

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD**

**MEETING MINUTES
May 17, 2013**

***** APPROVED *****

Members Present:

Jim Fink, Acting Chair
Kathryn Hoover
Hon. Elizabeth Pollard Hines
Sgt. Yvonne Brantley

Staff Present:

Patsy Baker
Michael Bobbitt, Board Secretary
Michelle Bynum
Debi Cain, Executive Director
Donna Cornwell
Debbie Felder-Smith
Julie Giddings
Carol Hackett Garagiola
Gail Krieger
Mary Lovik
Tiffany Martinez
Karen Porter

Guests:

John Lazet – Michigan Department of Attorney General
Mary Pollock - Michigan NOW
Stacy Westra – SCAO, Trial Court Services

Welcome and Introductions

Acting Chair J. Fink convened the May 17, 2013 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at DHS, Grand Tower Building in Lansing, Michigan at 2:00 p.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda; approval of April 19, 2013 meeting minutes.

MOTION: Moved by K. Hoover to approve the May 17, 2013 agenda and to approve the April 19, 2013 meeting minutes. Motion Seconded by E. Hines. Motion carried.

CHAIR'S REPORT

J. Fink congratulated Board member Jeffrey Sauter on his recent appointment by Governor Snyder as a judge to the 56th Circuit Court.

EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE

D. Cain referenced the materials provided related to budget amendments requested for this year's line items. D. Cain said that Director Corrigan is aware of, and working on, the issue on behalf of DHS. D. Cain indicated that if the legislature again uses rebasing then similar problems will probably occur next year.

D. Cain said she had recently attended a Family Violence Prevention and Services Act (FVPSA) Administrators Meeting. FVPSA is a key source of funding for residential and non-residential services. FVPSA funds a large share of the money that is provided for domestic violence comprehensive grants which is used for the 45 domestic violence programs throughout the state. Due to sequestration, beginning in October there will be a 6.42% cut in funding. D. Cain said that she has not heard from OVW about what percentage their cut will be.

D. Cain said the Children's Advocacy Center Fund, which the Board administers, receives just under \$1 million. Those funds are provided to any of the nationally accredited Michigan Child Advocacy Centers that successfully apply. Two new Child Advocacy Centers will be added in Detroit and Midland on July 1, 2013. Because the amount of money coming into the fund will not increase, a reallocation of the formula will be required as more programs continue to be added in the future.

D. Cain and G. Krieger are planning to attend a meeting at the request of the Michigan Chapter of the International Association of Forensic Nurses. This meeting will provide an opportunity to discuss the topic of reimbursement of SANE programs for administering Sexual Assault Medical Forensic Examination (SAFE) Kits. DCH has recently been requesting new information and verification prior to reimbursement of SAFE kits, information which has created concern for Michigan SANEs.

D. Cain updated the Board on the state planning process for federal grant dollars based on VAWA 2012 and new FVPSA requirements. D. Cain has requested assistance from both the National Women of Color Network and the Institute of Domestic Violence in the African American Community, two of the national TA providers paid for by the Department of Justice, who will assist us in STOP planning. The goal is to develop a plan that is inclusive of all victims of domestic and sexual violence within the state. D. Cain also said that FVPSA, STOP and SASP plans must all now be coordinated.

Legislative Review

The Board members acknowledged that they had an opportunity to review a list of bills of interest to the Board's constituency that had been introduced since the Board's prior meeting. No items were identified for further discussion.

M. Lovik reported on HB 4186, which would expand existing opportunities for persons convicted of crimes to

have those convictions expunged from their criminal histories. In its current form, the bill is consistent with the Board's General Principle on criminal histories dated 12/4/04. M. Lovik said she will continue to watch the bill's progress.

M. Lovik reported on HB 4011. This bill would amend the Freedom of Information Act (FOIA) to exempt 911 audio recordings from disclosure, subject to certain exceptions.

Motion: Moved by K. Hoover to support HB 4011. Motion seconded Y. Brantley. Motion Carried.

M. Lovik reported on SB 98. This bill would provide compensation and other relief for persons wrongfully imprisoned for crimes. One of the elements an individual must show to obtain this remedy is that "DNA or equally reliable scientific or physical evidence from which [his/her] conviction was entered demonstrates that [he/she] did not perpetrate the crime and was not an accessory to the acts that were the basis of the conviction."

The Justice Policy Initiative of the State Bar has proposed an amendment to the bill that would broaden the above standard to require only a showing of "DNA or other reliable evidence." The Initiative also advocates broadening the standard to include evidence first discovered after trial.

The evidence that would be allowed under the Justice Policy Initiative's revision could include evidence that a witness in a criminal trial had subsequently recanted his/her testimony.

Motion: Moved by E. Hines to support SB 98 in concept. Express opposition to amendments that would open the door to the admission of evidence that an eye-witness or victim had recanted his/her testimony in the case leading to the conviction. Express support for amendments that prohibit treating recanted eyewitness or victim testimony as reliable evidence. Motion seconded by Y. Brantley. Motion Carried.

M. Lovik reported on HB 4583 and HB 4584. These bills would expand the authority of criminal courts imposing sentence upon offenders convicted of criminal sexual conduct against a child or a sibling of a child, if the offense involved penetration, attempted penetration, or assault with intent to penetrate. HB 4583 would require the sentencing court to terminate the offender's parental rights without a separate hearing, if there are grounds for termination and termination is in the child's best interests. HB 4584 would require the sentencing court to terminate an order for grandparenting time, if there are grounds for doing so and termination would be in the child's best interests.

Motion: Moved by E. Hines to take no position on HB 4583 and 4584 and to express concerns about implementation identified in the staff report to DHS. Motion seconded by K. Hoover. Motion Carried.

M. Lovik and C. Hackett Garagiola spoke about a meeting that they had attended at the State Court Administrative Office on the topic of PPOs. Judges participating in the meeting expressed concerns about the applicability of the non-domestic stalking PPO statute to neighbor/neighbor disputes. Other concerns with existing PPO procedures were also discussed.

E. Hines said that transferring jurisdiction of non-domestic stalking PPOs to District Courts is not a practical solution to the problems discussed in the meeting. Other present Board members agreed.

PUBLIC COMMENT: No comments.

PROCESS EVALUATION: No comments.

ADJOURNMENT

Motion: Moved by K. Hoover to adjourn the meeting. Motion seconded by Y. Brantley. Motion Carried

The meeting ended at 4:30 p.m.

Respectfully submitted,
Michael Bobbitt