



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

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Meeting Minutes

January 6, 2023

Present: Mary Krueger, Angelika Wilkerson, Alyssa Kuehne (remote), Commissioner Robert Quinn, Rep. Jodi Nelson, Danielle Snook, Andrea Bonito (remote), Ann Landry (remote), Abby Simon, Judge Ed Kelly, Attorney General John Formella, Dianne Martin

Welcome and Introductions

Commissioner Quinn brought two colleagues, Major Joseph Ebert (Head of Investigative Services Bureau), and Sergeant Catherine Shackford (of the Major Crimes Unit) and provided outline of their work in the Major Crime Unit. Group discussed their returning to give us a presentation.

Those participating remotely confirmed location and whether someone was present in room with them. All three responded they were alone in their offices.

Review and Approval of October and November Minutes

October 27th minutes: clarification re: clinic at SCFJC. Attorney signs up through 603LA office for a particular time slot. Potential clients sign up for time slot in clinic through FJC or HAVEN.

No other changes to minutes. Angelika made motion. Danielle seconded. No further discussion. Roll call vote because AG and Dianne Martin abstained, Andrea abstained, Alyssa. Motion passes.

-November 17th minutes: 2nd page, court updates, 6th paragraph down, is issued the right word? No, it should be notified about a temporary order over the phone.

J1 should be changed to JONE

Remove "e" from Danielle's last name

No other changes to minutes. Danielle makes motion. Angelika seconded. No further discussion. Roll call vote: Abstain: AG, Judge Kelly, Dianne Martin, Abbey Simon, Ann Landry. Motion passes.

Updates

Discussion regarding scheduling 30 minute presentations:

-Judge Carbon will come in and do a presentation, Commissioner. Quinn has offered to have people come in

-Want someone lined up to do a 30 min presentation at the next meeting. Start with the basics, 101 of the issues we are tasked to discuss. Asked Scott Hampton to do a presentation on DV, stalking, SA 101.

-Judge Kelly: Steering committee meetings have remained open to topics that come along. Anyone around the table should reach out to Mary if you have a topic that you would like to discuss. AG Formella suggests we continue to educate ourselves but continue to work on issues in parallel.

Steering Committee

Decided it makes sense to have sub-committees to explore topics in depth and come back to larger commission to report back what has been discussed and with recommendation. Think of where you can fit in on a particular sub-committee, or if there is someone in your organization who could serve on a sub-committee.

Chief David Hobbs is retiring and thus stepping down from the Commission. He will contact the Governor's office who can determine another appointment.

Review of Draft Goal/Recommendation Implementation Worksheet

Goal 1: Identify consistent practices for firearms relinquishment pursuant to 173-B

Mary Krueger: need someone with expertise, concern is when the court makes an order for relinquishment on a temporary or final basis and LE gets that order and is going to serve it, there are practical issues, there is not always cooperation and then what happens? Statute allows for search warrant to obtain but to what extent is that happening? How consistent is that happening in parts of the state? What protocols currently exist? Are there other processes that need to take place? Concern is someone still has access to firearms, creating a lethal situation.

Judge Kelly: there has never been a clear understanding of all the major actors on exactly how the relinquishment is to work. From the court's perspective, the protocol suggests that at the temporary phase the court MAY order relinquishment and at the final stage says SHALL. In almost every case where petition indicates firearms, defendant can come back within 3 days to argue relinquishment. If defendant says I gave them to a friend, or my mother, that is where things get confusing. I don't ever remember seeing a search warrant come in for weapon and that is because of the confusion. The danger is obvious. Once petition comes back into the court, there won't be any mention of relinquishment on return of service. On court's part, there is no follow up. If no notes on return of service, there is no court process on what next step should be. Some states have compliance hearings. NH should look into this process. Judges should be notified that there has been no relinquishment, there should be a compliance hearing to ensure that we are doing all that we can do. There are best practices out there. Judge Carbon will assist with this to the extent she can and will make a presentation to the Commission. Critical step for us to take.

Dianne Martin: Judge Carbon is happy to be on the sub-committee. Courts don't want to lead this because this is a LE issue. But she will serve on the sub-committee.

Commissioner Quinn: If there is a sub-committee, we do need to put LE on it. The presentation on JONE might be helpful to see what is currently in practice and what could be done in the future. Major or Sergeant could offer participation and engagement.

Judge Kelly: Also think there should be someone from AG's office.

AG: Would like to do an initial assessment of this before diving into this. Get a better sense of the issue first. Help with someone research and get initial assessment, before sub-committee starts, or AG's office won't be involved in sub-committee until assessment is made. Danielle: include LE from more rural and underserved communities because service of process is different there than more populated communities. Dianne: Echo that. Suggest CAO in one of those areas. Angelika: Could potentially volunteer someone from a rural community.

Mary: We want more information for this full commission before the AG's office is ready to commit (what is the scope? What are the issues people are seeing on the ground? Gaps?) to a sub-committee. This is something the sub-committee could take on. What if Judge Carbon comes to full commission in May to do a presentation? Consensus from the commission that this is a good next step.

Alyssa: I get involved once I have a CBPO, more I can do with a bail order to surrender firearms but not so much on the civil end.

Andrea: PD: We don't see things on the civil end either.

Mary: Do we wait until May when we have the presentation? Or should we have a sub-committee to look into the narrow issue?

AG Formella: we can take the lead on doing some research, that is what I would suggest, rather than establishing a formal sub-committee. AG/DOJ can investigate scope of problem and report back, and then as a full commission we have identified gaps and then form a sub-committee.

Judge Kelly: reach out to the Coalition if you're going into the investigative phase. AG is going to take it on but not as a sub-committee initially. The AG's office will contact the Coalition and the Courts. Dianne Martin will provide info to the AG. AG will connect with stakeholders, will get sense of landscape, and then decide do we establish a sub-committee or just by investigation, and come up with recommendations as to whether the Commission should look into this. Will report back in 1-2 meetings. Some update at the next meeting.

Danielle: second part of the firearm goal, second component-consider regional task force-that almost seems like a separate goal separate from relinquishment. Doesn't make sense to have it part of that same goal. One issue dealt with locally, but liken it to recommendation of exploring FJC. Dianne: we started at looking at whether reinstating those would be helpful—Judge Carbon and Judge Chabot are exploring this issue.

Angelika: can we number the goals, not in order of importance?

Goal 1: Firearm goal

Goal 2: Review Definition of Abuse

Goal 3: Improve stakeholder communications

Goal 4: Improve Offender accountability

Goal 5: Assess current data collection and reporting systems

Goal 6: Explore replication of family justice centers and/or supervised visitation centers

Goal 7: Other (Wiretapping/Parenting after violence/Children's exposure to DV)

**Goals are numbered for efficiency purposes, not for priority/order of importance

Goal 2: Reviewing Definition of Abuse

Mary Krueger: This comes out of Task Force recommendation; how abuse is defined under 173-B. We can broaden to include other state laws. Whether NH out to make changes to 173-B and other laws implicated by the work we are doing (SA, divorce/parenting restraining orders, etc.). Legislative sub-committee is looking at this already over the summer. Definition of abuse is something that is an immediate, it's getting attention, momentum around the issue. Legislative sub-committee is deciding if the commission take a position and how we should take a position, informational vs. taking a position (also something the sub-committee is formulating ideas and thoughts about). We have already decided we will examine the definition of abuse. What we will decide is what to do with that examination.

-Judge Kelly: Returning back to early 1990s when statute was passed, looking at what other states are doing would be beneficial for us to review.

Dianne: Court will not weigh in on policy decision.

Mary: Anyone object to this being a goal? No objections raised. In terms of procedure, still in draft phase. Want second draft prepared for next meeting before we formalize anything. So will not call to a vote at this time.

Goal 3: Improving stakeholder communication

-trying to incorporate and collapse some of the Task Force recommendations. This does consider the coordinating councils from the mid to late 90s. Petered out, still one in Manchester. Has resulted in more silos, and communication breakdowns. Second part of Goal 1 fits under this area. What do people think about this Commission making recommendations around this topic?

Dianne: the history some of them were able to work around issues of who can talk to whom, but this group could look at the structure, and maybe what we do is figure out how to do it. Judge Carbon has historical knowledge and Judge Chabot is in Manchester now, they are looking at how this could be reunited and what it would look like. They should be involved. Let them do a little work and come back?

It was a monthly or quarterly meeting in days of district court. Typically, someone would bring up an issue, ex/service of process, people around the table would be able to explain why. But locally could work out issues. Idea is to get those conversations going at a local level to solve problems at a local level rather than statewide.

Danielle: See this as different than high-risk DV councils. Those are offender driving, almost like that SART model, criminal justice. This serves as a different and specific function, more case specific, as

opposed to the coordinating council environment. Court could have a role in the coordinating council but not so much in the high-risk DV regional councils.

Not something that is currently happening but is happening in MA. Have had some high-level conversations about how that would happen here but need infrastructure. MA has LE take the lead or be case coordinator, kind of like SART meets CAC model. Specialized teams focusing on these cases. Key player is probation and parole and pre-trial.

Dianne: This sub-committee could look at all potential options and make recommendations.

Danielle: Different goals but potentially same outcomes with two different models. Criminal justice focus vs. regional coordinating councils.

Angelika: Will involve a lot of the same people, so is it efficient to have two different councils? Is there a way to structure more efficiently?

Sub-committee could look at this issue. Who is part of the team? What role could/would Public Defender play?

Andrea: has not heard of the model before. Could potentially create conflict issues for us.

Danielle: Will send out link to everyone for more information.

Judge Kelly: Does really sound like two different models. Maybe should wait until Dianne's commission has a chance to look at the issues they are looking into.

Mary: Commission could vet some of these ideas. Should we have someone from MA team to come and do a presentation?

Danielle: Seems like a long-term goal but can reach out to see if they would want to do a presentation. Will start with their website to see what resources they have and then see about a possible presentation.

Dianne: Outcomes would be important.

Mary: topic at the conference?

Danielle: Thought about it but want to be thoughtful, don't want to set people up for failure if we aren't ready for it yet. Need dedicated staff to help coordinate these teams. Want to be careful about putting out this is as great model if there aren't people who can coordinate them.

Judge Kelly: Bring back to steering committee. Regional high risk DV teams specifically.

Mary: The court to report back on regional coordinating councils at next meeting.

Dianne: Collaborating with the Bar to do a CLE on DV, March 29th.

Danielle: Legislative sub-committee did meet yesterday. Haven't come to consensus on whether we should take positions. In current session, is the commission comfortable with us saying retain until we have an opportunity to review?

Mary/AG Formella: Asking to retain is taking a position. Setting up an expectation that we will take a position. Premature to say please retain the bill. Fine to say there is a legislative subcommittee of the Commission and here are the charges, this is all public knowledge.

Mary; My thought as the Chair. Don't think we are there yet.

Judge Kelly: Our legislative committee, these are on for hearing, for the bill to be brought to the commission to review after being first reviewed by the sub-committee.

Individual agencies, not on Commission's behalf, can say that there is a commission reviewing these issues, which is different from a commission member making a statement on commission's behalf.

Chair Closing Remarks

Might have to cancel April's meeting, falls on Good Friday. Mary is out of town. Will send an email to see if people want to skip April or reschedule meeting.

Meeting Adjourned

Rep. Nelson motion to adjourn, AG Formella seconded. Meeting adjourned at 10:38 AM.

Submitted, Jodi Nelson, Secretary