

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
June 18, 2021**

***** Approved *****

Members Present:

F/Lt. Yvonne Brantley
Dr. NiCole Buchanan
Hon. Thomas Cameron
Elizabeth Pollard Hines
Hon. Melissa Lopez Pope
Matt Wiese

Members Absent with Notice:

Hon. Amy Ronayne Krause, Chair

Staff Present:

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

WELCOME AND INTRODUCTIONS

E. Hines convened the June 18, 2021 Michigan Domestic and Sexual Violence Prevention and Treatment Board Zoom meeting at 1:31 p.m. She provided an overview of the Michigan Domestic and Sexual Violence Prevention and Treatment Board and explained how the remote Zoom meeting would proceed.

BOARD CONSENT

Review of June 18, 2021 agenda and approval of May 14, 2021 meeting minutes.

MOTION: Moved by Y. Brantley to approve the June 18, 2021 agenda. Motion seconded by T. Cameron. Motion carried.

MOTION: Moved by Y. Brantley to approve the May 14, 2021 meeting minutes. Motion seconded by T. Cameron. Motion carried. M. Pope abstained.

CHAIR'S REPORT

E. Hines mentioned that A. Krause had appointed M. Wiese, M. Pope and herself to a subcommittee to review and comment on a draft report of the Task Force of Open Courts, Media and Privacy. She said a report was issued and provided to A. Krause. E. Hines thanked A. Krause for allowing them to have the opportunity to provide input on the project.

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

D. Cain welcomed new Board member N. Buchanan who is a Professor of Psychology at Michigan State University and the Clinical Director and founder of Alliance Psychological Associates. N. Buchanan's research focuses on the interplay of race, gender, victimization and racialized sexualized harassment and how social identity dimensions such as gender, race, sexual orientation, and social class relate to wellbeing and professional development.

LEGISLATIVE REVIEW

J. Averill discussed SB 451 which amends the Revised Judicature Act of 1961 to allow for statements that are taken according to the forensic interviewing protocol of a child or vulnerable adult to be admitted as evidence at all pretrial proceedings. The bill would also delete the existing prohibition against using the statement at a preliminary examination and deletes the provision that currently allows the statement to be admitted for impeachment purposes. The bill also outlines additional protective order conditions under which a defense counsel may obtain a court order for the recording and prohibits a per se defendant from receiving a copy.

The following concerns were discussed, and Board members proposed suggestions to offer the bill sponsor.

1. Specify that "preliminary examinations" are considered "pretrial proceedings."
 - a. Subsection 8a: as evidence in all pretrial proceedings, including preliminary examinations
2. Specify that videorecorded statements are admissible at trial if child testifies during the trial proceedings and that the defense had the opportunity to view
 - a. The Board explained a situation where it may be easy to confuse children while testifying during trial and that it would be helpful to see what the child said before in the videorecorded statement.
3. Amend the timeline of viewing videorecorded statement
 - a. Bill currently states Sec 11 "in a reasonable time but in no event less than 10 days before the defendant's pretrial or trial of the case"
 - b. Board suggests:
 - i. reasonable time before pretrial or preliminary examination
 - ii. 15 days before trial (15 days more consistent with other statutes)
4. Consider looking to revise MCL 712A.17b, a similar statute dealing with videorecorded statements under the probate code which applies to abuse/neglect proceedings, to make sure they are consistent.

M. Pope discussed the continued importance of focusing on the privacy needs of victims within legislation.

MOTION: Moved by M. Wiese to support SB 451 with changes in language to specifically include preliminary examination as a pretrial proceeding. The bill should also clarify that the video is admissible at trial if provided to the defense 15 days prior to trial and as long as the victim testifies, also that the defendant has a reasonable amount of time to access the video prior to the preliminary examination and pretrial proceedings. Motion seconded by M. Pope. Motion carried.

MOTION: Moved by Y. Brantley that Board members acknowledged that they had an opportunity to review House and Senate bills of interest to the Board's constituency that had been introduced since the May 14, 2021 meeting. Motion seconded by T. Cameron. Motion carried.

BOARD ANNOUNCEMENTS

E. Hines thanked L. Rogers and K. Hagenian for taking part in a project with the state planning body to help produce a one-page informational flyer on personal protection orders (PPOs). The flyer informs people that they can still obtain a PPO even if a court is closed to the public and that the hearing will not be broadcast on YouTube. The PPO flyer will be distributed to legal services offices and online at Michiganlegalhelp.org.

PUBLIC COMMENT

Rachel Carr from Uniting Three Fires Against Violence congratulated Sandra Pilgrim Lewis for receiving the Tillie Black Bear Memorial Award from the National Indigenous Women's Resource Center.

Stephanie Beyersdorf offered to deliver questions or comments from Board members to the State Court Administrators Office.

ADJOURNMENT

MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by M. Wiese. Motion carried. The meeting ended at 2:20 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary