

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
September 11, 2020**

***** APPROVED *****

Members Present:

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

Staff Present:

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

WELCOME AND INTRODUCTIONS

A. Ronayne Krause convened the September 11, 2020 Michigan Domestic and Sexual Violence Prevention and Treatment Board Zoom meeting at 1:31 p.m.

BOARD CONSENT

Review of September 11, 2020 agenda and approval of July 17, 2020 meeting minutes.

MOTION: Moved by Y. Brantley to approve the September 11, 2020 agenda. Motion seconded by T. Cameron. Motion carried.

MOTION: Moved by Y. Brantley to approve the July 17, 2020 meeting minutes. Motion seconded by S. Snyder. Motion carried.

CHAIR'S REPORT

A. Ronayne Krause thanked the Board staff for all their hard work.

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

D. Cain said Robert Spada and Dede Ford are two attorneys who recently joined as new staff members. Robert Spada worked for the Wayne County Prosecutor's Office for about thirty years and was responsible for discovering over 11,000 unprocessed rape kits in an abandoned Detroit police warehouse in 2009.

Dede Ford is a former prosecutor from the Calhoun County Prosecutor's Office who also worked as the Violence Against Women trainer at the Prosecuting Attorney's Association of Michigan (PAAM).

D. Cain said the PEW Foundation has been very invested in criminal justice reform. The PEW Foundation has been doing a great job keeping the Division of Victim Services updated. D. Cain asked Board members for input on creating some guiding principles regarding criminal justice reform and creating a subcommittee of three Board members to work on those guiding principles.

LEGISLATIVE REVIEW

A. Povilaitis reported on SB 1046-1051 which deal with criminal justice reform and incorporate many of the policy recommendations from the January 2020 report of the Michigan Task Force on Jail and Pretrial Incarceration. There are some general concerns with this package of bills. One concern is that these bills could negatively impact sexual assault and/or domestic violence victims and cases. Another concern is the bills are not victim centered enough and do not ensure the safety and preservation of victim rights and protections. Staff are not asking the Board for a position yet because they anticipate these bills will change and be amended in committee and Pew and the task force are interested in the Board's input. Staff have outlined concerns identified in each bill as introduced and are asking the Board to acknowledge those concerns, if they agree, so that staff can relay and share those concerns with the legislature and Pew.

SB 1046 expands when law enforcement could issue an appearance ticket to an offender for all misdemeanors instead of taking a person into custody and filing a complaint/warrant, excluding an offense involving domestic violence. There are concerns that the definition of domestic violence in this bill is too narrow and would leave out related offenses, including property offense such as malicious destruction of property and interfering with a crime report. There is also a concern that giving officers greater discretion to decide who to issue tickets to, without the oversight of a prosecutor, may result in a disparate impact on underrepresented and marginalized communities.

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. This bill requires prosecutors to request a summons instead of an arrest warrant for a failure to appear unless the prosecutor believes a summons would not be sufficient to ensure court appearance or protect the community. Assaultive crimes, domestic violence crimes, stalking and a subsection would be exempt. When an offender fails to appear in court on an appearance ticket then a judge must issue a show cause order, which asks a defendant to show cause why they should not be held in contempt. The terms "assaultive crime" and "domestic violence" in this bill may need to be expanded. There is also a lack of offender accountability and rebuttable presumption standards are too narrow.

SB 1048 would create a non-jail sentence presumption for many felonies. There is little to no offender accountability when there is a presumption of no jail or parole. This bill would also substantially reduce the ability of a judge to sentence misdemeanor offenders to jail time. This bill does not exempt out domestic violence, sexual assault or other assaultive crimes.

SB 1049 expands the youthful offender eligibility for HYTA to the age of 26.

SB 1050 as written, would change the sentencing options that judges would have by reducing maximum probationary terms for crimes which include stalking, child abuse and Michigan Sex Offenders Registration Act (SORA) offenses. This bill could potentially have the greatest impact on domestic violence, sexual assault, and stalking victims. As introduced, SB 1050 would both allow for significant reduction in maximum

probationary periods AND allow for greater expansion in the ability to seek and obtain early discharge of probation, without considering the impact of the victim or repayment of restitution.

SB 1051 would require that parole conditions as set by the Michigan Department of Corrections are the least restrictive as possible and that they are specifically addressing the risks and needs of the parolee and address a reduction in their recidivism rate. This bill eliminates the 2-year felony offense for crimes of destroying/defacing/interfering with an electronic monitoring device and instead, makes all of those acts a parole violation. However, if an offender is on probation, they could still be charged with a 2-year felony offense.

Board members discussed and agreed with the concerns identified by staff and provided staff with additional concerns. Staff will go forward with those concerns identified in the memo and those additional concerns discussed by Board members and make clear that the Board does not yet have a position but does have concerns.

A draft copy of a new general principal which addresses criminal justice reform issues was discussed. A. Ronayne Krause formed a subcommittee to draft a new general principle and mission statement. E. Hines, M. Wiese, and T. Cameron volunteered to be members of the subcommittee.

A. Povilaitis provided an analysis of HB 5993 and 5994. HB 5994 amends the penal code (MCL 750.227b) to change the mandatory sentence for possession of a firearm while committing or attempting to commit a felony from a mandatory, consecutive 2 year prison term to a sentence of "not more than 3 years" which then requires a sentencing guidelines calculation. For a first offense for felony firearm, it would eliminate the mandatory consecutive sentence and the mandatory two years in the Michigan Department of Corrections and allow an offender to be eligible for parole or probation. HB 5993 adds to the code of criminal procedure (MCL 777.16m) the sentencing guideline to coordinate with HB 5994, making a felony firearm conviction an "F-class felony".

The mandatory 2-year felony firearm charge and sentence not only provides a deterrence for crime, it also holds offenders accountable and aids as a tool for victim safety. Under the proposed sentencing structure, it would be difficult for a judge to impose the current two-year term or imprisonment. A felony firearm offense is listed as an "F-class felony" and would likely only result in probationary sentences.

A decision was made to include HB 5993 and 5994 in the group of bills on criminal justice reform the subcommittee will be discussing. This information can then be discussed further at the October 9, 2020 Board meeting.

BOARD ANNOUNCEMENTS

No Board announcements.

PUBLIC COMMENT

M. Pollock from the American Association of University Women thanked to Board for their experience and work.

ADJOURNMENT

MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by T. Cameron. Motion carried. The meeting ended at 3:30 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary