover, Hoyt Tessener, Pamela Thompson, Michael Yaniero

GCC Staff:
Michelle Beck, Daun Brown, Sandy Dixon, Jim Lassiter, Nicki Livingston, Karen Lombri, Tim Parker, Sara Smith, Caroline Valand, Diane Barber-Whitaker

Welcome: Overview of Meeting introductions. Call to Order:

- Chief, Patrice Andrews, called the meeting to order at 10:00 a.m. with roll call taken.
- Reminder: Ethics: Chief Andrews, reminded the committee members of the General Statue, Chapter 138A-35, and other provisions of the State Government Ethics Act/Recusal Form.

Review & Approval of (5.13.20 & 8.12.20) **Minutes**. CVS members

- Chief, Patrice Andrews motions to approve last two meeting minutes
- Charles Brown seconds

CVS Updates. Sandy Dixon

- Awards 2020 Summary
- Priorities 2021 Summary

Crime Victim Needs Assessment Updates: Michelle Beck (PowerPoint)
Purpose:

- Conduct a comprehensive victim needs assessment
- Statewide Strengths and Challenges Identified by the Assessment
- Assessment Parameters

- Identify Challenges or Barriers for Service Organizations
- Input from Community Stakeholders
- Final Reports Will include:
    - a summary of the current state of services
    - gap analysis comparing current resources and those that are needed by victims of crime
    - explanation of organizational characteristics or components found to affect effective service delivery
    - description of any impediments to providing services; and
    - recommendations, support by research, to guide the planning of future service needs through directed funding
- Proposals:
    - Heard from two universities and we are developing an assessment process for the proposals that would you know so that we can be clear on if they may meet all the requirements

Presentation: Civil Options for Sexual Assault Victims: Leto Copley & Hoyt Tessener

- Part 1: DBG v. Robeson County Schools – Cases of Sexual Abuse
- Part 2: Victims of Non-Sexual Crimes
- Part 3: NC Victim Rights Statutes: Victim Rights : NC Constitution and Statutes
- Part 4: When Civil and Criminal Procedures Overlap

Advantages of Civil Litigation: Hoyt Tessener

What Happens During a Lawsuit?

- Plaintiff- files a "Complaint" with an Attorney
- Defendant(s) file an answer to the plaintiff's Complaints
- Both parties participate in "Discovery"
    - Depositions: Parties will be questioned, on the record, by Attorneys
    - Request for Documents: Importantly could include medical records, financial records, etc.
    - Expert witnesses and independent Medical Examinations
    - Settlement/ Mediation
- Trial
- Collection*
- Lower burden of proof
- Compensation
- Accountability – System failure
- Answer
- Sense of Control

- Personal Justice
- Incentives for Crime Prevention
- Promotes Change or Publicize Issue
- What do Victims want
- Proving Damages in Civil Cases: The Burden (Compensatory, Punitive)
- Actual Damages
- Restitution
- Lesser Known Civil Actions for Sex-Related Offenses
- Statutes of Limitation*
- Tort Crimes- Who is Responsible?
- Homicide – Wrongful Death

In Sum, Civil Courts Answer the Ultimate Question:

  - Was it foreseeable, and if so, by whom?
- S199 – signed into law 2019
- Marsy's Law – NC Constitutional Amendment passed November 2018
- S682 – signed into law 2019

When All Goes Smoothly:

- Benefit to investigators
- Evidence
- Victim management

When things don't go so well:

- Victim feels process unfair – what to do? (example)
- Press
- Bargaining with the perp outside ethical boundaries
  - Victim cannot refuse to testify
  - Attorney can't withhold evidence, or the victim
  - Attorney can't guarantee an outcome

LET'S Talk:

- As victim advocates, law enforcement, etc. how do you view civil lawyers?
- How do you think civil lawyers view you?
- Are civil lawyers' views of prosecutors correct?
- Do civil lawyers and prosecutors have anything in common?
- How can attorneys do better?

New Business/ Old Business. **CVS Committee:** Sandy Dixon

- None- old
- In the past the CVS Committee has gone onsite to see the Sub-recipient's project and due to COVID we are not able to do that. I wanted to get some feedback if you would like some virtual presentations in our January meeting? 15 -30 minutes

presentation about the project you have funded in the past? We will attempt to schedule these for the next couple of meetings.

Adjournment

- Sandy Dixon ended the meeting at 11:40 PM for Chair Andrews who had to leave the meeting early.

Meeting Minutes Taken By: Sara Smith