

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

***** Approved *****

Members Present:

Lt. Yvonne Brantley (via phone)
Jeffrie Cape
James Fink
Hon. Elizabeth Pollard Hines
Dr. Cris Sullivan, Chair

Members Absent:

Hon. Thomas Cameron
Jacqueline Schafer

Staff Present:

Tonya Avery
Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Gail Krieger
James McCurtis Jr.
Sandra Pilgrim-Lewis
Karen Porter
Lore Rogers

Guests:

Stephanie Beyersdorf - State Court Administrative Office
Christina Boylen - Oakland University
Rachel Carr - Uniting Three Fires Against Violence
Kathy Hagenian - Michigan Coalition to End Domestic and Sexual Violence (MCEDSV)
John Lazet - Michigan Attorney General's Office
Mona Makki - Arab Community Center for Economic and Social Services (ACCESS)
Mary Pollock - American Association of University Women of Michigan (AAUWMI)

WELCOME AND INTRODUCTIONS

C. Sullivan convened the March 2, 2018 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Michigan Historical Library - Lake Superior room in Lansing, Michigan at 2:00 p.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda and approval of February 2, 2018 meeting minutes.

MOTION: Moved by J. Fink to approve the March 2, 2018 agenda and to approve the February 2, 2018 meeting minutes. Motion seconded by E. Hines. Motion Carried.

CHAIR'S REPORT

C. Sullivan said that she would like to schedule an additional Board meeting at 2:00 p.m. on Wednesday, April 4, 2018 if needed.

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

D. Cain recommended that the Board staff create a letter to Attorney General Bill Schuette thanking him for

the terrific work that Angela Povilaitis and her staff accomplished with the Larry Nasser case.

LEGISLATIVE REVIEW

L. Rogers provided an update on HB 5658 which allows evidence of prior sexual assaults to be presented in sexual assault prosecutions if certain criteria are met. Representative L. Cox and L. Rogers met with Representative P. Lucido and others to discuss HB 5658. Representative P. Lucido said that he would support the bill if it does not affect the statute of limitations. Representative L. Cox also arranged to have Rachael Denhollander speak informally with a few select members of the House Law and Justice Committee about the importance of HB 5658. Racheal Denhollander volunteered to come back and testify at an actual committee meeting if necessary.

G. Krieger updated on HB 5402 and HB 5403 which require consent prior to using a child's video recorded statement for training purposes out of county. L. Rogers and G. Krieger spoke with the Michigan Chapter of the National Children's Alliance (MINCA) on the Board's recommended changes which were incorporated into substitute versions of the bills.

G. Krieger updated HB 5407 which amends the William Van Regenmorter crime victim's rights act to require a defendant to be present in a courtroom during the presentation of victim impact statements. G. Krieger shared the Board's position with the bill's sponsor and the committee chair.

L. Rogers updated on HB 5405 which prohibits the use of public funds to settle sexual harassment claims of public officials. L. Rogers spoke with the staff of the House Appropriations chair who indicated that the bill is not currently scheduled to proceed.

G. Krieger reported on the H2 substitute for HB 5530 which adds a provision to the penal code allowing a court to enter an order prohibiting a student convicted of criminal sexual conduct from returning to the same school building as the victim of the assault.

MOTION: Moved by J. Fink to support the substitute for HB 5530. Motion seconded by J. Cape. J. Fink withdrew the initial motion.

The Board expressed concern that, as drafted, the permissive language in the H-2 version could unintentionally limit a court's authority to enter pre-adjudication orders. The Board further expressed that the bill should apply to public, private, and charter schools. Finally, the Board recommended an amendment to mandate a court to enter the order prohibiting the offending student from returning to the same building as the victim, but exclude convictions for CSC IV from the mandate.

MOTION: Moved by C. Sullivan to approve the intent of substitute HB 5530 to protect victims from perpetrators of sexual assault and hope that the sponsors will make this as strong as possible and inclusive of all schools. Second by J. Fink. Motion carried.

G. Krieger reported on the H1 substitute for HB 5531 which requires a school board to expel a student from the school district if that student has been convicted of criminal sexual conduct against another student enrolled in the same school district.

MOTION: Moved by J. Cape to support the substitute for HB 5531. Motion seconded by C. Sullivan. J. Cape amended the initial motion.

MOTION: Moved by J. Cape to support the substitute for HB 5531 if amended to grant the school board the authority to expel a student without making expulsion mandatory.

L. Rogers reported on HB 5538 and HB 5541 regarding adding paid or volunteer coaches, assistants, trainers, physical therapists and physical therapy assistants to the people or professions who are mandated to report child abuse and neglect. Board members expressed their concern that people in some of these positions would not have any education or training on what constitutes child abuse or neglect and may not be aware that they currently have the option to report or that there is a qualified immunity for reports made in good faith.

MOTION: Moved by C. Sullivan to oppose HB 5538 and HB 5541, for the reasons expressed by the Board. The Board already has a general principle that “Adults who witness child abuse should be required to report it to appropriate authorities if they have a reasonable expectation that reporting will not endanger their own safety or that of others.” Motion seconded by J. Fink. Motion carried.

L. Rogers reported on HB 5537 which prohibits a person from using a position of authority to prevent or attempt to prevent another from reporting child abuse or criminal sexual conduct.

MOTION: Moved by C. Sullivan to support the concept of HB 5537, but believes that this bill needs more clarity around the position of authority, around prevention or attempting to prevent, and around intent behind the actions. Motion seconded by E. Hines. Motion carried.

G. Krieger reported on HB 5459 which amends provisions governing the crime victim’s rights fund. Currently, the fund must be expended to pay for crime victim’s rights services and crime victim compensation. The statute currently requires that starting in 2018 funding expended on a statewide trauma system may not exceed 50% of \$3,500,000 unless the amount expended is reasonably proportional to crime victims’ utilization of the statewide trauma system. The proposed bill would remove the provision requiring a 50% reduction set to start in October 2018.

MOTION: Moved by J. Cape to oppose HB 5459. Motion seconded by E. Hines. Motion carried.

G. Krieger briefly previewed legislative package of bills which are a response to the Larry Nasser case.

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 February 2, 2018 meeting.

BOARD ANNOUNCEMENTS:

C. Sullivan thanked J. Fink for facilitating the February 2, 2018 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting.

PUBLIC COMMENT:

K. Hagenian from the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) said the Coalition’s position on the SB 873 and SB 874 is closely aligned with the Michigan Domestic and Sexual Violence Prevention and Treatment Board. The MCEDSV has proposed an amendment suggesting that volunteer coaches be provided a copy of the MDHHS child protection booklet. The booklet should highlight that anyone in Michigan can report child abuse and that there are provisions in the law which provide

protections for those who report.

ADJOURNMENT:

**MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by J. Fink. Motion carried.
The meeting ended at 4:16 p.m.**

Respectfully submitted,
Michael Bobbitt
Board Secretary