

NC Domestic Violence Commission Meeting Minutes

May 12, 2023

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Ethics Statement: The State Government Ethics Act mandates that, at the beginning of every meeting, the Chair remind all members of their duty to avoid any conflicts of interest and inquire as to whether any member knows of any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or potential conflict, please state it for the record.

Members Present: Deborah Weissman, Chair, Tiffany Bell, Shelby Benton, A.W. Burgess, April Burgess-Johnson, Kriquette Davis, Dr. Kim Eagle, David Elliott, Jessica Englert, Saira Estrada, Carianne Fisher (joined after roll call), LaKiera Grimes, the Honorable Steven Hollowell, Holly Jones, Sarah Kirkman (joined after roll call), the Honorable Nathaniel Knust, Kathleen Lockwood, Denise Mazza, TeAndra Miller, Elizabeth Outten (joined after roll call), Krishana Polite, Dr. Angelia Riggsbee, Joetta Shepherd, the Honorable Christine Strader (joined after roll call), Sheriff Christopher Thomas, Caroline Valand, Amy Vaughn-Jones, Avis Watkins-Smith, and Sarah Owens Weeks.

Members Absent: Dr. Jada Brooks, Cathy Cloninger, Karen Fairley, Regina Gurley, Cheryl Howell, Ricky Parks, Starleen Scott-Robbins, and Sheriff Gregory Seabolt.

DOA NC Council for Women & Youth Involvement Staff Present: Danielle Carman, Lori Gerber, Charnessa Ridley, Karen Roberts, Sandra Ross, Deborah Torres, Bernetta Thigpen, Deatrice Williams, and Angela Winston-Hill joined remotely.

Guests Present: Kristen Bierline, Lisa DeCiantis, Kiya Edwards, Donovan Grant, Chrissy Griffin, Jordan Hanna, Angela Harper King, Jaylan Harrington, Julia Horrocks, Judith Johnson-Hostler, Wes Kyatt, Calvetta Watlington, and Nisha Williams

The meeting was called to order by Chair Weissman at 10:30 a.m.

Welcome/Member Roll Call: Chair Weissman welcomed everyone who was present.

Approval of Minutes: Burgess made a motion to approve the minutes of the February 10, 2023 meeting, and Benton seconded the motion. All members who were present at roll call approved the motion. Fisher, Kirkman, Outten, and Strader were not yet present when the minutes were approved, and Owens Weeks abstained.

Oaths of Office: Knust administered the oaths of office for newly appointed members Hollowell and Watkins-Smith.



CFWYI Executive Director Report – Danielle Carman

Carman directed the Commissioners to a memo from her in their meeting materials. She said, so far this fiscal year, CFWYI had issued almost \$9 million in state grant funding for domestic violence and sexual assault providers and \$1.4 million in federal Family Violence and Prevention Services Act (FVPSA) funding through its new online EBS grants management system. In addition, the office recently closed the application period for victim service providers to submit their eligibility applications for next fiscal year.

Carman said the Youth Involvement team had placed 87 interns for the 2023 Summer Internship Program, as well as 16 of the 17 Lady Cardinal mentorship positions. Carman discussed some ongoing vacancies in CFWYI, as well as the division's recruitment efforts. She also summarized CFWYI's funding levels in the Governor's recommended budget for FY23-25 and the House version of the budget. She said the Senate was expected to release its version of the budget the following week.

Carman directed the Commissioners to a draft of the Commission's annual report to the General Assembly, which is due no later than July 1 of each year. The draft covered the Commission's Committee structure, as well as key accomplishments from 2022 and the first part of 2023. Specially, the report summarized the Commission's and staff's efforts with respect to allocating scholarships for the Mountain Area Health Education Center's virtual women's recovery conferences; the Commission's approved best practices for language access for domestic violence survivors and a memo on the legal obligations of service providers to offer accommodations for members of the Deaf, DeafBlind, and Hard of Hearing community; the Victim Services Committee's 2022 and 2023 webinar series on serving the Deaf, DeafBlind, and Hard of Hearing community; the Access to Health Services Committee's survey of medical providers and hospital systems about primary care screening for intimate partner violence; the Transportation Committee's survey about transportation and broadband access; and the Offender Management Committee's oversight and support of Domestic Violence Intervention Programs (DVIPs). The report also contained a series of legislative recommendations developed by the Legislative and Advocacy Committee and approved by the Commission at its last quarterly meeting, plus one additional recommendation for a legislative study commission on the criminalization of domestic violence survivors. Weissman said she would discuss that final recommendation in her report as well.

Chair Report – Deborah Weissman

Weissman gave the ethics advisement and directed the Commissioners to a written recitation of conflicts and potential conflicts found by the Ethics Commission. She thanked Watlington for Triangle Family Services' assistance with DVIP programming when the Orange/Chatham program had to stop offering services.

Weissman returned to the recommendation of a legislative study commission on the criminalization of domestic violence survivors. She said survivors who kill their abusers (or commit other crimes) when they are unable to leave often face barriers to self-defense claims because they cannot show imminence. As a result, a number of states, including New York, Louisiana, and Oklahoma, have enacted statutory changes that allow judges to find the abuse to be a mitigating factor that supports deviations in sentencing, either in the original sentencing hearing or in resentencing. Weissman added that there is increasing evidence that domestic violence victims can suffer from traumatic brain injury that is as bad or worse than football players. She said the Legislative and Advocacy Committee is interested in working on potential statutory changes that might address these issues when survivors commit crimes, and the final recommendation in the legislative report is for the General Assembly to create a study commission to examine the issue.

Jones moved to approve that additional legislative recommendation, and Benton seconded the motion. Estrada asked if a study commission could look at decriminalizing human trafficking survivors as well.

Weissman said there are some existing provisions that offer relief to human trafficking victims and a study commission could look at them and explore parallels. Burgess pointed to the differences in sentencing for men who kill their abuse victims compared to women who kill their abusers, and Weissman said people in a number of states that have enacted reforms have relied on those disparities in advocating for change. All Commissioners who were present voted in favor of including a legislative study commission recommendation in the report.

Committee Reports

Access to Health Services Committee Report – Starleen Scott-Robbins, Co-Chair

Thigpen stated that Scott-Robbins was unable to attend the meeting and asked her to give the Committee report. She said the Committee's focus is on promoting routine universal screening for intimate partner violence by health care providers, especially in rural areas and with underserved populations. Thigpen said the Committee members came up with a number of medical groups to consult, and members were assigned to contact them to ask about screening protocols for intimate partner violence. The Committee then decided to focus first on the federally qualified health centers in North Carolina that are supported by the North Carolina Community Health Center Association to see what types of collaborative partnerships could be developed. Weissman noted that the Committee may have additional projects for law student assistance this fall.

Access to Transportation Committee Report – Kriquette Davis and Carianne Fisher, Co-Chairs

Davis said the Committee did not meet that month but has circulated a survey to both victim service providers and DVIP providers about transportation and broadband access. Fisher said the survey response rate was not great, but she believes that is a reflection of providers being overstretched. NCCADV staff is in the process of analyzing the responses that were received, and she will be presenting the results at the next Committee meeting.

Fisher said the primary reason that providers cited for not purchasing vehicles was a lack of funding and the cost of insurance, and the vehicles that they do have generally are not equipped to transport people with disabilities. She added that some rural providers face significant transportation challenges, noting that one of the respondents is 40 miles away from the nearest grocery store and 75 miles away from the nearest hospital. Fisher said respondents expressed a lot of concerns about internet and broadband, with more than half indicating that they need more internet capacity to meet the needs of their clients.

Davis said the Committee would send the survey report to the full Commission when it is done. Davis asked Williams if the group had settled on dates for the planned lunch and learn, and Williams said she is still working to finalize dates, but a few people have agreed to serve as presenters.

Domestic Violence Offender Management Committee Report – Tiffany Bell, Chair

Bell said UNC Project RESTART has been speaking with DVIPs about program components and measures of effectiveness for the evaluation they are conducting with OSBM grant funds. She said it remains a long-term Committee goal to review the administrative code and recommend changes, and to revise the DVIP best practice guidelines. The Committee members plan to start work on both projects this summer with assistance from law students.

Bell said there are currently 31 approved DVIPs serving 74 North Carolina counties. Fifteen of those programs provide services to 58 (79%) of the counties that are being served. Eight programs provide only virtual services in 20 counties, 10 programs provide only in-person services in 15 counties, and 13 programs offer both virtual and in-person services in 39 counties. At this time, male and female are the only gender options, although

programs are allowing people to attend gendered classes of their preference. No programs are currently offering classes tailored to the LGBTQIA population.

Bell said the Committee wants to clarify that there is no prohibition against providing services virtually in either the North Carolina Administrative Code or the Commission-approved program guidelines. Both require “face-to-face” classes, which can be achieved virtually when both parties operate video cameras. Thus, the Committee interprets “face-to-face” to include synchronous classes in which both participants and facilitators are visible on screen.

Victim Services Committee Report – Shelby Benton, Chair

Benton said the Committee is now working on the third phase of its lunch and learns. The first lunch and learn last year was on the legal obligations of providers to offer accommodations for Deaf, Hard of Hearing, and DeafBlind survivors. The second phase was also last year and included a three-part series on communications equity. This third phase is intended to offer education to Deaf, Hard of Hearing, and DeafBlind service providers about recognizing and responding to domestic violence and sexual assault and understanding DVIPs for offenders. Benton said the first webinar in this series on domestic violence was held that week, and Burgess-Johnson did a wonderful job presenting. She added that her PowerPoint and a recording of the webinar are available on the Commission’s webpage. Benton said the remaining two webinars are scheduled for May 25 and June 8, 2023.

Benton said the Committee will hear a presentation at its next meeting from staff at NCCADV, which has applied for a grant to conduct a needs assessment for survivors who have disabilities or are Deaf. That effort will include building partnerships for the delivery of services to survivors and offenders who are Deaf, Hard of Hearing, or DeafBlind.

Benton referred to Carman’s earlier report on CFWYI funding, and noted that the House budget included \$20,000 recurring for ASL interpreters for Commission meetings. Estrada asked if the Committee had looked at the effects of House Bill 10, and Outten said that bill would require sheriffs to cooperate with ICE. Thomas said he cooperates with ICE but he opposes legislation requiring that. Weissman said she knows that some domestic violence victims are very concerned about potential immigration consequences for their partners.

Legislative and Advocacy Committee Report – Holly Jones and Kathleen Lockwood, Co-Chairs

Lockwood reviewed a number of legislative matters that the Committee had been tracking.

1. *Funding*: Lockwood said NCCADV and NCCASA asked for \$8 million nonrecurring for victim providers, to be split equally between domestic violence and sexual assault services, as well as funding for DVIPs and legal services for survivors. She said the House budget does not include an increase in funding but the Senate budget might.
2. *Firearms Access*: Lockwood said the General Assembly repealed the pistol permit process in late March. The change was effective immediately, which means that background checks are no longer required for private firearms sales. Additionally, federally licensed firearms dealers will not see evidence of any North Carolina assault-based misdemeanor domestic violence convictions when checking the federal background check system (NICS). S20 creates a new crime of misdemeanor domestic violence, convictions for which would go into NICS, effective December 1, 2023.
3. *Magistrate-Issued Domestic Violence Protective Orders (DVPOs)*: Lockwood said current law allows magistrates to issue DVPOs if the chief district court judge delegates that authority to them, but those DVPOs are only valid until court reopens. She said there is a pending Senate bill that would make magistrate-issued DVPOs last as long as judge-issued orders; that bill met crossover so it is on track to

become law.

4. *Kayla's Law*: Lockwood said Kayla's Law passed the Senate and is now pending in the House. The bill creates a process for victims to testify remotely in criminal cases, even if the defendant objects. She said the bill may face some constitutional challenges under the Confrontation Clause.
5. *Paid Leave*: Lockwood said Senate Bill 20 includes parental leave for state employees, although the Governor is expected to veto that bill for other reasons.
6. *Debt Relief for Survivors of Financial Abuse*: Lockwood said House Bill 561 would create a structure for victims of financial abuse to offer proof to a debt collector that the debt was the result of abuse. It also includes an in-court option for victims to seek a declaratory judgment in civil court that a debt was coerced.

Lockwood said there have been other bills introduced that will not move this session but the Committee will continue to track them.

Lunch Presentation on 988 Suicide and Crisis Lifeline – Lisa DeCiantis, NC DHHS Division of MH/DD/SAS
Lisa DeCiantis, Team Lead for the new 988 Suicide and Crisis Lifeline at the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, gave a presentation on the new hotline.

Adjournment

The meeting adjourned at 12:40 pm.

Next Meetings

August 18 and November 3, 2023. Weissman said she will consult with CFWYI staff and let the Commission members know if the August meeting will be virtual or hybrid.