

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
February 2, 2018**

***** Approved *****

Members Present:

Yvonne Brantley
Hon. Thomas Cameron
Jeffrie Cape
James Fink
Hon. Elizabeth Pollard Hines
Jacqueline Schafer

Members Absent:

Dr. Cris Sullivan, Chair

Staff Present:

Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Sarah Heuser
Gail Krieger
Sandra Pilgrim-Lewis
Karen Porter
Lore Rogers (via phone)

Guests:

Stephanie Beyersdorf - State Court Administrative Office
Danielle Hagaman-Clark – Prosecuting Attorney’s Association of Michigan

WELCOME AND INTRODUCTIONS

J. Fink convened the February 2, 2018 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Michigan Historical Library - Lake Superior room in Lansing, Michigan at 2:10 p.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda and approval of December 1, 2017 meeting minutes.

MOTION: Moved by J. Cape to approve the February 2, 2018 agenda and to approve the amended December 1, 2017 meeting minutes. Motion seconded by J. Schafer. Motion Carried.

CHAIR’S REPORT

J. Fink noted that as C. Sullivan is unable to attend the February 2, 2018 Board meeting, he will stand in as temporary Chair.

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

D. Cain spoke about the excellent job by Angie Povilaitis on the landmark Larry Nasser case. Angie has helped bring the issue of sexual assault to the general public's attention and was instrumental in giving survivors a chance to speak at sentencing.

D. Cain noted that four months after becoming the new Division of Victim Services, opportunities are developing for spending resources more broadly. A statewide plan is currently being developed to have sexual assault services in every county in Michigan within three years. A similar plan is also in place for Children's Advocacy Centers (CAC) as a collaboration with the Michigan Chapter of the National Children's Alliance (MINCA).

D. Cain thanked Sandra Pilgrim-Lewis for her amazing job of expanding work with culturally specific communities. Sandra's work has helped to add funding for programs such as the Arab American and Chaldean Council, LA VIDA and Mai Family Services. Sandra also worked together with tribal communities throughout the state to institute a revolving grant application program allowing the Michigan tribes and all culturally specific applicants to apply whenever needed.

S. Heuser provided a presentation on the most recent annual manual which contains a comprehensive overview of the work accomplished by the Board in fiscal year 2017.

LEGISLATIVE REVIEW

G. Krieger spoke about a memo written on behalf of the Board regarding SB 650. SB 650 would make changes to the Social Welfare Act by providing an exemption from seeking paternity or support from a parent if the child is a product of criminal sexual conduct committed by that parent. The memo states that the Board supports SB 650 and recommends including language to clarify that good cause exemptions are available for victims of domestic violence and child abuse. These recommended changes were incorporated into a substitute bill. The Board also recommends that a screening question be included to the application.

G. Krieger noted HB 5278 which amends the enabling legislation of the Michigan Domestic and Sexual Violence Prevention and Treatment Board to codify the executive order which added sexual violence to the Board name. Board staff are monitoring this bill.

L. Rogers reported on a hearing she attended regarding HB 4298 which creates a new provision in the Child Protection Law requiring a law enforcement officer or a DHHS investigator to make a video recording of the entire interview with a child in an accredited or creditable child assessment center. A substitute bill was adopted which created a good cause exception to recording, including but not limited to, inoperability of the recording equipment or other circumstances. Other companion legislation provided that failure to make a video recording of an interview, including failure to record the interview in the entirety, would not prevent the interviewer or other witnesses present during the statement from testifying in court if the testimony was otherwise admissible. The Board's previous concerns about the bill were addressed in the adopted substitute.

G. Krieger reported on HB 5392 and HB 5407 which require defendants to be present through an entire sentencing including during victim impact statements. T. Cameron recommended striking the following language from HB 5392 so that it can be applied to all cases:

SEC. 1M. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT SHALL REQUIRE THAT A DEFENDANT CONVICTED AND SENTENCED FOR A FELONY OFFENSE AS PROVIDED IN THIS ACT BE PHYSICALLY PRESENT IN THE COURTROOM DURING HIS OR HER SENTENCING HEARING. ~~IN ANY CASE IN WHICH THERE WILL BE THE PRESENTATION OF ANY ORAL OR WRITTEN STATEMENT MADE BY A VICTIM AS PROVIDED FOR IN THE WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO 780.834.~~ THIS SECTION DOES NOT APPLY IF THE COURT, IN ITS DISCRETION, DETERMINES THE DEFENDANT NEED NOT BE PRESENT OR IF THE COURT DETERMINES THE DEFENDANT'S PRESENCE POSES A DANGER TO OTHER INDIVIDUALS IN THE COURTROOM OR IS DISRUPTIVE TO THE CONDUCT OF THE COURT'S BUSINESS.

E. Hines said that she would like to link this legislation more with the Board's role. D. Cain said the Board can convey its support for this legislation and emphasize that it is important that a victim's voice be heard by the defendant and that the scope of domestic and sexual violence encompasses a variety of crimes that go beyond just physical violence. G. Krieger said she will draft a letter to the committee explaining the domestic and sexual violence reasoning.

MOTION: Moved by T. Cameron to recommend amending HB 5392 by striking language requiring an oral or written statement as well as amend HB 5407 so the language is consistent with the language in HB 5392. Motion seconded by Y. Brantley. Motion carried.

L. Rogers reported on HB 5405 which would prohibit using public funds to settle sexual harassment claims and HB 5397 which would prohibit using public funds to pay claims or judgements involving conduct by public officials that is grossly negligent, intentional misconduct or criminal conduct. It would also require a public official pay the cost of the defense in the event they are found guilty in certain cases.

MOTION: Moved by E. Hines to have staff speak with legislators and address the Board's concerns with HB 5405 and HB 5397, and to obtain additional information for discussion at the next board meeting. Motion seconded by Y. Brantley. Motion carried.

G. Krieger reported on HB 5402 and HB 5403 regarding release of video recorded statements for peer review.

MOTION: Moved by E. Hines that the Board supports the intent of the HB 5402 and HB 5403. The Board recommends limiting use to "peer review" rather than "training purposes," adding provisions to more fully protect victim confidentiality and autonomy by including provisions to ensure that release is fully informed, revocable, and time limited. The Board further recommends that if a child victim is between 12 and 16 then consent should be obtained by both the child and the non-offending parent or guardian. Motion seconded J. Cape. Motion carried.

D. Cain reported on an audit report for the Children's Advocacy Center Fund for fiscal year ended September 30, 2017.

MOTION: Moved by J. Schafer that the audit report for the Children's Advocacy Center (CAC) Fund for fiscal year ended September 30, 2017 has been seen and accepted. Motion seconded by J. Cape. Motion carried.

Board members acknowledged that they had an opportunity to review other bills of interest to the Board's constituency that had been introduced since the Board's December 1, 2017 meeting.

BOARD ANNOUNCEMENTS:

No announcements.

PUBLIC COMMENT:

No comments.

ADJOURNMENT:

MOTION: Moved by Y. Brantley adjourn the meeting. Motion seconded by J. Cape Motion carried. The meeting ended at 4:18 p.m.

Respectfully submitted,
Michael Bobbitt
Board Secretary