

Domestic Violence Coordinating Council
Quarterly Meeting Minutes
March 9, 2019

Call to Order: The Chair, Chief Judge Michael Newell called the DVCC Quarterly meeting to order at 1:14PM.

Introductions: In attendance were the following DVCC members and designated representatives: Chief Judge Michael Newell (Chair, Family Court); Chief Defender Brendan O'Neill (ODS); Hon Krista Griffith (Representative); Judge Carl Danberg (CCP); Secretary Josette Manning (DSCYF); Hon. Kathy Jennings (Attorney General); Acting Secretary Kimberly Chandler (DSHS); Margaret Chou, MD, FACOG; Laura Graham, Esq., (CLASI); Cpl./3 Adrienne Owen (DSP); Professor Jennifer Naccarelli (University of DE); Ariana Langford; Commissioner Claire DeMatteis (DOC); Linda Carmichael (representing President Judge Jurden, Superior Court)

DVCC Staff: Maureen Monagle (Executive Director), Amanda Alcaraz, Dayna Belfiore

Also in attendance were: Ellie Torres (Family Court), Ava Carcirieri (Family Court), DAG Jenna Milecki (DOJ), Terica Jones (CJC), Lori Sitler (CHILD, Inc.), Anne Altemus (CHILD, Inc.), Deianna Tyree (CHILD, Inc), Secretary Rob Coupe (Office of the Attorney General), Blanche Creech (People's Place II, Inc), Tim Collins, Mariam Kenville-Moore (DCADV)

Minutes: A motion was made to approve the minutes as they submitted. Kathy Jennings moved to approve the motion. Carl Danberg seconded, and the minutes were approved.

Open Nomination Period for At-Large Member:

- Executive Director Monagle reported a vacancy remained open due to the recent resignation of an an At-Large Member of the DVCC. Council members received background information and a CV for nominee Debra (Deb) McCall Reed prior to the meeting and again today for their review and vote. Deb Reed's background and experience includes being the current Director of Victim Services for the Delaware State Police/DE Victim Center and other relevant taskforce work. A motion was made to approve Deb Reed's nomination to fill the At-Large Member vacancy, motion was seconded. This motion passed unanimously. Deb Reed's first meeting will be the May 11, 2020 meeting. The At-Large Members serve a three-year term, and are eligible to serve additional terms.

Open Nomination Period for DVCC Vice Chair:

- On February 14, 2020, Governor Carney announced leadership changes at the Department of Safety and Homeland Security. Robert Coupe announced he was stepping down as the Cabinet Secretary, his last day was February 28, 2020. Colonel Nathaniel McQueen is the Governor's nominee to serve as the next Secretary. The Delaware Senate is expected to consider the nomination in March. Until then, Deputy Secretary Kimberly Chandler will be serving as Acting Secretary, and taking that position on the Council. Chief Judge Newell and the Council paid tribute to Rob Coupe, recognizing his contributions as a Council Member. Noting his first years on the Council when he was Commissioner of the Department of Corrections in 2013-2017; and continuing as the Secretary from 2017-present. Rob Coupe thanked the Council, advocates and all those who work on issues around domestic violence. Secretary Coupe served as the Vice-Chair for 2019. Chief Judge Newell announced the vacancy with Coupe's leaving and opened the floor for nominations. Brendan O'Neill nominated Laura Graham as a candidate for the Vice-Chair role. Ms. Graham has served on the Council since 2016 and has Chaired the Immigration Subcommittee. A motion was made to accept the nomination of Laura Graham to serve as Vice-Chair, the motion was seconded. The motion passed unanimously

Domestic Violence Pretrial Risk Assessment Project

Dr. Jill Messing, with Arizona State University, continues to look to partner with Delaware in a research study to assess the impact of domestic violence-specific risk assessment tools on pretrial decision making, case outcomes and victim safety. As part of the partnership, ASU is requesting a letter of support of the application for funding through the Laura and John Arnold Foundation. The overall objective is to develop questions and metrics that can be integrated into current pretrial decision-making tools. They will be looking at the Ontario Domestic Assault Risk Assessment (ODARA), the Lethality Screen (LS), the Danger Assessment for Law Enforcement (DA-LE) and the Danger Assessment – 5 (DA-5). They reached out to the DVCC in December because of Delaware’s work to implement the LAP statewide. Dr. Jacquelyn Campbell (Johns Hopkins University) and Neil Websdale (National Fatal Incident Review Project) are partners of the ASU group. Both are familiar with the work in Delaware and have worked with the DVCC in the past. Chief Judge Newell was exposed to the LAP during a presentation at a conference he attended last summer. The original LAP was intended to identify victims of domestic violence who are at the highest risk of be injured or killed by their partner and connect the victim to community-based DV services. Dr. Campbell, as a partner on this project, is looking at the use of the LAP as a pretrial risk assessment tool. There may be an opportunity to recalibrate the LAP questions so it can be used appropriately.

Maureen reported she spoke with Earl McCluskey, Director of DELJIS. Since this is for the purpose of a study, the DELJIS information could be shared between agencies. An agreement would need to be signed between DELJIS, the DVCC and ASU.

As part of the partnership Delaware will be able to receive training and consultation with Dr. Campbell and others. The partnership with the Arnold foundation is not yet confirmed but expected to be.

Commissioner Claire DeMatteis inquired if the pilot would be used on adults only? Chief Judge Newell confirmed that the pilot would only be used on adults.

Chief Judge Newell offered Council members more time to review the draft letter of support. Council Members were given a week and asked to follow up with Moe by March 16th.

Fatal Incident Review Team (FIRT) 2020 Report and Recommendations

Prior to the meeting, the Council received the Annual FIRT Report for 2020. The report includes demographic information on the domestic violence-deaths during 2019, as well as recommendations from the three reviews held during the calendar year. The report will be made available on the DVCC’s website.

In 2019, there were 9 incidents of domestic violence related homicides that resulted in 12 deaths and 1 near death. The causes of death were 5 by firearm; 1 head trauma; 1 asphyxiation; and 2 stabbing (including the near death). The victim-offender relationships were 1 Ex-girlfriend; 1 wife; 1 ex-wife; 1 uncle; 1 defined as “other”; 2 adult children; 1 minor child (under the age of 1).

The five recommendations included in the report are the result of the 3 reviews held in 2019. Recommendations were directed towards the Department of Justice, Office of Defense Services; the Family Court and the Domestic Violence Coordinating Council.

The recommendations for the DVCC are as follows:

- The DVCC shall research potential links between substance abuse and domestic violence; particularly, potential resources available for middle school age children and their parents regarding substance abuse prevention and treatment.
- The DVCC will send a letter to Superior Court, Family Court, Court of Common Pleas and Justice of Peace Court, the Office of Defense Services and the Department of Justice citing statistics of domestic violence offenses including offenses with deadly weapons and detailing the importance of identifying such offenses as it relates to recommending the DVCC certified treatment programs in domestic violence cases.

A draft letter was prepared by Natasha Smith and available for the Council members to review. The draft letter sited domestic violence stats to encourage judicial officers to refer to certified intervention programs. Council members were asked to review the letter and provide staff with any feedback.

The recommendation regarding research for potential links between substance abuse and domestic violence would require some thought, and perhaps could be assigned to a DVCC committee as a future project.

No further questions or discussion.

DV Related Fatalities

Maureen reported there were no domestic violence-related fatalities reported to the DVCC for December or January. There was one incident reported in February. This was a murder/suicide by a firearm.

Council Member Report: Laura Graham, Esq., Community Legal Aid Society, Inc (CLASI):

Laura Graham provided a PowerPoint to highlight the various programs and services offered by the Delaware Community Legal Aid Society, Inc (CLASI). CLASI's mission is to combat injustice through creative and persistent civil legal advocacy on behalf of vulnerable and underserved Delawareans. They accomplish their mission through individual representation, community education and policy work. They have offices in all three counties.

CLASI's program areas include Poverty, Disabilities, Elder Abuse, Immigration and Domestic Violence, Fair-Housing and the Medical-Legal Partnership. Most of the programs are funded through various grants.

Ms. Graham was able to provide brief descriptions of the services within each program and accepted questions from fellow Council Members.

A question was asked about the Immigration and DV Program. Ms. Graham was asked about the process for the VAWA Self-Petitions, U-Visas, etc. Are they always granted? It was noted this can take as long as 5-6 years to process each case. Clients are detained even if they have filed an application.

The newest program is the Medical-Legal Partnership funded the a Victims of Crime Act (VOCA) grant which CLASI receives through the Criminal Justice Council. This program is a partnership with the Abriendo Puertas Program of People's Place, CHILD Inc., the YWCA of Delaware, social service and medical providers in Delaware. The program brochure was made available to the Council and public attendees.

DVCC Committee Updates

- *Children and Domestic Violence:* Secretary Manning reported out that the Committee continues to receive updates from the HR12 Workgroup, regarding minors' access to advocacy and legal services for victims of teen dating violence and sexual assault. In addition, the Committee discussed the selected providers for the Separating and Divorcing Parents Education Course.
- *Criminal Justice:* Brendan O'Neill reported that the Committee continues the discussion on Body Worn Cameras. BWCs have been implemented in some of the smaller departments and New Castle County Police Department. Other departments have not implemented fully due to costs. DOJ and ODS continue the discussion around challenges of storage, and the need for additional lawyers to review what has been captured.
- *Elderly & DV:* Kimberly Chandler reported the Elderly and Domestic Violence Committee held its first meeting on November 13, 2019 under the direction of Deputy Secretary Kimberly Chandler, serving as the designee chair for Secretary Coupe. The first meeting was used to begin strategic planning. The committee looks forward to creating and distributing a survey, to be completed by providers who serve the elderly population, in order to identify and target areas of need for elderly persons impacted by domestic violence. The committee is actively recruiting interested committee members and partners.
- *Medical:* Dayna Belfiore reported the Medical Committee met on January 8, 2020. A survey has been disseminated to capture feedback from providers on how the resource manual can be revised to be more helpful. The survey was distributed to the Delaware Medical Society and Physician Assistance Network. The Resource Manual Revision Workgroup continues to meet monthly to complete revisions to the Healthcare Providers Resource Manual. In April, OCA and DOJ will be training/presenting on child abuse legal mandates as it applies to cases involving domestic violence.

- *Treatment:* The Treatment committee met on January 15, 2020. The Treatment Committee has started to explore ways to expand DVI resources; add programing; and increase the availability and number of certified treatment programs in Delaware. Dayna Belfiore added the DVI Standards Revision workgroup continues to meet regularly to revise Delaware's Domestic Violence Intervention Standards. The Certification Panel is expected to meet in the coming months to recertify existing programs and review new applications for certification. Updates to the Certification Panel Rules and Procedures were approved by the Council at the January 2020 meeting.
- *Immigration:* Laura Graham reported the Immigration committee met on December 4, 2020. The Committee is focused on identifying and targeting the unique needs of victim and survivor Latinx community members. The Committee is discussing the utility of a community engagement approach to survey the Latinx community and identify possible areas of need. The Committee continues to understand the changing Immigration laws and policies in the federal government and how those changes impact non-Citizen survivors in Delaware
- *Legislative:* Representative Griffith reported that the Committee met on February 26, 2020. The group continued the discussion about the First Offender Domestic Violence Diversion Program and Probation Before Judgement. The group focused on impact to the DV Treatment Program and potential barriers if more people are ordered to complete a certified treatment program. More discussion with be needed with the Courts, DOJ, ODS and others. The Committee also continues to discuss the felony classification of strangulation. The group has received information from the Statistical Analysis Center (SAC) reporting the number of complaints, arrests and convictions, length of sentences and presence of a firearm pertaining to strangulation cases. Further discussion is needed on this issue. The group reviewed and discusses a draft Substitute Bill for HB215, which is to establish Advocate Privilege under 10 *Del. C* §4319A. HB215 states that advocates for victims of domestic violence, domestic abuse, sexual assault, abuse by a caregiver, human trafficking, or stalking may not disclose any communication made by a victim to the advocate without express written consent of the victim. There are certain issues and concerns that need to be addressed within the Bill. Rep. Griffith reported that at this time, HB215 is not going to move forward. She has hopes to refile next session.
- *Training:* Ellie Torres reported that the Committee continues to discuss trainings for the Family Court Intake, Records, and Security. The focus is trauma-informed approaches to litigant interaction. The Committee is working on an online statewide calendar for domestic violence related training topics. DVCC staff is working with the Government Information Center (GIC). The goal is to have the calendar on the DVCC's website. There will be a mechanism developed to have groups/organizations submit their trainings to be posted on the calendar.
- *Public Awareness & Education:* Judge Danberg reported the DVCC participated in 9 awareness events since the last meeting. The Committee's primary focus is developing social media content. The discussion focused on developing topics for each month (Teen Dating Violence Awareness, Mental Health Awareness Month; etc). The DVCC has Facebook, Twitter and Instagram to promote awareness. The handle is @DVCCDelaware for all three platforms.

Executive Director's Report and Announcements

Maureen reported that Tim Valeski filled the DV High Risk Team Coordinator position. He started in the position in December. He works out of the Dover office space provided by the Capitol Police.

The Administrative Specialist III position is vacant. This is an exempt position. Maureen will be working with OMB/DHR to find a qualified candidate.

The DVCC's JFC hearing was on February 11th. The DVCC's full request was included in the Governor's recommended budget.

Maureen also shared that the DVCC's office location will be moving. The DVCC is currently located in the Lower Level of the Courthouse (500 King St). The new location will be in 900 King St. Will be working with Division of Facilities

Management (DFM) to make some necessary repairs to make the office ready. There is not set date for when the move will happen.

Public Comment

Tim Collins addressed the Council to share his opinion that he believes it is too easy to be accused of domestic violence and sexual assault. He expressed his dissatisfaction with the work of the Council and the whole criminal justice system.

Deianna Tyree, Director of domestic violence services at CHILD Inc., addressed the Council. She informed the Council that the Safe Havens Family Visitation Center in Middletown, DE will be closing in December. This center opened September of 2018. This center is funded by Department of Health and Social Services through a grant received from USDOJ Office on Violence Against Women (OVW). Despite every effort of CHILD Inc., this site is underutilized for visitation or safe custody exchanges. They averaged 16-19/month. CHILD Inc continues to offer these services at the main agency. The operational costs for the Middletown Safe Haven site are \$11,000.00 per month. Chief Judge Newell acknowledged the work and effort of CHILD Inc to get that center open.

Next Meeting Date: May 11, 2020 , 1:00PM @ Buena Vista – Buck Library

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