

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
May 6, 2022**

***** Approved *****

Members Present:

F/Lt. Yvonne Brantley

Hon. Thomas Cameron, Chair

Hon. Melissa Lopez Pope - conference line (per AG Opinion No. 7318. Will be counted toward quorum).

Hon. Elizabeth Pollard Hines

Members Absent with Notice:

Dr. NiCole Buchanan

Hon. Amy Ronayne Krause

Matt Wiese

Staff Present:

Jess Averill

Michael Bobbitt, Board Secretary

Debi Cain, Executive Director

Umi Hankins

Sarah Heuser

Tiffany Martinez

Aimee Nimeh

Angela Povilaitis

Guests:

Stephanie Beyersdorf - State Court Administrative Office

Rachel Carr-Shunk - Uniting Three Fires Against Violence

Heath Lowry - Michigan Coalition to End Domestic and Sexual Violence

Violonda Soledad - Centro Multicultural La Familia

WELCOME AND INTRODUCTIONS

T. Cameron convened the May 6, 2022, Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Grand Tower Building, Dempsey Room in Lansing, Michigan at 1:35 p.m.

BOARD CONSENT

Review of May 6, 2022, agenda and approval of April 14, 2022, meeting minutes.

MOTION: Moved by Y. Brantley to approve the May 6, 2022, agenda. Motion seconded by E. Hines. Motion carried.

MOTION: Moved by E. Hines to approve the April 14, 2022, meeting minutes. Motion seconded by

Y. Brantley. Motion carried.

CHAIR'S REPORT

T. Cameron acted as Chairperson for today's Board meeting.

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

D. Cain introduced DVS training staff members Tiffany Martinez, Sarah Heuser, Aimee Nimeh, and Umi Hankins, who then gave a presentation on Child Welfare Training Initiatives.

Tiffany Martinez presented some of the fundamental elements included in all trainings. Every training tries to help workers understand that race, class, culture, socioeconomic status, and religion may impact how individuals engage with the system. Trainings include a discussion about how personal life experience may impact the work that is done and how to ensure work is driven by best practice and not by personal bias. Work has also been done with systems to focus on identifying domestic violence perpetrators, their actions, their behavior, and the harm that is caused by perpetrators.

Sarah Heuser talked about how DVS/Michigan has accepted the Safe and Together model for best practices for handling child welfare cases involving domestic violence perpetrators. Every CPS and foster care worker and supervisor, both public and private throughout the state, were mandated to take a four-day training. She said the Safe and Together Model uses a perpetrator pattern based, child centered survivor strengths approach.

Aimee Nimeh discussed a monthly three-day training done together with Child Welfare. Two days of the training are done in partnership with a Child Welfare trainer on dynamics of domestic violence and family preservation's role in that. A batterer intervention program is presented on the third day of the program. There are many programs involved in family preservation, most of which are non-profits. She said child maltreatment occurs in 30-60% of interpersonal violence cases.

Umi Hankins said there is consistency in the Safe and Together model and the current Family Preservation model which makes it easier to weave in the strategies which are needed. Current training for family preservation practitioners includes information concerning Michigan's recent commitment to accept immigrants and refugees from Afghanistan and Ukraine. In the future, she said she wants to make sure the Safe and Together model is fully integrated and continue emphasizing the racial equity, intersectionality, and disproportionality that exists in the child welfare system in Michigan.

D. Cain said M. Pope offered to host an upcoming Board meeting at the Nottawaseppi Huron Band of the Potawatomi grounds. It was decided not to change the date and time of the June Board. Possible alternate Board meeting dates for November will be decided later.

LEGISLATIVE REVIEW

A. Povilaitis reported on HB 5908 and 5909 which would amend both MCL 750.227b (colloquially referred to as the "felony firearm" statute) and the corresponding sentencing guidelines. Currently under this statute if a person possesses or carries a firearm and commits a felony there is a sentencing enhancement and an offender can be sentenced to a flat two years in prison to be served consecutively. HB 5908 would amend the statute to create two separate classes of felony firearm offenses, each with different penalties.

The first offense would occur when an offender both possesses or carries a firearm and "uses" that firearm in committing or attempting a felony. When an offender is convicted of using a firearm in a felony, the bill

would require them to be sentenced to the mandatory 2-year sentence to run consecutive to the sentence for the underlying felony conviction.

The second offense is when an offender simply possesses and/or carries a firearm when committing the felony but does not “use” it. When an offender is convicted of possessing a firearm during a felony, they no longer would be subject to the current mandatory 2-year consecutive sentence. Instead, they could be sentenced to up to 2 years imprisonment, their sentence would be subject to the sentencing guidelines, and the sentence would run concurrently with the sentence on the underlying felony.

The Board had concerns with how the bill will impact domestic violence situations. The definition of “use” fails to consider the history of a relationship where a victim knows that their abuser has a firearm that is readily accessible and within reach which can be just as threatening to a domestic violence victim as brandishing a weapon.

Board members had concerns that this bill could lead to greater litigation and that the statute refers to “a felony” whereas the new language of the bill refers to “the felony”.

MOTION: Moved by Y. Brantley to oppose HB 5908 and 5909. Motion seconded by E. Hines. Motion carried

A. Povilaitis discussed 05945’22 Draft 1 which has not yet been introduced. This draft discusses the Holmes Youthful Training Act (HYTA) and its intersection with criminal sexual conduct involving minors under the age of 13. The Board was asked to review the draft by the proposed bill sponsor, who has been working the Coalition to End Domestic and Sexual Violence. Under HYTA, if a defendant between the age of 17 and 26 pleads guilty and follows the terms of their sentence the court shall discharge the defendant and dismiss the proceedings. The defendant will not have a conviction on his criminal record or register as a sex offender.

Crimes that are prohibited from HYTA designation include all criminal sexual conduct charges, the only exception being for statutory criminal sexual conduct cases, CSC 3rd and CSC 4th, when the victim is between the ages of 13-15 and there is no force or coercion. Some prosecutors are authorizing plea agreements allowing for CSC 1st or 2nd offenders with victims under the age of 13 to plead guilty to lesser offenses of CSC 3rd or 4th which allows them to be assigned to HYTA. Draft Bill 05945’22 Draft 1 would prohibit this practice and no longer allow any offender whose victim was under the age of 13 at the time of the criminal sexual conduct to plead guilty to CSC 3rd or 4th and be assigned to HYTA.

Board members suggested instead of stating what is eligible for HYTA in the statute, focus instead on what is ineligible. It was suggested to add a section of the bill that reads “An individual is ineligible under this section if the offense is a violation of or an attempt of MCL 750.520b through 750.520g and the victim was less than 13 years of age at the time of the offense”.

MOTION: Moved by E. Hines to support 05945’22 Draft 1 in concept and allow staff to discuss the considerations of the Board members with the bill sponsors. Motion seconded by Y. Brantley. Motion carried.

J. Averill said the enhancement to the compensation bill passed both chambers and will hopefully become law in the next couple weeks. Board members said they were interested in HB 4999 regarding the use of juvenile convictions to enhance adult sentences, as well as SB 792 and 854 regarding the Open Meetings Act. There was also interest in SB 856-858 regarding the extreme risk protection order.

MOTION: Moved by Y. Brantley 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 April 14, 2022, meeting. Motion seconded by E. Hines. Motion carried.

BOARD ANNOUNCEMENTS

M. Pope asked about responding to a news article about virtual court hearings. Staff will work with M. Pope on next steps related to this issue.

Y. Brantley asked about Board appointments. She was informed that the Board is awaiting confirmation.

M. Pope said Rachel Carr-Shunk gave an amazing speech at the Missing and Murdered Indigenous People rally in Grand Rapids.

PUBLIC COMMENT

Rachel Carr-Shunk from Uniting Three Fires Against Violence thanked the Board for the proclamation for Missing and Murdered Indigenous People. She said the May 5th rally and march for Missing and Murdered Indigenous People was a wonderful event with an amazing show of support. She said the virtual meetings are much more convenient for members of the public to attend open meetings. She said she is looking forward to M. Pope hosting a Board meeting in her community.

Heath Lowry from the Michigan Coalition to End Domestic and Sexual Violence thanked board members for their comments on HYTA bill.

ADJOURNMENT

MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by E. Hines. Motion carried. The meeting ended at 4:09 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary