Louisiana Domestic Violence Prevention Commission Minutes

Tuesday, February 27, 2018, 1-3 pm

Meeting location: Governor’s Press Room, Fourth Floor, LA State Capitol

**I. Meeting Called To Order**

* Meeting Called to Order by Mariah Wineski at 1:13pm

1. **Roll Call**

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| **Members Present**  Kimberly Resetar  Ramona Harris (via phone)  Rutha Chatwood Mariah Wineski  Sunny Funk  Mary Claire Landry  Jane Herwehe Tracy Farris Lila Hogan  Lindsey Blouin (via phone)  Amy Dupuy (nonmember) Lee Ann Wall (nonmember)  Taylor Robinson (nonmember) |

1. **Introductions**

* Roll was called and Quorum was established.

1. **Approval of the Minutes**

* Review of minutes from November meeting. Motion by Ms. Hogan to approve minutes. Seconded by Ms. Landry. Motion passes.

1. **Legislative Items**

* Ms. Hogan summarized House Bill 125. It tweaks divorce and spousal support legislation by getting rid of the “shall” language regarding final support in domestic violence divorces and turned it into just a presumption.
* Ms. Hogan summarized House Bill 100. It limits the requesting of attorney fees and court costs for frivolous actions regarding domestic violence to torts as it is in the tort section of the Code and should be considered the separate debt of the perpetrator.
* Ms. Hogan informed the commission that the next project of the Law Institute is to look into the multitude of definitions of Domestic Violence in legislation and try to make it as inclusive and broad as possible. The Marriage and Person’s Committee will next be meeting on March 9, 2018 to discuss tutorship.
* Ms. Landry requested notification of the next Law Institute Criminal Committee meeting and Ms. Wineski set to update committee when she received notification of their meeting as last one was canceled.
* Ms. Herwehe explained the National Violent Death Recording System which the Bureau of Family Health (herein the Bureau) received funding for a five year study in 2016. It is a public health surveillance system by which the Bureau of Family Health scans vital records for violent deaths and then works with law enforcement and coroners to get information related to said deaths using 279 different data variables to collect the who, what, where, and why leading to these deaths. In 2017 the program ran in Orleans Parish, East Baton Rouge Parish, Calcasieu Parish, and Jefferson Parish. In 2018 it has gone statewide. The Bureau has run into roadblocks with getting entirety of case files from coroners and law enforcement due to concerns that public health retrieval of such documents would lead to subpoena exposure of confidential information under the public records law or jeopardize prosecutions. The Bureau is looking to put forth legislation that would make their collection of such data confidential and not subject the public records law.
* Ms. Wall suggests the problem is entities involved concerned for victim’s rights and the possibility that such information may be subject to media requests. She suggests that legislation allow for redaction of victim and witness identifying information.
* Ms. Hogan added that such data collection is extremely worthwhile and needs to find means to make it work.
* Ms. Funk suggested that the legislation make some mention of Title 46 as it relates to victim protection and rights.
* Ms. Wall recommended the legislation add that all records must be mandatorily destroyed after coded
* Ms. Funk informed the committee of additional legislation requiring public records requests to redact addresses of victim in domestic violence cases, to add text messages to the crime of telephone harassment, making the crime of supplying a gun to a felon a “at hard labor” felony, and several drafts of firearm divestiture.
* Ms. Wineski noted legislation to require gun dealers to report if someone fails a background check to the Sheriff and ideally the victim would be notified as well.
* Ms. Wineski also outlined House Bill 81 which moves to add domestic violence crimes to the list of violent crimes which would strengthen the time offenders have to serve of said convictions. There is concern that including first offense domestic abuse battery would get victims swept up in those charges, so more support to just include second offense domestic abuse battery and any enhancements.
* Ms. Farris warned of the chilling effect such legislation may have in regard to victim cooperation and pleaing down in court.
* Ms. Wall suggested that instead of adding domestic violence crimes to the the list of violent crimes just legislate that such crimes are not eligible for initiatives enacted by the Justice Reinvestment.
* Ms. Funk pointed out that her own organization had many conflicting opinions about said legislation and it may be difficult to pass committee.
* Ms. Landry added that the online battering courses being implemented in jails seems to be having good response elsewhere and there is some movement to move such into an individual not group setting.
* Ms. Wineski discussed another bill that is being put forth which requires service of temporary restraining orders to be reported to Louisiana Protective Order Registry (herein LPOR). This has come about due to problems with immediate enforcement after hours and across parish lines.
* Ms. Harris added that this bill is helpful to the LPOR to get more adequate service information.
* Ms. Landry asked Ms. Harris what the percentage conversion of temporary restraining orders into protective orders
* Ms. Harris informed commission that such stats are not kept statewide only currently in certain jurisdictions.
* Ms. Herwehe reiterated that the CDC has injury funding which can include funding for activities regarding dating partners, which can translate into funds for training or system level updates.
* Ms. Wineski spoke of a bill being sponsored by Representative Smith to mandate domestic violence training for law enforcement to at least include online post training.
* Ms. Farris noted that in service training of the like would have costs millions and the online post training is an hour program of the basics.
* Ms. Herwehe pointed out that CDC Injury Prevention funding may be utilized to help fund law enforcement training in this area.

1. **Domestic Violence Data Collection**

* Ms. Wineski reiterated the commission’s continued interest digging into data collection to see what we have, what we need, and how we can get there. She suggested use of the commission’s 2015 report as a starting point regarding what data elements are needed.
* Ms. Wineski proposed from there we move forward in 2018 with filling in the gaps of the 2015 data elements and determine how said data can be collected.
* Mr. Herwehe noted that the Louisiana Violent Death Report when it has its first final data in April 2020 will include Domestic Violence Homicide rate, but note that all data will be regarding fatalities, not injuries. Hospitalization records would be the best avenue to learn more about injuries, but still that only includes those who seek treatment. Bureau also working with DCFS on child abuse data which may could be used to overlap with some domestic violence data.
* Ms. Wall noted that there is no statewide District Attorney domestic violence data collection on prosecutions and not aware of any program making that a capability at this time.
* Ms. Farris added that LIBRS and UCR would need to be researched and see what is available and what can be added. Also, she noted that many police departments and sheriffs offices are still doing all data entry by hand not on computers and this is an issue that would a multi-year undertaking.
* Ms. Landry informed the commission of the pilot program the Family Justice Centers are undertaking to set up a strangulation tracking system. It is a multidisciplinary approach where the centers work with their local clerks and get a snapshot of information regarding the timeline of cases of strangulation as these are the most high risk perpetrators.
* Ms. Farris commented that the pilot program will be good information for public and prevention teaching.
* Ms. Wall also commented that such progress helps get more victim participation and law enforcement cooperation.
* Ms. Funk noted that it would help ADA’s to push evidence based investigation and law enforcement training regarding such cases.

1. **2018 Subcommittees, Priorities, and Work Plan**

* Ms. Wineski stated the Legal Committee will continued its collaboration with the

Law Institute

* Ms. Wineski moved to create two new data collection subcommittees: ***Criminal***

***Justice*** to look into law enforcement and prosecution data and in ***Victimization*** to

look into service and injury data.

* Ms. Wineski proposed that for the next meeting each subcommittee try to bring to the

table what data is available and being collected and whether it is statewide or specific

parishes.

* ***Criminal Justice*** to include Ms. Funk, Ms. Landry, Ms. Wall, Ms. Farris, Ms.

Wineski, and Ms. Chatwood and ***Victimization*** to include Ms. Herwehe, Ms.

Wineski, and Ms. Dupuy.

1. **Public Comment**

* No additional comments

1. **Adjourn**

* Meeting adjourned at 3:34 pm.