

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE  
PREVENTION AND TREATMENT BOARD  
MEETING MINUTES  
November 6, 2020**

**\*\*\* Approved \*\*\***

**Members Present:**

F/Lt. Yvonne Brantley  
Hon. Thomas Cameron  
Hon. Amy Ronayne Krause, Chair  
Elizabeth Pollard Hines  
Hon. Melissa Lopez Pope  
Matt Wiese

**Members Absent with Notice:**

Sue Snyder

**Staff Present:**

Jess Averill  
Michael Bobbitt, Board Secretary  
Debi Cain, Executive Director  
Maggie Devlin  
Gail Krieger  
Karen Porter  
Angela Povilaitis  
Lore Rogers  
Robert Spada

**WELCOME AND INTRODUCTIONS**

A. Krause convened the November 6, 2020 Michigan Domestic and Sexual Violence Prevention and Treatment Board Zoom meeting at 1:30 p.m. She provided an overview of the Michigan Domestic and Sexual Violence Board and explained how the remote Zoom meeting would proceed.

**BOARD CONSENT**

Review of November 6, 2020 agenda and approval of September 11, 2020 meeting minutes.

**MOTION: Moved by Y. Brantley to approve the November 6, 2020 agenda. Motion seconded by E. Hines. Motion carried.**

**MOTION: Moved by Y. Brantley to approve the September 11, 2020 meeting minutes as amended. Motion seconded by E. Hines. Motion carried.**

**CHAIR'S REPORT**

A. Krause briefly explained key changes to the Open Meetings Act regarding holding meetings remotely due to the COVID 19 pandemic.

**Moved by Y. Brantley that the Michigan Domestic and Sexual Violence Prevention and Treatment Board adopt procedures that comply with the Open Meetings Act during the COVID 19 pandemic. Motion seconded by T. Cameron. Motion Carried.**

A. Krause said due to the recent Michigan Supreme Court ruling that impacts Executive Orders the Board relied upon to hold previous remote open meetings, it is recommended that all decisions and motions made by the Board at previous remote meetings held on June 19, 2020, July 17, 2020 and September 11, 2020 should be ratified.

**Moved by M. Pope to ratify all the motions and decision made in remote Board meetings held on June 19, 2020, July 17, 2020 and September 11, 2020. Motion seconded by Y. Brantley. Motion carried.**

A. Krause mentioned that the next MDSVPT Board meeting is currently scheduled for December 4<sup>th</sup>. Possible times and dates for the 2021 MDSVPT Board meetings were discussed.

A Krause said a Domestic Violence Awareness Month movie called the “Sliver of a Full Moon” was recently screened by DVS and heard it was very powerful. Board member M. Pope was a panelist in the discussion held following the screening. A link to view the movie and panelist discussion will be provided to Board members.

#### **EXECUTIVE DIRECTOR’S REPORT – GENERAL OVERVIEW OF WORK TO DATE**

D. Cain acknowledged Maggie Devlin and Gail Krieger for their excellent work in heading a workgroup that produced an important document for Child Advocacy Centers. The document rollout will begin in the near future.

D. Cain talked about the purpose of having General Principles, and how having the thinking and knowledge of the Board in the General Principle helps staff respond to issues that arise quickly. She emphasized that the Board has the ability to change the General Principle at any time if needed.

E. Hines provided a detailed summary of the draft General Principle on Criminal Justice Reform and Crime Victims that was drafted by a subcommittee consisting of T. Cameron, E. Hines, and M. Wiese. The Board members discussed possible amendments to the draft General Principle.

A. Krause and M. Pope suggested and discussed with the group several amendments to the General Principle

The Board decided to add a footnote at the heading of the General Principle which states “The Board uses the term victim or survivor interchangeably to respect the different ways in which someone who has been subjected to this might see themselves, however that term means a person that has been subjected to the pattern of coercive control that includes physical and sexual force, threats and other abusive tactics that includes non-offending family members.”

**MOTION: Moved by T. Cameron to accept the General Principle on Criminal Justice Reform and Crime Victims as written with the amendments that were discussed. Motion seconded by E. Hines.**

**Motion carried.**

### **LEGISLATIVE REVIEW**

A. Povilaitis provided an update on the Michigan Task Force on Jail and Pretrial Incarceration, Arrest & Sentencing bills SB 1046-1051 and 1125. She said the Pew Charitable Trust and the Task Force have been working with Board staff on ways to improve this package of bills. The Board's enabling legislation is often used for the definition of domestic violence in these bills. Board members discussed whether the current definition of domestic violence as written is broad enough and they determined that it is.

A. Povilaitis said that SB 1046 expands law enforcement discretion to issue appearance tickets for all misdemeanors instead of taking a person into custody and filing a complaint/warrant, excluding an offense involving domestic violence. SB 1046 (S-3) made several further changes to the bill, including expanding officer discretion to arrest.

**MOTION: Moved by E. Hines to support a neutral position on SB 1046 (S-3). Motion seconded by Y. Brantley. Motion carried.**

SB 1047 modifies the bench warrant issuance process when an offender fails to appear in court and creates a rebuttable presumption to issue a criminal summons instead of an arrest warrant for certain offenses. Several changes were made to SB 1047 in the S-2 bill including adding exemptions for assaultive crimes and domestic violence offenses. T. Cameron said there is a possibility that witness detainer warrants could be considered a warrant of arrest and could fall under SB1047 (S-2). He suggested that if witness detainers could be construed as being included, then adding language to the first paragraph of SB 1047 (S-2) that says "except for (witness detainer MCL provision)," could specifically exclude it.

**MOTION: Moved by E. Hines to support a neutral position on SB 1047 (S-2) and suggest adding language to the bill that says "except for (witness detainer MCL provision)," in the first paragraph as discussed. Motion seconded by M. Wiese. Motion carried.**

A. Povilaitis discussed SB 1048 regarding misdemeanor and felony non jail presumption. This legislation would create a non-jail sentence presumption for many felonies and a non-jail, non-probation sentence presumption for many misdemeanors. SB 1048 (S-2) could have a negative impact on victims as it would change the current sentences available without a departure. The substitute bill changes the definition of "intermediate sanction" to delete all references to county jail. This would change the sentence available for those convicted of felony offenses and whose sentencing guidelines fall within an intermediate sanction range.

E. Hines noted the recently adopted General Principle says the Board will oppose anything that dilutes the ability of the courts to hold offenders accountable.

**MOTION: Moved by E. Hines to oppose SB 1048 (S-2). Motion seconded by T. Cameron. Motion carried.**

SB 1049 expands eligibility for HYTA deferred judgments of guilty from age 23 to age 25. SB 1049 (S-1) adds language stating that if a defendant is charged with an offense for which HYTA placement is ineligible, but pleads guilty to another offense that is eligible, the prosecutor shall consult with the victim regrading HYTA.

**MOTION: Moved by Y. Brantley to support SB 1049 (S-1). Motion seconded by E. Hines. Motion carried.**

SB 1050 (S-2) deals with both probationary lengths of sentences and early reduction of probation. This bill significantly changes the sentencing options and structure for misdemeanors and felonies, including by reducing maximum probationary terms and allows for new early probation discharge procedures. While the S-2 bill did make a number of positive changes, including reinstating current probationary lengths, there remain a number of concerns with SB 1050 (S-2) listed in the analysis including misdemeanor stalking probation length and 5 year's probation at the time of sentencing

**MOTION: Moved by Y. Brantley to oppose SB 1050 (S-2) and direct staff to mention the Board's concerns as outlined in the analysis. Motion seconded by T. Cameron. Motion carried.**

SB 1051 (S-2) deleted part of the bill language requiring that parole conditions must be the least restrictive conditions necessary and added that conditions of parole must also consider the needs of the victim where applicable. It was suggested to add language on page 2, at line 28 that says **"Parole Board must consider the input of any victim and must specifically address the harm caused to the victim as well as the victim's safety needs and other concerns including, but not limited to, any request for protective conditions and/or restitution."**

**MOTION: Moved by Y. Brantley to support a neutral position on SB 1051 (S-2) and suggest adding language to bill that says "Parole Board must consider the input of any victim and must specifically address the harm caused to the victim as well as the victim's safety needs and other concerns including, but not limited to, any request for protective conditions and/or restitution." Motion seconded by M. Wiese. Motion carried.**

SB 1125 adds additional training requirements for law enforcement related to behavioral and mental health and substance abuse issues and ways to de-escalate those types of conflicts. It was suggested to add language to the bill requiring that victim and victim advocacy input be sought when developing course content for the training requirements.

**MOTION: Moved by Y. Brantley to support a neutral position on SB 1125 but recommend adding language requiring victim and victim advocacy input be sought when developing course content for the training requirements. Motion seconded by E. Hines. Motion carried.**

A. Povilaitis provided a legislative analysis for HB 5993-5994 which would eliminate the current sentence structure for felony firearm convictions which is a mandatory two-year term that is consecutive to other sentences. The current sentence structure can often be an added deterrent and safety valve for victims of domestic and sexual violence. Board members discussed possible changes to the bills but could not determine how to improve them to adequately protect domestic and sexual violence victims.

**MOTION: Moved by E. Hines to oppose HB 5993-5994 and authorize Board staff to share concerns outlined in the analysis. Motion seconded by Y. Brantley. 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 September 11, 2020 meeting.

**MOTION: Moved by Y. Brantley that members reviewed the Senate and House Bill logs of bills that had been introduced since the Board's September 11, 2020 meeting. Motion seconded by M. Pope. Motion carried.**

**BOARD ANNOUNCEMENTS**

No Board announcements.

**PUBLIC COMMENT**

No public comments.

**ADJOURNMENT**

**MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by E. Hines. Motion carried. The meeting ended at 4:40 p.m.**

Respectfully submitted by  
Michael Bobbitt  
Board Secretary