

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

MEETING MINUTES

August 28, 2024

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

MEMBERS

Celia Cobb (OCME) [P]	Natasha Ferguson (OJA) [P]	Brandon Pasley (OCADVSA)
Melissa Van Duyne (OAG) [P]	Scott Hawkins (OSA) [A]	[P]
Brandi Combs (OSDH alt.) [A]	Don Sweger (OACP) [A]	Sheila Stinson (Supreme Court)
Emily Nicholls (OSDH IPS alt.) [P]	Julie Goree (OBA) [A]	[P]
Marissa Belase (OKDHS alt.) [P]	Laura Thomas (DAC) [P]	Shelly Harrison (NAAV) [P]
Jenny Virden (OSBI) [A]	Martina Jelley (OSMA) [P]	Tania Bardin (NAAV) [P]
Melanie Ferguson (ODMHSAS) [P]	Sara Coffey (OOA) [P]	
	Janice Carr (ONA) [P]	
	Laura Kuester (OCADVSA) [P]	

I. Welcome & Brief Remarks by Attorney General Gentner Drummond

Attorney General Gentner Drummond opened the meeting by thanking members for being there and for doing the vital work for which they have been tasked as members of the Oklahoma Domestic Violence Fatality Review Board (DVFRB). AG Drummond added that far too many lives are impacted by domestic violence, and that it was our responsibility to create a safer state for those who suffer from the dreadful effects of this heinous crime. He stated his office has worked towards securing several legislative victories, including a bill that directs an additional \$10 million in funding be allocated to OAG certified domestic violence and sexual assault service providers. In addition, the office was also able to increase the penalty for the strangulation of intimate partners to 10 years. He thanked board members for the work they do in developing these policy recommendations and all they do to provide additional relief for domestic violence victims.

AG Drummond then said he was pleased that the DVFRB was hosting a prosecutor panel as part of the meeting. He thanked District Attorneys Council (DAC) Assistant Executive Coordinator Ryan Stephenson and First Assistant District Attorney (ADA) Jacobi Whatley for being part of these discussions. Mr. Drummond added there are many issues and challenges when it comes to prosecuting domestic violence crimes and the DVFRB was the right group of experts tasked with addressing the obstacles that exist. He finalized his remarks by thanking everyone for being there and for the great work they do.

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

Chair Brandon Pasley 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 August 28, 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. Chair Brandon Pasley (OCADVSA) called the meeting to order at 9:09 am.

III. Roll Call and Establishment of Quorum

Roll call was conducted at 9:09 am. Quorum was achieved at roll call with 14 members present. An additional member arrived after roll call for a total of 15 members present during the meeting. Two alternate designees were present but were not counted towards quorum at the time of roll call due to the primary designees being present. The alternate designees were Cindi Holderbee (OAG) and Angela Beatty (OCADVSA). DVFRB staff present included Anthony Hernández Rivera, OAG DVFRB Program Manager (PM) and Nicholas Massey, OAG Research Analyst.

Quorum was maintained throughout the meeting. It must be noted there were 5 additional individuals present during the open session of the meeting. The first two were guest speakers Ryan Stephenson (DAC) and First ADA Jacobi Whatley (District 20) (see agenda item 6). Another two were identified as OAG Victim Advocacy and Services Unit (VASU) staff Migual Mojica and Myel Solorzano. Finally, OAG Deputy Director of Government Affairs Macey Whitehouse was also present.

IV. Discussion and Possible Action on Approval of Minutes from the May 29, 2024, Regular Meeting*

Sheila Stinson (Judiciary) moved to approve the May 29, 2024, regular meeting minutes at 9:10 am. Shelly Harrison (NAAV) seconded the motion. The motion to approve the minutes passed by roll call vote (12 Aye, 2 Abstain, 0 Nay).

V. Guest Speakers & Presentation(s) & Panel Discussion – Assistant Executive Coordinator Ryan Stephenson from the District Attorney’s Council (DAC); First Assistant District Attorney Jacobi Whatley from the 20th Prosecutorial District. Discussion Subject: Current Issues/Challenges when Prosecuting Domestic Violence (DV) Crimes and Potential Policy Recommendations

DVFRB Program Manager (PM) Anthony Hernández Rivera told members our guest speakers would be talking about areas in our state’s DV statutes that could be targeted in one or more of our upcoming DVFRB policy recommendations. He added his vision was for the next annual report to focus on statutory recommendations like the 2023 recommendation that was drafted in partnership with Tulsa County ADA Ashley Nix. He added his hope was that these presentations by DV prosecutors would inform potential DVFRB statutory policy recommendations. Mr. Hernández then gave the go-ahead to the first guest speaker, DAC Assistant Executive Coordinator Ryan Stephenson.

Ryan Stephenson introduced himself and stated he would be talking about recent legislative efforts by the DAC to give prosecutors more tools to hold abusers accountable in court. His presentation was titled "The Life and Death of SB 1557". Mr. Stephenson first gave an overview of SB 1557, otherwise known as the Domestic Violence Propensity Evidence Bill. He explained the bill would have allowed for previous acts of domestic violence or abuse to be considered admissible evidence in certain proceedings against defendants accused of domestic violence or abuse. He explained the reasoning behind this was that domestic violence is often a pattern of behavior by offenders and not limited to isolated incidents. As such, propensity evidence would allow prosecutors to use evidence that showcases previous acts of abuse to showcase the pattern of behavior in certain proceedings. Mr. Stephenson coupled this discussion with an explanation of how 12 O.S. §2404(B), otherwise known as Burks Evidence and jury instructions on OUJI-CR 9-9 (Evidence – Proof of Other Crime) are relevant to discussions about propensity evidence. Mr. Stephenson then pivoted towards explaining how SB 1557 closely mirrored the reasoning and language behind

Sexual Abuse Propensity (12 O.S. § 2413) and Child Sexual Abuse Propensity (12 O.S. §2414). He stated the language in SB 1557 mirrored Sexual Abuse and Child Sexual Abuse Propensity so that legislators could see that the new bill would be imitating statutes already on the books that are effectively used to hold offenders of child sexual abuse accountable. The only difference would be that it would do this for domestic abuse offenders. Mr. Stephenson then proceeded to give an overview of SB 1557's life in the legislature. He stated it passed Senate Judiciary Unanimously (11-0) on February 27, 2024; passed Senate Floor (34-9) on March 7, 2024; passed House Criminal Judiciary unanimously (7-0) on March 27, 2024; passed House Floor (83-9) on April 16, 2024; but was ultimately vetoed by the Governor on April 23, 2024. Mr. Stephenson then provided an overview of SB 1557 Veto Message.

Mr. Stephenson wrapped up his presentation by reviewing some legislative victories that came from the most recent Oklahoma District Attorneys Association legislative package. He mentioned the passing of SB 1211, which increased the range of punishment for strangling an intimate partner from 1-3 years to 1-10 years. He then mentioned the passing of HB 3774 Child Hearsay legislation, which built on HB 2992 from 2022 Regular Session and SB 619 from 2023 Regular Session. The bill removed previous statutory requirements, including the 10-day Child Hearsay Notice; the hearing for a judge to determine indicia of reliability, and how the discovery code will govern disclosure/notice requirements. The bill allows hearsay of child victims or child witnesses. He also explained the bill expanded the crimes where child hearsay can be utilized, which now includes any act of domestic abuse. He also gave an overview of when the child hearsay can be used, which includes preliminary hearings, juvenile deprived hearings, pre/post-trial criminal proceedings, pre/post-trial juvenile delinquent hearings, and revocation/acceleration hearings.

First ADA Jacobi Whatley began her presentation by introducing herself and speaking about her background. She previously worked as a prosecutor for the 4th and 21st Prosecutorial Districts in Oklahoma before being appointed as the First Assistant for District 20 in August 2023. ADA Whatley mentioned she also serves as the DAC DV Resource Prosecutor and in that role, she trains and provides technical assistance to other prosecutors on best practices when prosecuting DV and sexual assault. First ADA Whatley stated she would be giving an overview of areas in our statutes that could be modified to further help prosecutors hold offenders accountable. ADA Whatley first mentioned the issue of protective order violations as an enhancer. She stated the current language on 22 O.S. §60.6 specifies that for a second violation of protective order to be felony, the first one must be a conviction, so no deferred sentence will enhance that next VPO violation to a felony. Ms. Whatley mentioned this is different from 21 O.S. 644 enhancers for domestic violence and Driving Under Influence (DUI) enhancement under 47 O.S. 11-902. ADA Whatley then made suggestions on how the state should handle DV bonds to tackle issues involving how judges are interpreting 22 O.S. 1105(B). Her suggestion was that the law should have a requirement that bail may not be set until the next judicial day. ADA Whatley stated this allows time for the State to comply with 22 O.S. §1105 and provide the appropriate information to the Court. She also suggested this should be incorporated to 22 O.S. 1101 (E), which requires the court to be responsible for assessing prior patterns of abuse when setting the bail amount of a person arrested for any crime provided for in the Protection from Domestic Abuse Act or violent crime of the Oklahoma Statutes. First ADA Whatley stated this would allow judges making these decisions to have as much information in front of them to set an appropriate bond.

ADA Whatley then discussed necessary changes to the Stalking Warning Letter Requirement outlined in 21 O.S. §1173.1. Her suggestion was to make clear in the statute that the warning letter or whether one was issued, has no bearing on whether stalking is filed in a criminal case pursuant to 21 O.S. §1173. First ADA Whatley then pivoted towards discussing how there is no uniform mechanism or procedure for firearm surrender under a protective order even though a judge can mark a box on a protective order form requiring the surrender of firearms. She stated a statute was

necessary if that provision is to be enforced. Lastly, she mentioned the need for the elements in DV Assault and Battery (A&B) with a Deadly Weapon (21 O.S. §644(D)(2)) to mirror its non-DV counterpart. First ADA Whatley mentioned DV A&B can only be currently filed if there is a shooting, meanwhile that element is not present in the non-DV A&B statute. Aligning these statutes would empower prosecutors to use DV A&B with a deadly weapon in a lot of situations that is warranted. First ADA Whatley concluded her presentation by emphasizing the need for more funding to support understaffed DA Offices and the need for adequate training so that prosecutors can use all tools at their disposal to hold offenders accountable.

Both Ryan Stephenson and First ADA Whatley thanked DVFRB members for the invitation to speak at the meeting.

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 #220091
- c. Consideration of return from executive session and return to regular meeting agenda.

Sara Coffey (OOA) made a motion to adjourn to executive session at 10:50 am. Melanie Ferguson (ODMHSAS) seconded the motion. The motion passed by roll call vote (15 Aye, 0 Abstain, 0 Nay). Quorum was maintained throughout the executive session. The Board concluded and came out of executive session at 11:21 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

Dr. Sara Coffey (OOA) announced she recently provided CLEET training on mental health and addiction to law enforcement personnel and several approached her about partnering to organize two full day trainings for officers and clinicians around Trauma-Informed Domestic Violence work and Officer Wellness. She stated the idea is to pull together 6 lectures per training and aim to have this take place in Spring 2025. Dr. Coffey said the DVFRB is a prime resource for this kind of initiative and welcomes input on the kinds of materials that should be presented at this training.

X. Adjournment*

Sara Coffey (OOA) made a motion to adjourn. Judge Sheila Stinson (Judiciary) seconded the motion. The meeting adjourned at 11:26 am.