

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
February 10, 2023**

***** Approved *****

Members Present:

Dr. NiCole Buchanan - conference line (per AG Opinion No. 7318. Will be counted toward quorum).
Kristen Howard
Hon. Melissa Lopez Pope
Hon. Elizabeth Pollard Hines - conference line (Not counted toward quorum).
Rebecca Shiemke
Matt Wiese - Chairperson
Kyla Williams

Staff Present:

Jess Averill
Tonya Avery
Michael Bobbitt, Board Secretary
Gail Krieger
Beth Nagel
Angela Povilaitis
Lore Rogers

Guests:

Stephanie Beyersdorf - State Court Administrative Office
Heath Lowry - Michigan Coalition to End Domestic and Sexual Violence
Sandra Pilgrim-Lewis – Uniting Three Fires Against Violence
Sarah Prout Rennie - Michigan Coalition to End Domestic and Sexual Violence
Merkeb Yohannes - Michigan Coalition to End Domestic and Sexual Violence
Cheree Thomas - Michigan Coalition to End Domestic and Sexual Violence

WELCOME AND INTRODUCTIONS

M. Wiese convened the February 10, 2023, Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Grand Tower Building, Dempsey Room in Lansing, Michigan at 1:30 p.m.

BOARD CONSENT

Review of February 10, 2023, agenda and approval of November 18, 2022, meeting minutes.

MOTION: Moved by K. Howard to approve the February 10, 2023, agenda. Motion seconded by R. Shiemke. Motion carried.

MOTION: Moved by R. Shiemke to approve the November 18, 2022 meeting minutes with changes.

Motion seconded by K. Howard. Motion carried.

CHAIR REPORT

E. Hines said she is personally grateful to Governor Whitmer for the opportunity to serve as Chair of the Board. She will do her best to work with everyone to continue the important lifesaving work that is the mission of the Board. The strength of the Board is its ability to work together with the staff, and she hopes that everyone feels free to share their insights, comments, and concerns. It is the various perspectives, experiences, and expertise everyone has which makes the Board work so well. She said the Board will accomplish a great deal for victims of domestic and sexual assault and help enhance safety.

E. Hines congratulated M. Pope and M. Wiese for their reappointments to the Board. She also thanked M. Pope for the warmth and hospitality in hosting the last Board meeting on tribal land.

Sgt. Kyla Williams was welcomed as a new Board member. K. Williams works in the Detroit Police Department's Domestic Violence Unit and has dedicated her career to helping victims of crime. She is a cofounder of the Wayne County Domestic Violence Fatality Review Team and a member of the National Organization of Human and Social Services. She has worked for the Detroit Police Department for 26 years and has been working in domestic violence since 2010. She is completing her PhD dissertation on understanding the formal health seeking experiences of gay men who have experienced intimate partner violence during the COVID-19 pandemic.

On behalf of the Board, M. Wiese offered his deepest appreciation and thanks to the Nottawaseppi Huron Band of the Potawatomi tribe for graciously hosting the November Board meeting at the Firekeepers Hotel and Casino Battle Creek. He extended a special thank you to M. Pope for her thoughtful planning of every aspect of the day and for her kind and considerate gestures to make Board members feel welcome to listen and learn. He said it was very impactful, and the Board is truly thankful. M. Pope said her amazing staff made everything possible and it meant a lot to herself and the Nottawaseppi Huron Band of the Potawatomi tribe to host the meeting. A flower and card were presented to M. Pope as a token of gratitude.

M. Wiese requested approval to present the 2023 Annual Debi Cain Champion of Justice Award to former Board member James Fink. James served on the Board for many terms, several of those years he served as Board chair. He always kept the needs of survivors at the forefront of decisions. James is an excellent and deserving recipient of this award. M. Wiese said the award will be presented at the March Board meeting. Former board members First Lieutenant Yvonne Brantley and Judge Tom Cameron will receive recognition of service awards at the March meeting as well.

MOTION: Moved by K. Howard to present the 2023 Annual Debi Cain Champion of Justice Award to James Fink. Motion seconded by K. Williams. Motion carried.

STAFF REPORT

T. Avery gave an overview of the Quality Assurance program at the Division of Victim Services. The Michigan Domestic and Sexual Violence Prevention and Treatment Board is legislatively mandated to administer, review, and provide technical assistance to organizations funded to assist and support persons impacted by intimate partner violence throughout the State of Michigan. The Board provides staff to coordinate and monitor programs and services funded under this act. Standards are developed for the implementation and administration of services and procedures to prevent domestic and sexual violence.

Various activities of the Quality Assurance team were discussed. The Quality Assurance team is always looking to ensure there are meaningful services for crime victims and survivors throughout Michigan. They

want to support excellent administration so programs can oversee funding efficiently and strengthen responding organizations. The goal is to ensure that that programs are strong enough to administer funding to help keep survivors safe and healthy.

G. Krieger provided an update on STOP Certifications. STOP funding is one of the sources of money that comes to Michigan that is designated to the Board. There is a new certification process in place related to bonus dollars. In 2023 a new STOP Program incentive funding for states was released regarding the Sexual Assault Survivors Bill of Rights which would provide \$1.5 million dollars to come into compliance. It will take legislative change to make this happen, but the Division has up to two years to come into compliance to receive money on an ongoing basis. This incentive funding will be implemented in a manner similar to the Rape Survivor Child Custody Act (RSCCA) funding. G. Krieger said the Sexual Assault Victims Access to Justice Act and the Sexual Assault Kit Submission Act were both passed in 2014. This was leading national legislation and now the Federal government is offering states extra money to do something similar. The only piece missing with Federal compliance in Michigan is a guarantee that sexual assault kits will be stored up to twenty years or the statute of limitations, whichever is shorter. Michigan does not have a law in place yet to do this. The Division is working on ways to accomplish this but currently there is no mechanism for storing unreleased kits.

L. Rogers provided an overview of STOP funded trainings the Board has with the Michigan Commission on Law Enforcement Standards (MCOLES) and the Prosecuting Attorneys Association of Michigan (PAAM). MCOLES. The Michigan Domestic and Sexual Violence Prevention and Treatment Board have worked together collaboratively since the early 1990s. The first project that was developed was a one-day domestic violence regional in-service training for officers by a multi-disciplinary team of an officer, an advocate and a prosecutor. STOP dollars paid for the development of the training, the cost of training delivery, and a part time contract position at MCOLES to be a logistical coordinator.

In early 2010 many stockpiled unsubmitted sexual assault kits were discovered in Detroit. There was a significant need for sexual assault training for law enforcement officers to understand trauma, victim behavior and perpetrator dynamics. A two-day sexual assault training started in 2011 and in 2014 a two-day annual instructor conference was put together. Additional in-service trainings were developed such as a 4-hour strangulation training and a 4-hour PPO stalking bond violation training. A new one-day sexual assault training began in 2018, and a two-day sexual assault training in 2019. Training was suspended at MCOLES during COVID. Due to lack of capacity and staffing, MCOLES was unable to convert trainings to an online format. A new logistical coordinator was hired in 2021 and they quickly restarted in-person trainings throughout Michigan.

Currently there are two STOP funded training attorneys at PAAM who develop and organize trainings. One called "Protect and Serve" was a training which required prosecutors and law enforcement to switch roles. A two-day domestic violence trial advocacy training was developed well as a training for prosecutors to understand DNA. PAAM converted existing in-person trainings to online trainings during COVID and also created new trainings more suited to a virtual environment. Many prosecutor offices are now low on staff, so PAAM developed hybrid trainings. Attendance at PAAM trainings has dropped about fifty percent.

L. Rogers provided an update on the Firearms Relinquishment Project. She said that courts sometimes include as part of protection orders a requirement that an offender not possess, purchase, or use firearms. Sometimes the court might order offenders to relinquish firearms but there isn't anyone to relinquish them to. This condition could be part of a personal protection order, pretrial release conditions when someone's arrested and released on bond, a probation order, or part of a parole condition. These provisions are not

self-enforcing. If the order says do not possess, purchase, or use firearms, there is no mechanism to make sure that the order is being followed. Therefore, dangerous offenders can and do hold on to their firearms and sometimes use them if not to threaten or kill their partners. As one of its legislative priorities, the Board adopted provisions for restrictions, removal and safe retention of removed firearms by domestic violence abusers and convicted offenders in domestic violence related cases. A draft statute for relinquishment of firearms is being developed which says that fees for the cost of storage are to be paid by the offender. There is also a mechanism for notifying the court if proof that firearms have been relinquished is not filed with the court

A. Povilaitis provided an overview of Personal Protection Orders (PPOs). She said a Petitioner obtains a PPO if a Respondent is engaged in threatening, hurting, stalking, or harassing behavior. The issue in Michigan is service of the PPO. It is essential not only that a PPO be issued by the court but that it is also properly served on the respondent. While some police and sheriff's departments will serve the petition and PPO free of charge, most process servers charge a fee. In Michigan the only no-cost option for service of process is for Petitioners to have someone they know personally serve the papers. After the PPO is served, a "proof of service" form must be filed with the court clerk.

Many victims of domestic violence, sexual assault, and stalking that seek a PPO do not have the resources to pay a civil process server to ensure that the order is timely served on the respondent perpetrator. Some of these victims have little to no income because of fleeing the abuse. A victim's ability to access the safety offered by a PPO should not depend on their financial status. To qualify for STOP and ICJR funding, Michigan must certify that petitioners for civil protection orders do not "bear the costs" of serving process in these cases. Michigan complies, so it is eligible for STOP and ICJR funding because it has the no-cost option of a volunteer serving a PPO.

A. Povilaitis asked the Board for approval to assemble a multidisciplinary workgroup including up to three Board members to look at ways to develop legislation for statewide PPO service that is mandated and paid for. E. Hines, R. Shiemke and M. Pope volunteered to be on the workgroup.

G. Krieger provided an update on the CAC annual report. The CAC fund is one of the funds that comes under the auspices of the Board which requires an annual audit that is due on February 1st. The audit is not completed yet and will be brought to the March Board meeting to receive final sign off.

G. Krieger spoke about the VOCA Assistance fund. VOCA is a large amount of money that comes into the state to fund many types of victim services. From the Board's perspective, it is probably the backbone of a lot of domestic violence and sexual assault work that happens across the state in 501(c)(3) organizations, tribes, and nonprofits. These funds are decreasing, but DVS staggers spending the funds within a four year window, and has been able to carry some funding forward. VOCA funds provided about 97,00 nights of emergency shelter, 60,00 nights of transitional shelter and reached hundreds or thousands of victims in Michigan in a single year.

MOTION: Moved by M. Pope to adopt the position that the Michigan Domestic and Sexual Violence Prevention and Treatment Board recognizes the vital importance of VOCA Victim Assistance Funding for crime victims across Michigan. The Board proposes and supports the allocation of state funding to avoid the reduction in victim services that will be caused by decreases in federal funding through VOCA. The Board further proposes and supports efforts to advocate for additional federal money for the state of Michigan to meet the needs of crime victims. Motion seconded by R. Shiemke. Motion carried.

G. Krieger discussed the Crime Victim Rights Fund that is based on fines and fees from felony and misdemeanor crimes. Over the last 3-4 years the amount of money available for this fund has decreased significantly. The Crime Victims' Rights Fund supports two major primary services in the state. Crime Victims' Rights services supports advocates that work in prosecutors' offices to ensure victims receive all the notices required under the Reagenmorter Crime Victims' Rights Act and the state constitutional duties.

The Crime Victim Rights Fund also supports Crime Victim Compensation which supports many victims of domestic violence and sexual assault. An important element to Crime Victim Compensation is the Safe Response Program which supports sexual assault forensic exams statewide. To be eligible to receive STOP funding certification, it is required that victims not have to bear the cost of a sexual assault forensic exam. The sexual assault forensic exams are paid for statewide with Crime Victims Compensation. About \$2.5 million dollars of Crime Victims Compensation reimburses sexual assault forensic exams at the local level. Last year support for some relocation costs was added to Crime Victims Compensation which is a critical element for domestic violence and sexual assault survivors.

Staff recommended adopting the following statement:

The Michigan Domestic and Sexual Violence Prevention and Treatment Board (the Board) recognizes the inherent need to sustain the Crime Victim's Rights Fund (the fund) at sufficient levels to carry out its constitutional and statutory duties for crime victims of Michigan. The Commission supports securing this funding in whatever means necessary and possible, including receiving general funds appropriated from the state legislature and examining the potential of raising criminal assessment fees. Further, the Commission strongly opposes further or future diversion of funding from the fund for purposes other than serving direct victims of crime through crime victim rights services or compensation.

It was decided to remove the phrase *"and examining the potential of raising criminal assessment fees."*

MOTION: Moved by K. Howard to adopt the position that the Michigan Domestic and Sexual Violence Prevention and Treatment Board (the Board) recognizes the inherent need to sustain the Crime Victim's Rights Fund (the fund) at sufficient levels to carry out its constitutional and statutory duties for crime victims of Michigan. The Board supports securing this funding in whatever means necessary and possible, including receiving general funds appropriated from the state legislature. Further, the Board strongly opposes further or future diversion of funding from the fund for purposes other than serving direct victims of crime through crime victim rights services or compensation. The phrase "and examining the potential of raising criminal assessment fees." was removed. Motion seconded by K. Williams. Motion carried.

LEGISLATIVE REVIEW

A. Povilaitis said a new session started January 1, 2023 with a democratically controlled House, Senate and Governor's office. The Senate has renamed their committee as the Civil Rights, Judiciary, and Public Safety Committee with Stephanie Chang as the Chair. The House has divided the Judiciary Committee into two separate entities. Representative Hope is Chair of the Criminal Justice Committee and Representative Breen is Chair of the Judiciary Committee.. J. Averill and A. Povilaitis will be meeting with new committee chairs and legislators to make sure they know what the Michigan Domestic and Sexual Violence Prevention and Treatment Board is and what it is legislatively mandated to do.

J. Averill discussed the 2021 and 2022 House and Senate bill logs. Everything in the bill logs goes on a watch list monitored by J. Averill and A. Povilaitis. Bill logs are provided for each Board meeting and Board

members can ask for an analysis of any of the bills. Board members were given 2023-2024 House and Senate bill logs as well.

E. Hines asked about SB 854 and SB 856-858 A. Povilaitis said those bills all died on December 31st, but they may appear again in the future.

MOTION: Moved M. Pope that Board members acknowledged they had an opportunity to review the House and Senate bills of interest to the Board's constituency that had been introduced since the November 18, 2022 meeting. Motion seconded by K. Howard. Motion carried.

J. Averill said the Michigan Domestic and Sexual Violence Prevention and Treatment Board is planning a legislative dessert reception prior to the annual Crime Victim Rights Vigil. The reception will be held on April 19th from 4:30-6:00 at Heritage Hall in the Capitol Building. The Crime Victim Rights Vigil will immediately follow the reception and is open to the public. Staff will send official invitations to Board members for the reception.

A. Povilaitis said staff will be sending Board members a survey regarding Board meeting structure and interests.

G. Krieger mentioned an overview for grantees of all the grant programs that the Division of Victim Services administers in the Board packet. She said she wants to update the list annually.

BOARD ANNOUNCEMENTS

M. Wiese said a 3-year OVW ICJR grant award of close to \$750,00 began on October 1st. The grant will fund a community-based advocate in a local shelter to do work for two target areas in Marquette County with higher incidences of poverty and domestic violence. M. Wiese said funding was also received for confidential trauma therapy at the shelter.

PUBLIC COMMENT

Sarah Prout-Rennie from MCEDSV thanked the Board for its work and said she appreciates their collaboration. The last two years and Covid have been hard on programs. She wishes to remind the Board that those working at programs are the boots on the ground and have the best knowledge. As you look to funding and quality assurance, please keep these voices in mind.

Stephanie Beyersdorf from the State Court Administrative Office welcomed the new Board members. She said the Supreme Court is holding oral arguments on March 1st and 2nd. People vs Edwards and People vs Johnson are two cases which deal with the constitutionality of MCL 769.1k. She said MCL 769.1K is a statute that allows courts to assess operational court costs to defendants.

She mentioned a case in Macomb County which involved closing a trial court during a victim's testimony in a CSC case. The defendant says it violated their constitutional rights.

There are a couple of court rule proposals the Board may be interested in. 1.109 is about identifying people by their pronouns. On March 3rd there is going to be a public administrative hearing and the court will be considering the changes to the landlord tenant rules. In 2014 Washington DC enacted legislation regarding gun relinquishment. The Pew Trust and NPR reported on the effectiveness of the program with the Seattle Police Department.

Sandra Pilgrim-Lewis from Uniting Three Fires Against Violence thanked Board members for their work in helping tribal victims across the state and thanked them for their presence at the Nottawaseppi Huron Tribe tribal grounds in November. She said it was an honor and a privilege to host the meeting and that the tribe's invisibility was visible for a moment.

ADJOURNMENT

MOTION: Moved by K. Howard to adjourn the meeting. Motion seconded by K. Williams. Motion carried. The meeting ended at 3:51 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary