



Governor's Commission on Domestic Violence, Sexual Assault and Stalking

DV Governor's Commission Meeting Minutes **October 27, 2022**

Present: Steven Endres, Janet Bouchard, Edwin Kelly, Danielle Snook, Lyn Schollett, Mary Krueger, Jodi Nelson, Scott Hampton, Robert Quinn Angelika Wilkerson, Jean Kilham, Abbey Simon, Ann Landry

Call to Order 10:02 AM

Welcome and Introductions from the Chair

The Chair, Mary Krueger, reminded Commission members that Steven Endres is approved for substitution of leave because colleague is on maternity leave and thus he is able to vote.

Review and Approval of September 22, 2022 Meeting Minutes

There was a Motion to Approve Minutes (Judge Kelly), second by Scott Hampton. There were no changes. All approved the minutes except for Janet Bouchard and Commissioner Robert Quinn who abstained as neither were present at the September meeting.

Housekeeping: The Supreme Court has invited the Commission to hold meetings at NH Supreme Court building going forward. The November meeting will still be held at the AOC, but subsequent meetings will be at the NH Supreme Court building. Mondays and Fridays are the best days to have meetings. We need to switch our standing meeting due to the upcoming legislative session and we will also need to accommodate Supreme Court's schedule. They hold oral arguments Tuesdays-Thursdays and Mondays and Fridays are the best day to schedule our meetings there. (We are not meeting in December.) After discussion, the Commission decided to move our regular meeting to the 1st Friday of the month beginning January 6th at 9AM until 10:30AM. February 3rd, March 3rd, April 4th (revisiting the April 4th date as it is Good Friday).

At the meeting before last meeting, this Commission voted on our officers: Vice-Chair John Formella, Secretary Jodi Nelson. The Chair let everyone know that Governor Sununu approved those positions.

Legislative initiatives discussion:

The Steering committee discussed the possibility of creating a Legislative Subcommittee. This consideration also comes out of the Supreme Court's DV Task Force recommendation which identified that a group of stakeholders analyze the definition of domestic violence. The steering committee is suggesting that the Commission ought to take the lead on analyzing the definition of domestic violence – as the Supreme Court has identified this as a recommendation external to its charges. The steering committee thought this could be reviewed in a sub-committee. Exploration of this would not

necessarily be for legislation this year, but as a project for a sub-committee to review whether the definition of abuse should be changed. In addition, there could be bills introduced this year related to the definition of domestic violence. The sub-committee could track and vet those bills. The subcommittee could also track any budgetary items that might related to increasing or improving services to those affected by domestic violence, sexual assault, and stalking. If this is something we want to establish, we need to determine how this sub-committee would operate. We also need to decide what role the commission would have if any, in weighing in on any legislation. The subcommittee could workshop these ideas and make recommendations to the broader commission.

Lyn Schollett- thinks a sub-committee makes sense. A smaller group can be more nimble. She suggested that members of the sub-committee could be commission members or commission member delegates from their respective agencies.

Judge Kelly— Added that we ought to put people around the table who are regularly reviewing legislative proposals.

Robert Quinn—Says he agrees with what Lyn Schollett says. He believes people in his department, other than himself, would be a value add to the discussion.

Lyn Schollett— There has been discussion about the Coalition taking the lead on a sub-committee. There are other people from the Coalition who could be involved.

There is broad agreement from the Commission in support of a sub-committee.

Further discussion: The subcommittee makeup is of Commission members or delegates of the commission member from their respective organization (Angelika Wilkerson: subcommittee that doesn't have to involve commission members or a delegate plus a commission member; Mary Krueger: recommend that we have a Chair of the sub-committee (recommended Lyn Schollett); keep it to a small enough size so that it does not constitute a quorum;

Next steps: If a commission member wants to be on the committee, let Mary know, or if there is someone in your agency that you would like to delegate that that person would be a sub-committee member. Mary would like the sub-committee to get started before January. If there are more than 7 people proposed, then the steering committee will decide what the committee looks like. Lyn Schollett spoke in support of putting message out to the whole Commission asking who wants to serve, or if anyone in their agency would like to serve.

The Commission is supportive of Lyn Schollett chairing the legislative sub-committee. Mary and Lyn Schollett will work on putting out a message to Commission re: membership.

Further Discussion and Clarification on subcommittee charge: What will this sub-committee do? Compile information (of bills filed) related to our issues.

The subcommittee will recommend how and whether the Commission itself will take a position on any bills (will probably need to do that quickly). (There was concern that seven people may be too many people to be able to move quickly.)

Lyn Schollett: pointed out that there could be conflict between what the Commission supports vs. what their own agency supports and that feels like two different roles – the Subcommittee will take that into consideration. The Subcommittee can determine what the Commission’s process of involvement in any legislation will be. The Subcommittee can look at/track this year’s proposed legislation. We are hearing a lot that people are not pushing proactive legislation given the biannual budget process.

Committee Charges: 1) keep an eye on the bills, what is being filed; 2) determining what role the Commission if any will play in weighing in on the legislation. Not sure if the commission is empowered to go in and make recommendations to committees or legislators.

Rep. Nelson: we are charged with educating not making recommendations/offering opinion (advise legislators and Governor). This may be the best approach if not everyone on the Commission is in agreement about a position. We can inform the legislature and Governor in different ways.

Judge Kelly: Proposed that we have revolving agenda item to discuss/review proposed legislation. The Commission agreed.

Ann Landry: We are tasked with advising legislators and Governor. But we are the Governor’s Commission, so do we advise the Governor first before legislators? We want to follow the right protocol. It is not clear from language (of the executive order) what the protocol is.

Judge Kelly: Suggested that the Governor’s office might want to weigh in on how we handle this.

Ann Landry: It would be helpful to have direction for those who are on Commission and are working for state agencies.

The Subcommittee should look at the executive order more closely. If it has questions, it can send those over to the Governor’s office for clarification.

Update on Steering Committee Work:

The steering committee has been meeting between regular Commission meetings. It took the recommendations from the Supreme Court Task Force report that the Court has identified as the hybrid tasks or the external tasks - and went through those. The Steering Committee has made it through to the 5’s (of 7). The Committee is figuring out who is already taking on these tasks (especially with hybrid tasks). The Commission doesn’t need to take on those tasks already taken on by other agencies. The committee will identify which tasks the Commission should consider taking a lead on. We are going through that process now. We will finish this review at the next steering committee, and will bring back to the Commission to inform which of the tasks could be good for the Commission to consider working on. This will give direction where we head as a broader Commission. After doing that, this Commission can look at what is missing.

Lyn Schollett: Says she thinks the Courts are doing an amazing job of keeping track of the robust and comprehensive list of tasks.

Jean Kilham (from the AOC): Says that there is a DV Committee link on the judicial branch website to get more information on what the internal DV Committee is doing. Their meeting minutes are posted there. They are meeting monthly.

This Commission needs to add as a standing agenda item for the Court to update the Commission on the progress of the DV committee.

The Steering Committee discussed utilizing CCI (Center for Court Innovation): We've talked about whether we would like the technical help now or in the future. We have gone back and forth on this in the steering committee. Naturally we are working it out on our own first, but it could help to then bring them in for TA once we identify the goals for this Commission to take on. That seems to be the consensus now.

Lyn Schollett: Asked what is the timeframe for engaging them?

Scott Hampton: Says that they are fairly available and flexibly. It depends on our scheduling, but he didn't get a sense that there is a backlog of projects where they can't take new projects on.

CCI could help us figure out what data exists and how to use it. It is good to keep them on our radar. Using a facilitator to help with goal setting would be really valuable.

Communications:

On our landing page we have a new email address posted where people can contact the Commission. Mary and Jodi will be reviewing the incoming emails. These are subject to 91-A and the information on the landing page ensures people are aware about disclosing confidential information in their email. The address is: NHDVcommission@gmail.com

Mary reminded the group that as the legislature gets up and running, or as any other issues come up, we really shouldn't be representing ourselves as speaking for the Commission unless this Commission decides by a majority vote that we have a certain message to provide to the public or whatever. It is okay to say you are a Commission member but please do not provide a position unless this Commission has approved you to do so.

Updates from the Group:

Lyn Schollett: 1) The Coalition held its annual Law Review which is a case law update. This made her wonder if we (this Commission) should have a standing litigation item as well in case an important case comes up (she mentioned a pending Supreme Court case re: stalking); 2) The Coalition applied for a federal grant to fund services for human trafficking. That grant was not awarded as these are competitive grants. However, the Coalition will continue to work collaboratively with their partners to see how they can best provide services to human trafficking victims. The AG's office has been a great partner. They still have funding to manage the statewide Human Trafficking Taskforce.

Ann Landry: She has no specific updates for this group. She asked how do we leverage Medicaid to cover victim services and regional service delivery. Victims are being serviced by various other programs in our area, and we need to look at how we can be more cohesive. Considerations need to be given to technical vs. programmatic support.

Danielle Snook: The AG's office just finished its annual statewide conference. They have started conversations for next year's conference planning. The Victim/Witness Unit has been engaged with the

Coalition and Human Trafficking Task Force to draft protocols for dealing with human trafficking, and identifying and handling these types of cases.

Judge Kelly: no updates

Janet Bouchard: no updates

Steven Endres: He has noticed that prosecution is more reactive than proactive in terms of DV. They are continuing to prosecute DV cases. There is a proposed rule change to Court Rule 12 where the prosecution would be required to provide copy of defendant's criminal record to defense prior to arraignment. This is a logistical impossibility - to provide a criminal record to a defendant because they are difficult to locate - are in jail or they don't know who attorney is. The Supreme Court Rule Committee didn't receive any input on why this change is needed. The Rule sub-committee couldn't decide if they liked the rule and instead proposed two rules to the Rules Committee and then suggested one of those rules to the Supreme Court for review and adoption. Public comments can be provided up until November 1st. There is an administrative order released seeking public comment. David Rothstein proposed the rule. However, at public comment, no one spoke in support and instead the comments provided were all in opposition.

Abbey Simon: Their program is getting to the point where we aren't having offenses (?), education, group therapy. People won't get in trouble if they are talking about things that are triggering to them.

Jean Kilham: The Courts are working on a lot of things. They are using VAWA funds to fund training next year for all the Circuit Court judges and are working with the National Council of Juvenile and Family Court Judges. There is a Multi-day conference. The Court has 17 new judges in the last few years to benefit from training and this will be a refresher for all circuit court judges. The Court is in the process of updating chapters 1-5 of DV protocols. They are talking about better publicizing resources on judicial website.

Angelika Wilkerson: 603 Legal Aid is as busy as ever. It is Pro Bono week is this week. They held a referral marathon at the law school. Law Students from UNH cold called attorneys to take cases, including contacting those who are not currently taking cases but are UNH Law alumni. They placed 14 cases in one day. The backlog of Pro Bono cases is shrinking - not in the number of cases waiting for placement but in the length of time they are waiting on the referral list. Overall the case loads are high. There are interesting new legal issues coming through. There is a DOVE attorney training coming up on Nov. 14. They are launching a clinic model at the Strafford County Family Justice Center. There will be a Pro Bono attorney available there for a set number of hours on certain days. Attorneys sign up through 603LA office for a particular time slot. Potential clients sign up for time slot in clinic through FJC or HAVEN. They are partnering with the HAVEN crisis center on this clinic project.

Commissioner Robert Quinn: He says that he hopes to gain and to learn a little about what he can bring back to the department. They have 7 divisions. The State Police come into contact with victims and they are training all officers to identify victims of DV and HT. Department employees come into contact with people every day with most coming in through 911. With new 988 rollout, calls get delivered that are non-police that should go to mobile mental health units. Calls from 911 are getting transferred to 988 to appropriate the response teams. They are trying to enhance services at the lab to keep up with all the evidence that is coming through. They are doing enhanced testing for DNA. There are better services. They have someone involved full time working on human trafficking. That training is so unique

and specialized. We need to better understand the data—to whiteboard, what can be shared and what can't be shared. Would like to bring in experts in (to the Commission), but would like to bring back info from the experts here to his department. The Coalition has put a focus on victims and how we deal with these cases. We recognize the importance of what you do and what you don't do.

Rep. Nelson: no updates

Scott Hampton: Discussed how we do not have a plethora of supervised visitation centers in NH or Family Justice Centers. There is currently one of each in NH, and both in the same county. Both are heading toward the finishing line of their federal funding and are disqualified for applying for an extension as the US DOJ has limited how many times you can apply. The supervised visitation center ran out of funds in October, but they got an extension for another year. The FJC is within a year of when they will run out. So they have been exploring reinstating funding that was approved through DHHS. Doing an extension of the VC. Since visitations centers are designed so that people can not easily get from here to there (in the building) for safety purposes – it is difficult to find a space that provides what is needed. They are looking at examples from Europe which support visitation centers and FJCs using the same space. As result of covid, they are also more able to provide a virtual FJC. One problem with FJCs, they are extremely expensive to run. In a rural area, you have to have representatives from each agency driving to the one spot. This is good for the victim but difficult for service providers. Look at model of Amazon. A virtual center could run 24/7 and you wouldn't be paying rent. We discovered during pandemic that there are services we didn't think of that could be provided remotely—ex/translation services using computer programs. All agencies can be represented in FJC model, like a website on steroids. People can rotate to be a triage person. Scott could bring in a template to do a presentation on this for the commission.

Mary Krueger (NHLA): we did receive the Legal Assistance for Victims grant (LAV), .75 attorney to work with WISE in upper valley. Co-locating with WISE, work will focus on DV, SA, and stalking survivors who have substance misuse or mental health issues to help them better advocate for themselves in court, particularly vulnerable victims. We have two DV attorney positions available, one covering the Seacoast.

Elliott Berry is retiring and has been with NHLA for 47 years. He has written most of the housing laws in the state. He has done a tremendous amount of work in the housing arena, and this work has been informed by his leadership. He spent his entire career working for NHLA working on behalf of low income people in NH.

NHLA launched its pilot program in Manchester FD representing victims/survivors in final protective order hearings.

Meeting adjourned at 11:32 AM. Next meeting November 17th at 10AM AOC.

Submitted, Jodi Nelson Secretary

Minutes reviewed and edited by Mary Krueger, Chair