

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE  
PREVENTION AND TREATMENT BOARD  
MEETING MINUTES  
August 18, 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 (ret.) - Chairperson  
Rebecca Shiemke  
Kyla Williams

**Members Absent with Notice:**

Matt Wiese

**Staff Present:**

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

**Guests:**

Lorna Elliott - Egan - Tribal Government Services and Policy - MDHHS  
Linda Cunningham  
Heath Lowry - Michigan Coalition to End Domestic and Sexual Violence  
Merkeb Yohannes - Michigan Coalition to End Domestic and Sexual Violence

**WELCOME AND INTRODUCTIONS**

E. Hines convened the August 18, 2023 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Grand Tower Building, Dempsey Room in Lansing, Michigan at 1:33p.m.

**BOARD CONSENT**

Review of August 18, 2023 agenda and approval of May 12, 2023 meeting minutes.

**MOTION: Moved by M. Pope to approve the August 18, 2023 agenda. Motion seconded by K. Howard. Motion carried.**

**MOTION: Moved by R. Shiemke to approve the May 12, 2023 meeting minutes. Motion seconded by K. Howard. Motion carried.**

**CHAIR REPORT**

E. Hines mentioned that M. Pope received a Judith S. Kaye Judicial Excellence Award from the American Bar Association (ABA). She is the first tribal judge to receive an award from the American Bar Association.

E. Hines thanked Governance Model subcommittee members K. Howard, R. Shiemke, B. Nagle, L. Rogers, G. Krieger, J. Averill, and A. Povilaitis, and facilitator Dr. C. Sullivan from Michigan State University for their

work on the Governance Model. The policy was enacted approximately 20 years ago, and as the structure of the Board and staff have changed, the model needed to be revised.

E. Hines suggested changing a sentence on page 6 of the MDSVPTB Governance Model that originally read “In the first one or two months of the new cycle, the Board will develop its priorities for the ensuing one-year period.” It was agreed to amend the sentence to read “The Board will timely develop its priorities for the ensuing one-year period.”

**MOTION: Moved by K. Howard to adopt the new Michigan Domestic and Sexual Violence Prevention and Treatment Board Governance Model with the suggested amendment. Motion seconded by M. Pope. Motion carried.**

A list of proposed 2024 MDSVPTB meeting dates was discussed. The time was changed to 1:00 - 4:00 starting from the October 6<sup>th</sup> board meeting. A tentative meeting date of December 6<sup>th</sup> was added to the list. Also, the September 6<sup>th</sup> date was changed to September 13<sup>th</sup>.

**MOTION: Moved by M. Pope to approve the amended 2024 MDSVPT Board meeting dates. Motion seconded by R. Shiemke. Motion carried.**

## **STAFF REPORT**

G. Krieger reported that since the last meeting the Governor signed the budget, which includes a \$30,000,000 allocation to back fill for shortfalls to the federal VOCA fund and the state crime victim rights fund. This will allow DVS to maintain services, specifically funding is designated to support the following:

- \$4 million earmarked for Trauma Recover Centers
- Backfill for current VOCA award to offset declines to federal VOCA funds
- Backfill for Michigan Crime Victim Rights fund which supports crime victim rights advocates at prosecutors' offices and crime victim compensation

G. Krieger reported that on August 12th an updated Crime Victim Compensation statute went into effect. Under the new legislation, the maximum award limit has been increased from \$25,000 to \$45,000, and more people impacted by crime physically, emotionally, psychologically, or mentally may be eligible for compensation. In addition to medical expenses, counseling, lost wages, and replacement services, compensation will now be available for items such as residential security, bereavement, and relocation related expenses.

G. Krieger reported that staff will be pulling together a working group to address PPO service in Michigan. Several Board Members volunteered to participate in a working group. This issue will be discussed further in the fall and a working group will be launched because PPO service is an issue across the state.

G. Krieger reported on two open letters that were shared with DVS by Voices for Children and SAFE Center in Clinton County addressing concerns with the Clinton County Prosecutor. DVS has worked to support these programs and coordinate with PAAM to ensure that technical assistance is available to the Clinton County Prosecutor's office. DVS funds technical assistance projects at PAAM addressing child abuse and violence against women.

G. Krieger reported that the annual BISC-MI conference will be in November of this year. In recognition of the important work of batterer intervention services and BISC-MI, the Board is again supporting

scholarships for DVS-MDSVPTB funded domestic violence programs to attend.

G. Krieger reported that Uniting Three Fires Against Violence is hosting a Tribal Leadership Summit on Mackinaw Island at the end of October and they have invited DVS to host a talking circle.

G. Krieger reported on the development of the DVS Dispatch which is a new quarterly newsletter intended to keep partners and community organizations up to date on statewide issues at DVS.

## **LEGISLATIVE REVIEW**

A. Povilaitis discussed HB 4556-4560 and SB 321-325 which have been referred to as the “Second Look” package of bills. These bills would substantially modify the criminal sentencing structure in Michigan, allowing for a “Second Look” at resentencing incarcerated offenders. In Michigan, when an offender is sentenced to prison, they receive a minimum term and a statutory maximum sentence. The minimum sentence is determined by sentencing guidelines and a judge who has heard the plea, the trial and all the parties involved. Currently Michigan has “Truth in Sentencing” which means if an offender goes to prison with a 5 to 15-year sentence, they must serve every day of the 5-year term minimum before becoming eligible for parole. This is important from a victim perspective regarding pleas and more certainty about when victims will have to go before a parole board. Truth in sentencing provides some certainty for the victim, the community, and the prosecution.

These bills would allow nearly every offender incarcerated in the Michigan Department of Corrections who has served a minimum of ten years of their total prison sentence, to petition the sentencing court for resentencing. The only offenders prohibited from filing a “second look” petition are those offenders who commit an act of mass violence that kills three or more individuals with a firearm.

**MOTION: Moved by R. Shiemke to oppose HB 4556-4560 and SB 321-325. The Board recognizes the important issues this legislation is meant to address but does not believe that the draft will affect the desired change and it does not address the needs of victims sufficiently. Motion seconded by M. Pope. Motion carried.**

J. Averill discussed HB 4523 and 4525 which would allow violent offenders into drug and mental health treatment courts, with the consent of the judge and prosecutor, in consultation with the victim. The bills have moved out of the House Committee and are on the House floor. At the April 2022 meeting, the Board voted to oppose 5482-5483’21 and 5868’21, unless amended to continue to exclude offenders of all degrees of Criminal Sexual Conduct as well as any “individual charged with or who has plead guilty to a violent offense in which the victim is a spouse or former spouse, an individual with whom the offender has or has had a dating relationship, an individual with whom the offender has a child in common, or is a resident or former resident of the same household.” These bills are now HB 4523 and 4525.

The Board submitted its position and a letter to Committee when these bills were posted and have since worked with the sponsor who is also the Chair of the Committee. The Michigan Association of Treatment Court Professional’s (MATCP) Executive Committee reviewed the Board’s positions and concerns and are putting forward the compromise to eliminate the eligibility for CSC 2 and 3 for current offenses. CSC 1 is already excluded. MATCP believes CSC 2 and 3 prior offenses and CSC 4 cases, for both prior and current offenses, should remain eligible.

MATCP would also like to partner with MDSVTB and MCEDSV, to develop a best practice to ensure intimate partner violence (IPV) is addressed, and treatment courts are following standard practices when it

comes to domestic violence cases. The State Court Administrative Office (SCAO) is one of the lead agencies on this bill and they would be agreeable to this amendment and would lead this effort developing a workgroup to develop best practices.

**MOTION: Moved by K. Howard to move from opposition to neutral on HB 4523 and 4525. Motion seconded by M. Pope. Motion carried.**

A. Povilaitis discussed draft bill HB S000524'23 regarding domestic violence and firearms restrictions that Senator Chang has shared with staff and requested feedback from the Board. The Board had previously reviewed and supported another firearms restriction bills- SB 678-679. The 2021 bills codified into Michigan law the idea that if someone is convicted of a domestic violence misdemeanor, they will lose their firearm rights for a certain time. The Board had requested language that required completion of all restitution payments before an offender regained access to firearms. This request was not added in 2021 nor is part of this draft. Staff are bringing this update back so that the Board may review the changes made and determine if the Board wishes to continue to support or alter its position on this draft.

This draft includes a prohibition on firearm possession and use for anyone subject to a personal protection order (PPO) (Sec 6). The Board discussed and outlined the following three points for the basis of the determination.

1. There needs to be a statutory firearm retrieval and relinquishment process. Without that process, the automatic firearms prohibition could be a meaningless provision that puts survivors at risk, especially those who didn't ask for it, with no means of removing that risk.
2. If there is going to be that type of automatic firearm prohibition it should be addressed in the PPO statute not in the proposed criminal bill
3. This provision is potentially in conflict with the PPO statute which allows petitioners to choose to request and expressly gives court discretion as to whether to order the firearm prohibition.

**MOTION: Moved by R. Shiemke to oppose draft of HB S000524'23 as written, with ability to support if Section 6 is deleted regarding personal protection orders. Motion seconded by K. Howard. Motion carried.**

A. Povilaitis discussed HB 4173 H-5 and HB 4384, which create a criminal justice policy commission/sentencing commission tasked with conducting research and recommendations related to criminal sentencing reform. At its May 2023 meeting the Board voted to remain neutral and provided staff with the authority to act on their behalf to advocate to policymakers and bill sponsors to include a DVS/MDSVPT Board member representative, a DVS/MDSVPTB staff member representative, an MCEDSV representative, a UTFAV representative, and a crime victim representative on the Michigan Sentencing and Criminal Justice Commissions. HB 4173 H-5 has passed out of the House of Representatives. Staff brought HB 4173 H-5 back to determine if the Board wishes to remain neutral or alter its position on these bills.

There are key differences between HB 4173 and HB 4173 H-5 which passed the House:

1. The bill as introduced created a dedicated seat for the Attorney General or the AG's designee, representing crime victims. The H-5 substitute retained a dedicated seat for the

AG but deleted the “representing crime victims” language.

2. The H-5 substitute added section (i): “One individual who is a member of a nongovernmental nonprofit that serves victims and represents victim service providers.”

While the H-5 substitute does include new language adding a dedicated victim service provider seat, the substitute does not include the specific language the Board recommended. Further, neither the Board, Board staff, nor any tribal organization such as Uniting Three Fires would be eligible to serve in this dedicated seat because the narrow language states the individual must be a member of “a nongovernmental nonprofit that serves victims and represents victim service providers.” While this could include the Coalition, it may also include other non-profit groups, some of which represent both victim and offender interests.

**MOTION: Moved by R. Shiemke to remain neutral on HB 4173 H-5 & 4384 but move to support if Sec 1 (i) is amended to: “One individual to be appointed from a list of three individuals from organizations providing victim services, submitted by the Michigan Division of Victim Services.” Motion seconded by K. Williams. Motion carried.**

L. Rogers discussed HB 4657 which creates a Pretrial Services Division within the State Court Administrator Office (SCAO). SCAO is charged with certifying, contracting with, and evaluating the work of pretrial services agencies in each judicial circuit. There would be pretrial services agencies working in all the judicial circuits. Those agencies are responsible for providing supportive services to defendants with the goal of reducing non-appearance court hearings and rearrests during the pretrial process.

The function of pretrial services is beneficial but does not address the issues that are specific to victims that could easily be addressed. The role of pretrial services is not limited to the supportive services, but it also includes information gathering and release recommendations. This bill appears to say the work of pretrial services begins at the point when the court refers someone to the pretrial services agency.

The Board discussed and outlined the following points for the basis of the determination. These items would need to be addressed to move to support.

- The bill neglects considerations of victim safety that should be a part of any pretrial services.
- The bill could benefit by a clearer and broader description of the role of pretrial services.
- The bill does not account for, nor appear to consider important, whether a defendant is complying with conditions of release if the non-compliance doesn't result in an arrest.
- The bill is internally inconsistent or unclear with respect to which entity is responsible for contracting with the pretrial services agencies in each judicial circuit and whether services must also be provided in district court.
- The bill conflicts with MCL 765.6b
- The bill should make clear that the term “evidence-based” includes qualitative as well as quantitative research, and that it and any assessment tools, practices and policies are culturally inclusive, accurate, and free from racial, cultural, economic, or other bias. It should also note that qualitative research involves the collection and analysis of narratives and/or open-ended observations through methodologies such as interviews, focus groups or ethnographies.

**MOTION: Moved by K. Howard to oppose as written, with authorization for staff to notify sponsors of support if recommended changes are made. Motion seconded by K. Williams. Motion carried.**

J. Averill provided a legislative update on HB 4450-4453 regarding productivity credits which the Board opposes. A letter was submitted with the Board's position. M. Wiese was unable to testify via Zoom because time ran out for him to speak on behalf of the Board.

HB 4420-4423 is a package of bills that the Board has varying positions on regarding remote impact statements, sharing victim information, law enforcement and service providers, a serious misdemeanor bill, and blurring images in remote hearings which the Board opposed. This package has moved through the House with no changes made.

HB 44482-4490 are a package of bills dealt with sexual assault statute of limitations and government immunity. A testimony only hearing was held on bills regarding tracking kits submission timelines, allowing victims to have showers paid for and allowing attorneys or support person to be present during interviews. Staff have worked with the sponsors of the bills to express the Board's concerns.

Most of the bills regarding the elimination of child marriage have been signed into law.

SB 236 regarding the mentally incapacitated was signed into law with some changes made to the bill that the Board wanted.

HB 4516 that dealt with adding tribes to the Board's enabling legislation passed through the House and is on its way to the Senate.

J. Averill mentioned the House and Senate bill logs introduced since the May 12th Board meeting and asked Board members if they would like to request analysis of any bills.

**MOTION: Moved by 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 May 12, 2023 meeting. Motion seconded by K. Howard. Motion carried.**

#### **BOARD ANNOUNCEMENTS**

E. Hines said there is a free in-person non-fatal strangulation training on Thursday, August 31<sup>st</sup> through the Michigan State University Campus Sexual Assault Response Team for probation, pretrial, parole, first responders, attorneys, and advocates.

#### **PUBLIC COMMENT**

E. Hines said S. Beyersdorf from SCAO had mentioned that two proposed court rules are up for comment. One court rule is about personal identifying information in transcripts. The other deals with the cost of publication in name change proceedings.

#### **ADJOURNMENT**

**MOTION: Moved by K. Howard adjourn the meeting. Motion seconded by R. Shiemke. Motion carried. The meeting ended at 4:43 p.m.**

Respectfully submitted by  
Michael Bobbitt  
Board Secretary