

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
September 7, 2018**

***** Approved *****

Members Present:

Lt. Yvonne Brantley
Hon. Thomas Cameron
Jeffrie Cape
James Fink
Hon. Elizabeth Pollard Hines
Dr. Cris Sullivan, Chair
Jacqueline Schafer

Staff Present:

Tonya Avery
Shalonna Banks
Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Marjorie Ferrigan
Meg Higham
Gail Krieger
James McCurtis
Karen Porter
Angela Povilaitis
Lore Rogers
Amanda Thomashow
Janine Washburn

Guests:

Amanda Barros - Michigan State Police
Stephanie Beyersdorf - Michigan Supreme Court - State Court Administrative Office
Rachel Carr - Uniting Three Fires Against Violence
Cristy Dowker - Michigan State Police
John Lazet - Michigan Department of Attorney General
Mary Pollock - American Association of University Women of Michigan
Erin Roberts – Michigan Coalition to End Domestic and Sexual Violence

WELCOME AND INTRODUCTIONS

C. Sullivan convened the September 7, 2018 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 September 7, 2018 agenda and approval of May 11, 2018 meeting minutes.

MOTION: Moved by J. Schafer to approve the September 7, 2018 agenda and to approve the May 11, 2018 meeting minutes. Motion seconded by E. Hines. Motion Carried.

CHAIR'S REPORT

C. Sullivan congratulated L. Hines for receiving the prestigious William H. Rehnquist Award for Judicial Excellence awarded by the United States Supreme Court and is one of the highest judicial honors. C. Sullivan said that she is hoping that Board members whose current appointments have expired or will be expiring will choose to be reappointed. C. Sullivan also asked if any Board members have any potential conflict of interest.

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

D. Cain said the Division of Victims Services subcontracted with the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) to create a statewide 24-hour sexual assault hotline. Governor Snyder and the First Lady toured the hotline facility on August 23, 2018 while practice calls were being made before launching statewide the next day. The free confidential 24-hour sexual assault hotline provides professional counseling to sexual assault survivors. The hotline number is 1-855-VOICES4.

The next "Inform. Empower. Prevent. Let's End Campus Sexual Assault" summit will be held at Western Michigan University in Kalamazoo, Michigan on Monday, September 24, 2018. This year's event will provide space for 700 attendees.

D. Cain requested the support of the Board to make STOP grant funding available to applicant agencies on a competitive basis statewide. This would provide a better representation of the services currently available throughout Michigan and would be more representative of the intent of the funding. The Board unanimously agreed to support D. Cain's recommendation.

The number of Child Advocacy Centers has continued to increase while the amount of funding has continued to decrease. D. Cain, as manager and administrator of the Child Advocacy Center fund recently advised programs that current funding methods will be changing. She offered some suggestions on alternate funding methods and is open to other recommendations.

D. Cain invited L. Rogers to provide a demonstration of the Track-Kit system software program. L. Rogers gave an in-depth explanation on how a Sexual Assault Evidence Kit is tracked using the new Track-Kit software program. A pilot program of the Track-Kit software began operating on August 27, 2018 which includes Sexual Assault Services of Calhoun County, the Battle Creek Police Department, the Calhoun County Prosecutor's Office and the lab. The Track-Kit software is scheduled to be phased in and online statewide by June 2019.

LEGISLATIVE REVIEW

L. Rogers reported on a package of four bills on address confidentiality, SB 655, 656, 657, and 658. There are two areas of proposed amendments in this package which Board staff requested guidance from the Board.

The Michigan State Police requested that the main bill be amended to provide the ability for law enforcement to obtain the confidential address information in exigent circumstances. The amended language in the most recent draft provides that the Michigan Intelligence Operations Center operated by MSP shall only access the address confidentiality database in exigent circumstances to provide a program

participant's information to a law enforcement agency when Michigan State Police receives all of the following from the law enforcement agency requesting the information: (1) the originating agency identifier, (2) a description of the exigent circumstances requiring the disclosure, (3) the law enforcement agency's incident report number related to the exigent circumstances, and (4) whether the program participant is a suspect in a criminal investigation related to the exigent circumstances. Michigan State Police must promptly notify the Attorney General if a program participant's information is provided to law enforcement in these circumstances. If the program participant is not identified as a suspect in a crime, the Attorney General must forward that notice to the participant.

Several additional amendments have been proposed but not yet incorporated into the bill:

- An applicant must be denied participation if the Attorney General determines that the applicant is subject to a joint custody order or shared parenting time order, unless the applicant has provided the proposed confidential address to the other parent and a limited number of caregivers and family members who may have responsibility for transporting the minor child(ren).
- A parent of a minor child may request that the Attorney General provide that parent with the confidential address of the participating parent, if the requesting parent has custody of the minor.
- The court handling a custody or parenting time case should decide if the non-participant parent is a threat and, if s/he is not a threat, then the court should disclose the confidential address to the non-participant parent. The court handling the custody/parenting time case will decide how exchanges of the children will occur, e.g. meeting locations.
- Application assistants must be trained in matters pertaining to custody, and participating parents must be informed that existing custody or parenting time orders will not be altered because they are approved as participants in the address confidentiality program.

MOTION: Moved by J. Cape that the Board continue to support in concept the address confidentiality bills with the changes proposed to (1) allow the Michigan State Police Data Intelligence Operations center to disclose the confidential address to law enforcement agencies requesting same under exigent circumstances, and (2) make clear that participation in the address confidentiality program does not amend or affect the enforceability of a custody or parenting time order. The Board opposes changes that would adversely affect the ability of survivors or survivors with minor children to participate in the address confidentiality program, and specifically opposes these other suggested changes in the bills for the following reasons:

- These amendments are not necessary. The bill as written already deters people from using the program illegitimately for the purpose of hiding minor children from a co-parent.
- Adding these provisions creates barriers to survivors of domestic violence with minor children who seek protection from an abusive co-parent, making harder for those applicants who are most in need of protection to successfully enroll.
- The decision as to whether or not to disclose the confidential address to a non-abusive parent can and should be made by the parent seeking protection, not dictated by statute.
- Requiring in the statute that application assistants receive training on child custody goes beyond the scope of their role in assisting people to apply for the program, and carves out an exception from the

authority granted to the Department of the Attorney General to decide the training components for application assistants.

- Requiring that applicants with minor children covered by a custody order or parenting time order be informed that the order will not be altered if they enroll in the program is simply not accurate. The court with jurisdiction over that order is the only entity that can decide whether to modify the order, and nothing should be placed in statute that indicates otherwise.

Motion seconded T. Cameron. Motion carried.

A. Povilaitis reported on HB 6020 which would amend MCL 333.5210, the HIV Felony Disclosure Law, to require the intent of the infected person to transmit HIV and require the actual transmission of HIV to a partner without first warning the partner of the infected person's HIV-infected status.

MOTION: Moved by J. Fink that the Board adopt a neutral position on HB 6020 and direct Board staff to work with the legislature to promote the applicable general principles of the Board as they relate to this issue. Motion seconded by T. Cameron. Motion carried.

G. Krieger reported on two proposed category changes to the Crime Victim Compensation statute that would raise existing statutory caps to allow for increased reimbursement and broaden the category of victims who are eligible for reimbursement.

MOTION: Moved by J. Cape to support the concept of raising existing statutory caps to allow for increased reimbursement to victims and the concept of broadening the category of victims who are eligible for reimbursement to include victims or witnesses who have suffered psychological trauma. The Board also supports giving the Board staff flexibility to refine the language of the Crime Victim Compensation statute. Motion seconded by T. Cameron. 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 May 11, 2018 meeting.

BOARD ANNOUNCEMENTS

J. Cape announced that the 23rd Annual Batterer Intervention Services Coalition of Michigan (BISC-MI) Conference will be held on November 14th – 16th, 2018.

PUBLIC COMMENT

R. Carr of Uniting Three Fires Against Violence thanked Debi and the Board for opening up access to STOP funds to tribes which can help combat the high rate of domestic and sexual violence in tribal communities.

ADJOURNMENT

MOTION: Moved by J. Cape to adjourn the meeting. Motion seconded by Y. Brantley. Motion carried. The meeting ended at 4:30 p.m.

Respectfully submitted,
Michael Bobbitt
Board Secretary