

Oklahoma Domestic Violence Fatality Review Board
313 N.E. 21st Street, Oklahoma City, Oklahoma 73005
(405) 522-1984 | FAX (405) 557-1770

MEETING MINUTES

October 23, 2024

Meeting Venue: Office of the Oklahoma Attorney General
313 NE 21st St, Oklahoma City, OK 73105

MEMBERS

Celia Cobb (OCME) [P]	Natascha Ferguson (OJA) [P]	Brandon Pasley (OCADVSA)
Melissa Van Duyne (OAG) [P]	Scott Hawkins (OSA) [P]	[A]
Brandi Combs (OSDH alt.) [A]	Don Sweger (OACP) [A]	Sheila Stinson (Supreme Court)
Emily Nicholls (OSDH IPS alt.) [P]	Sean Webb (DAC) [A]	[P]
Marissa Belase (OKDHS alt.) [P]	Martina Jelley (OSMA) [P]	Shelly Harrison (NAAV) [P]
Heather Cropper (OSBI) [A]	Sara Coffey (OOA) [A]	Tania Bardin (NAAV) [P]
Melanie Ferguson (ODMHSAS) [P]	Janice Carr (ONA) [P]	
	Angela Beatty (OCADVSA alt.) [P]	

I. Call to Order and Confirmation of Compliance with Open Meeting Act

Vice Chair Marissa Belase presided over the regularly scheduled meeting of the Oklahoma Domestic Violence Fatality Review Board, which was held at the Office of the Oklahoma Attorney General, 313 NE 21st St, Oklahoma City, OK on October 23, 2024. Notice of the meeting was posted annually with the Secretary of State before the December 15, 2023, deadline and at the front door of the Office of the Attorney General more than 24 hours in advance. Vice Chair Marissa Belase (OCADVSA) called the meeting to order at 9:12 am.

II. Roll Call and Establishment of Quorum

Roll call was conducted at 9:12 am. Quorum was achieved at roll call with 12 members present. An additional member arrived after roll call for a total of 13 members present during the meeting. DVFRB staff present included Anthony Hernández Rivera, OAG DVFRB Program Manager (PM) and Nicholas Massey, OAG Research Analyst (RA).

Quorum was maintained throughout the meeting. It must be noted OAG Deputy Director of Government Affairs Macey Whitehouse was present during the open session of the meeting.

III. Discussion and Possible Action on Approval of Minutes from the September 23, 2024, Regular Meeting*

Judge Sheila Stinson (Judiciary) moved to approve the September 23, 2024, regular meeting minutes at 9:14 am. Melanie Ferguson (ODMHSAS) seconded the motion. The motion to approve the minutes passed by roll call vote (8 Aye, 4 Abstain, 0 Nay).

IV. Discussion and Possible Action on Proposed 2025 DVFRB Meeting Schedule*

The DVFRB PM informed members that it was time to have an early discussion on the 2025 DVFRB meeting dates. He said this would be an agenda item that would also be on the November

regular meeting agenda. However, he wanted to at least outline what were the dates, so the membership was ready to adopt them by the time we had the discussion again the following month. He reminded members the Open Meeting Act requires staff to submit the meeting dates for the next calendar year by December 15, 2024.

He provided an overview of the handout with the preliminary 2025 meeting dates. He reminded members the review board meets 11 times a year. The DVFRB PM added two of those meetings are joint reviews with the Oklahoma Child Death Review Board (CDRB) and those are traditionally scheduled for January and July. The other meetings are regularly scheduled for the fourth Wednesday of every month except in November, which is contingent on what day Thanksgiving falls on, and July when we meet on the CDRB's regular schedule, which is on the third Thursday of the month. He reminded members the board does not meet in December. Finally, he reminded the membership about the community review. The goal written into the grant was to have at least one every year and we have normally aimed to do that in June. He told members it might be timely to consider another meeting date for the community review to avoid difficulties meeting quorum. Mr. Hernández mentioned it might be good to aim for a community review in Oklahoma City, OK. Martina Jelley (OSMA) mentioned it might be better to aim for a review in eastern Oklahoma since we were unable to do that this year. Mr. Hernández agreed we could aim for a community in Tulsa again next year if the membership agreed with that. He closed the discussion by saying we would circle back to this agenda item again the following month.

V. Continued Discussion and Possible Action on Possible Recommendations and Spotlight Article Candidates for the 2024 Edition of the DVFRB Annual Report*

The first draft discussed was the recommendation proposing for the legislature to appropriate funds to start a statewide program focused on providing wraparound services to children, adolescents, as well as their caregivers, who have been impacted by intimate partner homicide (IPH), near IPH, familiar homicide resulting from intimate partner violence (IPV), and sexual competitor homicide. The DVFRB PM reviewed a preliminary outline of what the writing would cover. He said it would first provide an introduction/background on current and historical DVFRB concerns surrounding child witnesses at the scene of homicides. A second section would provide an overview on the need in Oklahoma for such a program by presenting key statistics. Third, it would provide a brief overview of the literature on child trauma due to witnessing lethal and non-lethal IPV, as well as the adverse childhood experiences (ACES) landscape in Oklahoma. Finally, it would close by providing an overview of the proposal by discussing the Arizona Child and Adolescent Survivor Initiative (ACASI) program. This section would explain how a similar program can be setup in Oklahoma by partnering with an agency such as the University of Oklahoma Center on Child Abuse and Neglect. Janice Carr (ONA) asked a question on whether we knew how many children who have witnessed homicide have received services. The DVFRB PM replied there was no exact way of knowing for sure whether any of the children we have identified have accessed services at point after the homicide. Angela Beatty (OCADVSA) commented that was exactly why we need a program setup to address this gap. She pointed having this safety net program ensure children and families can be directed to one place that can facilitate the access to services. Melanie Ferguson (ODMHSAS) cautioned about opening the program up to near fatalities from the very beginning. She stated the volume of referral might overwhelm the program from the onset. Members also

suggested the recommendation language section be edited so it defined better what this program would accomplish. Marissa Belase (DHS) said it should lead with saying this program will serve individuals who have been impacted by family violence homicide. Other mentioned it should better define what wraparound services mean. The DVFRB PM noted these edits would be incorporated into the draft.

The second draft was a recommendation where all the statutory recommendations to enhance offender accountability would be grouped together. The DVFRB PM stated this would entail including the new suggestions alongside the ones advanced in the 2023 edition of the DVFRB report that were not enacted into law in the most recent legislative session. He added that after compiling them into one recommendation he quickly noticed it became too convoluted. Mr. Hernández pointed to the outline to showcase this. First, it would give an overview on the DVFRB's emphasis on increasing offender accountability and evidence-based prosecution. It then would give an overview on the domestic violence-specific exception to the hearsay rule proposal. This would entail mentioning common themes from presentations by Oklahoma prosecutors; reviewing DVFRB calls for more evidence-based prosecution; recent progress on child hearsay exceptions in Oklahoma and then a legal primer to understanding what hearsay means in the legal field. Third, it would dive into the background and proposed changes related to protective orders. Finally, it would revisit the three remaining statutory recommendations advanced in the 2023 DVFRB Report that were not enacted into law in the most recent legislative session. This would include discussing discrepancies between domestic violence and non-DV crimes; the need to make all domestic offenses violent and 85% crimes; as well as revisiting concerns of unintended consequences in the wrongful criminalization of DV victims. Members agreed this would not be the best approach and it be better to divide up the suggestions into standalone recommendations. Janice Carr (ONA) made a comment about making sure each recommendation can stand on their own merit by developing concise arguments for each one.

Mr. Hernández told members the second recommendation would be the standalone DV-specific exception to the hearsay rule if we were not grouping all the statutory suggestions together. He added the recommendation would consist of first calling attention to the fact the DVFRB has historically emphasized the importance of evidence-based prosecution. It then would point to the DV hearsay exception proposal as a way of encouraging this and pointing out recent momentum along the same line with legislation on child hearsay exception. The writing would also contain a legal primer so readers can understand what is meant by hearsay and address concerns surround Fifth Amendment rights. The DVFRB PM said he would be leaning on the technical expertise of attorneys on the review board and District Attorneys Council (DAC) Assistant Executive Coordinator Ryan Stephenson to draft this language. Finally, he mentioned Mr. Stephenson sent him proposed language for the bill he was working on this matter and directed members to where it was included in the draft for their reference. He asked the membership and OAG Deputy Director of Government Affairs Macey Whitehouse for their opinion on including bill language in the publication. Ms. Whitehouse stated it would not be necessary for the purposes of advocating for a bill in the legislative session. That would be worked on directly with legislators and their staff.

The third draft was the recommendation focusing on suggestions to improve the protective order (PO) system in Oklahoma. This recommendation would have two parts. First, it would focus on PO violation enhancers and then would cover changes suggested by Lt. Scott Hawkins (OSA). The

PO violation enhancers would amend 22 O.S. §60.6(A)(2) and (B)(2) so that instead of a “conviction” a “finding of guilt” is enough to allow the prosecution of subsequent VPO violation as a felony. The aim would be to enable the filing of felony charges even if the offender previously received a deferred sentence or a low fine. The second part of the recommendation would be to adjust areas in the PO statute, so it better reflects changes to the law done in 2019. This proposal would mirror legislation (HB 1845) filed in the last legislative session that was passed by the House of Representatives but did not make to the Senate floor for a vote. Lt. Scott Hawkins (OSA) provided an overview of HB 1845. Tania Bardin (NAAV) gave an overview of how the issues addressed in HB 1845 look hinder victim’s interaction with the PO system. Mr. Hernández mentioned he would be working on this recommendation with Lt. Hawkins (OSA) and Tania Bardin (NAAV).

The fourth draft was one where the DVFRB revisits the statutory recommendations made in the 2023 report that were not enacted into law in the last legislative session. The DVFRB PM said this would advocate for three statutory suggestions. First, it would address the discrepancy between Domestic Assault and Battery (A&B) with a Deadly Weapon and its non DV counterpart. This would entail aligning both charges, so a shooting element is not required to file DV A&B with a Deadly Weapon, which is not required to file Non-DV A&B with a Deadly Weapon. Second, it would call for domestic violence crimes outlined in 21 O.S. §644 be made 85% crimes. Finally, it would call for amending 57 O.S. §571 so that Domestic A&B Subsequent Offense and Domestic A&B on a Pregnant Person are statutorily considered violent crimes. Mr. Hernández gave an overview of the outline and said there would be sections discussing each, as well as one addressing concerns on the unintended consequences of the wrongful criminalization of DV victims. He finalized by saying this draft would lean on the language used in the 2023 recommendation.

The fifth draft concerned the Stalking Warning Letter enacted in 21 O.S. §1173.1. The DVFRB PM reminded members prosecutors consistently brought up concerns regarding the letter during their presentations to the DVFRB. This recommendation would advocate for several ways those concerns could be addressed. The first would entail making it clear the warning letter, or whether one was issued or not, has no bearing on whether stalking can be filed in a criminal case pursuant to 21 O.S. §1173. This suggestion would mean changing the word “shall” to “may” in 21 O.S. §1173.1(A). The second option would be to explicitly say the service of the letter “shall” only be done upon the request of the victim. Finally, the third option would be to eliminate the letter altogether. Members suggested the option for eliminating the letter should be the only one on the recommendation. Mr. Hernández outlined the structure of the rationale section. This would include sections addressing the background behind making this recommendation, including how the letter is making it difficult to file stalking charges, and concerns surrounding the service of the letter. It would emphasize how the service of the letter can serve as a flashpoint that could lead to more invasive forms of stalking, violence and even homicide.

The DVFRB PM then went over several other recommendations that could potentially be developed either for the 2024 or a future edition of the DVFRB Report. A potential sixth draft candidate for this year’s report was discussed and it entailed supporting the passage of HB 3889,

a bill that was not enacted into law in the last legislative session. The draft would focus on discussing and supporting an effort to direct state funding towards DV nurse examinations for the benefit of victim health and evidence-based prosecution. He then pivoted towards other candidates he compiled by reviewing notes from previous meetings in 2024. The first was a proposal to revisit the 2022 recommendation on adding DV education to peace officer's annual education requirements. The second candidate was one where the DVFRB would call for requiring physicians to complete DV education as part of their continuing education requirements. The third candidate would be devising a pathway to have child welfare help parents who are following a court ordered plan with custody proceedings. The goal would be to advocate for the creation of a special unit within DHS that can help victims navigate the process of securing sole custody of their children. The fourth candidate would be advocating for judges overseeing deprived court to also preside over custody/termination dockets. Finally, the fifth candidate would be a recommendation addressing firearm possession by abusers. Members agreed the focus should be on the first five for the benefit of keeping attention on a limited set issues that are feasible to get support for in the next legislative session. Mr. Hernández mentioned he would keep these last proposals in reserve so they can be considered for the 2025 DVFRB Report.

VI. Consideration of Motion to Adjourn to Executive Session*

Pursuant to 25 O.S. § 307B for the purpose of case review

- a. Adjourn to Executive Session*
- b. Review and Discussion of case #220081
- c. Consideration of return from executive session and return to regular meeting agenda.

Emily Nicholls (OSDH-IPS) made a motion to adjourn to executive session at 11:03 am. Angela Beatty (OCADVSA) seconded the motion. The motion passed by roll call vote (13 Aye, 0 Abstain, 0 Nay). Quorum was maintained throughout the executive session. The Board concluded and came out of executive session at 11:32 am.

VII. Announcement by Chair as to the necessity of any Board action as a result of Executive Session. Vote as a result of Executive Session*

No action was taken as a result of executive session.

VIII. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda *in Accordance with 25 O.S. § 311(9).*

No new business.

IX. Announcements

No new announcements.

X. Adjournment*

Shelly Harrison (NAAV) made a motion to adjourn at 11:32 am. Emily Nicholls (OSDH-IPS) seconded the motion. The meeting adjourned at 11:32 am.