

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
April 5, 2019**

***** Approved *****

Members Present:

F/Lt. Yvonne Brantley
Hon. Thomas Cameron
Jeffrie Cape
James Fink
Hon. Elizabeth Pollard Hines
Sue Snyder
Dr. Cris Sullivan, Chair

Staff Present:

Jess Averill
Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Jordan Kennedy
Gail Krieger
Karen Porter
Angela Povilaitis
Lore Rogers

Guests:

Stephanie A. Beyersdorf - Michigan Supreme Court - SCAO - Trial Court Services Ashlyn
Ansell - Observer
Rachel Carr - Uniting Three Fires Against Violence
Kathy Hagenian - Michigan Coalition to End Domestic and Sexual Violence Mary
Pollock - American Association of University Women of Michigan

WELCOME AND INTRODUCTIONS

C. Sullivan convened the April 5, 2019 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Michigan Historical Library - Lake Superior room in Lansing, Michigan at 2:05 p.m.

BOARD CONSENT Review of April 5, 2019 agenda and approval of March 1, 2019 meeting minutes.

MOTION: Moved by L. Hines to approve the April 5, 2019 agenda and to approve the March 1, 2019 meeting minutes with corrections. Motion seconded by Y. Brantley. Motion Carried.

CHAIR'S REPORT

C. Sullivan noted that April is Sexual Assault Awareness Month. She said the legislative reception will be held at the Capitol on Wednesday, April 17, 2019 and that it will be followed by a crime victims vigil.

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

D. Cain reported that some Victim of Crime Act (VOCA) dollars are being used to support the Michigan Victims Advocacy Network (MiVAN). MiVAN provides resources, training and technical assistance to Michigan victim advocates.

D. Cain reviewed several legislative initiatives previously approved by the board that staff are working to move forward.

Debi Cain reviewed the current STOP Formula Grant Program purpose areas and staff proposal on the application and limitation of these purpose areas as STOP funding become more broadly available. D. Cain also recommended that each of the twelve tribal organizations be allowed to decide which of the federal purpose areas they want to pursue when applying for STOP grant funding, except for purpose area 13.

MOTION: Moved by S. Snyder to affirm Board support for funding priority areas and limitations as recommended. Motion seconded by J. Fink. Motion carried.

MOTION: Moved by J. Fink to affirm that while the Board is putting restrictions on state agencies funded by the Board, the twelve recognized Michigan tribes will be able to make their own distinctions and spend the money as they choose if allowed by the federal government except for federal purpose area 13. Seconded by E. Hines. Motion carried.

LEGISLATIVE REVIEW

SB 204 would prevent persons who are charged with or who plead guilty to statute MCL 750.532, the seduction and debauchery of an unmarried woman, from being assigned the status of a youthful trainee under the Holmes Youthful Trainee Act (HYTA). HYTA was intended as a way for defendants between the ages of 17-24 to avoid having a criminal conviction on their permanent record. Staff believe the antiquated crime of seduction and debauchery of an unmarried woman should be repealed. Prosecutors have other methods for reducing charges for youthful defendants charged with criminal sexual conduct.

MOTION: Moved by J. Fink to adopt the staff recommendation to support SB 204 and direct staff to work with legislators to repeal seduction statute, MCL 750.532. Motion seconded by L. Hines. Motion carried.

A. Povilaitis and J. Averill met with sponsors of HB 4380 to address concerns about the bill and provide language that houses the newly created Title IX Ombudsman within the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

A. Povilaitis reported on HB 4376 and 4377. HB 4376 amends the Child Protection Law to add the professions of physical therapist, physical therapist assistant and athletic trainer to the list of mandated reporters. HB 4377 amends the Child Protection Law to require the Michigan Department of Health and Human Services to create comprehensive training materials for mandated reporters and for employers of mandated reports to make the training material available to their employees. Staff recommended a neutral position on these bills. Staff also suggested a tie bar between HB 4376 and HB 4377 so that if the list of mandated reporters is expanded then the additional training component should also be added. D. Cain suggested that staff modify the Board's guiding principle and discuss it at later time.

MOTION: Moved by T. Cameron to be neutral on HB 4376 and HB 4377. Motion seconded by E. Hines. Motion withdrawn. Board took no position and tabled the matter.

HB 4129-4132 would modify current Michigan laws to allow inmates an early parole if their physical or mental condition meets the definition for medically frail.

This package of bills would allow defendants to avoid Truth in Sentencing laws by receiving an early parole if they are deemed medically frail. It is not specifically clear, in the bills as written, whether survivors would have the ability to appear before a parole board to voice their opinion on whether an offender should be given an early parole if a defendant meets the definition of medically frail.

MOTION: Moved by T. Cameron to oppose HB 4129 - 4132 unless two changes are made. One change is to allow crime victims an opportunity to appear in person before a parole board to be heard, not limited to the determination of being medically frail. The second change is to express the Board's desire to have the medically frail either serve their entire minimum sentence or a significant percentage of their sentence. Motion seconded by J. Fink. Motion carried.

HB 4301 would allow violent offenders to be admitted into mental health court, with the consent of the court and the prosecutor, after consulting the victim. Under current law, all violent offenders are prohibited from being admitted into mental health courts. MCL 600.1090 defines violent offender to mean "*an individual who is currently charged with, or has been convicted of, an offense involving the death of, or a serious bodily injury to, any individual, whether or not any of these circumstances are an element of the offense, or with criminal sexual conduct in any degree.*"

MOTION: Moved by T. Cameron to be neutral on HB 4301. 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 March 1, 2019 meeting.

BOARD ANNOUNCEMENTS

L. Hines said A. Povilaitis and J. Averill did a great job on the presentation in the House Judiciary Committee. J. Fink asked if A. Povilaitis will be coming to Washtenaw County to speak. She said she will be speaking at the Bench-Bar Conference on May 3, 2019. C. Sullivan said she is looking forward to seeing Board members at the legislative reception on April 17, 2019.

PUBLIC COMMENT

No comments.

ADJOURNMENT

MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by S. Snyder. Motion carried. The meeting ended at 4:20 p.m.

Respectfully submitted,
Michael Bobbitt
Board Secretary