

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
June 10, 2022**

***** Approved *****

Members Present:

F/Lt. Yvonne Brantley, Chair
Dr. NiCole Buchanan - conference line (per AG Opinion No. 7318. Will be counted toward quorum).
Hon. Elizabeth Pollard Hines
Matt Wiese

Members Absent with Notice:

Hon. Thomas Cameron
Hon. Melissa Lopez Pope
Hon. Amy Ronayne Krause

Staff Present:

Jess Averill
Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Gail Krieger
Angela Povilaitis
Rob Spada

Guests:

Debra Johnson - Turning Point, Inc.
Mary Pollock - American Association of University Women of Michigan
Johanna Kononen - Michigan Coalition to End Domestic and Sexual Violence
Heath Lowry - Michigan Coalition to End Domestic and Sexual Violence
Sandra Pilgrim-Lewis - Uniting Three Fires Against Violence

WELCOME AND INTRODUCTIONS

Y. Brantley convened the June 10, 2022, Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Grand Tower Building, Dempsey Room in Lansing, Michigan at 1:34p.m.

BOARD CONSENT

Review of June 10, 2022, agenda and approval of May 6, 2022, meeting minutes.

MOTION: Moved by E. Hines to approve the June 10, 2022, agenda. Motion seconded by M. Wiese. Motion carried.

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

CHAIR'S REPORT

No report.

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

The November 18, 2022, Board meeting will be held at Firekeepers from 1:30 – 4:00 p.m.

LEGISLATIVE REVIEW

A. Povilaitis reported on HB 5987 that would create a new statute establishing a restorative justice facilitation process in Michigan and provide criteria for restorative justice mediators and facilitators. The bill outlines the roles facilitation mediators and facilitators play in the end goals of providing an “opportunity for participants to achieve a mutually acceptable resolution to the harm, in joint or separate sessions, utilizing dialogue and negotiations.”

Board members had the following concerns with HB 5987:

The Board does not oppose the concept of a restorative justice process as a whole and understands the process could be helpful for some victims, and the Board does not want to hinder any victim seeking out such a process; however, this bill's language should make it abundantly clear this is a voluntary process during which at any time a victim can opt out of participation. It was also suggested to change Sec. 5. (3) to read:

If restorative justice facilitation is terminated, the fact that the facilitation is terminated must not be used against a participant in any manner. ***Declining to participate should also not be used against a participant in any manner.***

The Board suggests the following offenses be excluded from a restorative justice process: those risking public safety, criminal sexual conduct, intimate-partner violence offenses, including but not limited to sexual assault, domestic violence and stalking, offenses involving children victimized by adults, and offenses involving harm committed by a person in a supervisory role or other position of authority. The Board has also recommended to add other protected or vulnerable groups that cannot consent to the list of offenses to be excluded from eligibility for restorative justice facilitation.

The Board notes the bill would make all intimate partner violence offenses eligible for restorative justice which could threaten victim safety by putting victims in face-to-face interactions with offenders. The bill also does not prohibit participation by those offenders who may be a threat to the community's safety, by serial offenders, or by child predators.

The Board would be more comfortable with this practice, especially in domestic violence cases, after the sentencing, or even after battering intervention service program is completed by the offender. The Board feels this process as outlined in the legislation would allow for manipulation of the victim by the offender.

The Board suggests that training on the dynamics of intimate partner violence be required by the mediators/facilitators. Simply listing crimes is insufficient since any type of crime could have a coercive and threatening context to it. Also, it is recommended to include misdemeanors in Sec. 2. (d) of the bill to read:

"Offender" means the defendant in a criminal case or the respondent in a juvenile justice case who committed or allegedly committed the offense, or an individual sentenced and committed to *jail* or the department of corrections for an offense.

The Board finds the bill's confidentiality provisions are problematic in domestic violence cases. The bill also ignores the important role of victim advocates, police, and prosecutors in the criminal justice proceedings. Board members also pointed out that it is unclear what "Except as otherwise provided by law" means in Sec. 6 (2).

Staff will compile the issues listed in the memo and the issues discussed by Board members and provide them to the bill's sponsor.

MOTION: Moved by E. Hines to oppose HB 5987 as written. Motion seconded by M. Wiese. Motion carried.

A. Povilaitis discussed a memo regarding suggestions for 2022 MDSVPTB legislative priorities. Board members agreed to include the following priorities to the list:

1. Repeal the seduction and debauchery of an unmarried woman statute (MCL 750.532).
2. Amend the strangulation statute to include suffocation by chest compression and recommend amending MCL 750.84 (2) to include "torso."
- A. Support legislation requiring service of process in civil PPO cases at no charge to the protected party on the list of legislative priorities.
- B. Address consent by minors/incapacitated survivors to obtain and undergo Sexual Assault Medical Forensic Exams (SAFE) through a process honoring survivor autonomy to the greatest extent possible when addressing the conditions under when an exam should be completed and in which a completed exam should be released to law enforcement when a survivor is a minor or is unconscious.
- C. Restrict access to firearms and ammunition for domestic violence offenders. Also allow courts to order removal of firearms in possession of a person who appears to pose a significant risk of personal injury to themselves or others by possessing a firearm, and particularly DV offenders, whether through PPOs or through "red flag" laws.
- D. Expand background checks to all types of firearms before purchase. Require safe firearm storage and require a waiting period once a firearm is purchased.
- E. Support the establishment of laws prohibiting necrophilia, which Michigan does not appear to have explicitly in statute, as well as the distinction of intent to murder for the purposes of conducting sexual conduct with the corpse.
- F. Prohibit sexual assault by law enforcement officer, acting under color of law of the State, of an individual who is involved in a criminal investigation, or in contact with law enforcement, including by not limited to being under arrest, in detention, in custody.

- G. Amend the Open Meeting Act (OMA) regarding remote meeting compliance so that Statewide Governor appointed Boards/Commissions can have the ability to meet remotely and comply with OMA voting requirements.
- H. Continue victim protection surrounding virtual court.
- I. Preserve Truth in Sentencing.

MOTION: Moved by M. Wiese to support the legislative priorities and add H. continue victim protection surrounding virtual court and I. to preserve truth in sentencing to the list of priorities. Also, to amend F. to include pre-arrest interactions with law enforcement. Motion seconded by E. Hines. Motion carried.

The February 3, 2006, General Principle on reproductive autonomy was discussed and Board members advised updating it to read as follows (amendments in bold italics).

The MDVPTB ***Michigan Domestic and Sexual Prevention and Treatment Board*** places a significant emphasis on the rights of domestic and sexual violence survivors, ensuring their safety, confidentiality, and autonomy. To promote safety, confidentiality, and autonomy for survivors in the area of reproductive health, the Board articulates these principles:

- Survivors need access to information about contraception and reproductive health care options, and access to safe means of contraception and reproductive health care.
- Survivors who become pregnant as a result of sexual assault or forced, ***coerced and/or*** unprotected intercourse must be given information about and access to safe medical care of their own choosing.
- Survivors have a right to determine when and to whom information about their health status or care will be disclosed.

For purposes of this principle, “survivors” means survivors of sexual ***and/or*** domestic violence.

MOTION: Moved by E. Hines to support updating the general principle on reproductive autonomy. Motion seconded by N. Buchanan. Motion carried.

E. Hines asked about HB 5017 - 5024, a law enforcement reform package of bills regarding the requirement that body cams be worn by officers and SB 484 which says officers cannot knowingly turn off a body cam. She had concerns because she understood there are policies in different agencies that prohibit using body cams to interview sexual assault or domestic violence victims.

MOTION: Moved by E. Hines 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 May 6, 2022, meeting. Motion seconded by Y. Brantley. Motion carried.

BOARD ANNOUNCEMENTS

Y. Brantley asked if Board members have been reappointed yet and was informed that they reappointments are in progress.

PUBLIC COMMENT

Mary Pollock from the American Association of University Women of Michigan asked how the Board and staff can assure that survivors at emergency rooms in religious affiliated hospitals are receiving the full array of information they need? Also, are survivors receiving referrals if religious affiliated hospitals refuse to prescribe birth control and is there a regulatory scheme in place to prevent religious discrimination. D. Cain said the Division of Victim Services does not do any licensing or regulatory work and only monitor victim services agencies that receive DVS funds. Sexual Assault Examination Kits are regulated in the legislation in terms of how they are handled and processed.

ADJOURNMENT

MOTION: Moved by M. Wiese to adjourn the meeting. Motion seconded by E. Hines. Motion carried. The meeting ended at 3:36 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary