

# LOUISVILLE METRO DOMESTIC VIOLENCE PREVENTION COORDINATING COUNCIL

## Meeting Summary Thursday, October 26, 2017

**Members Present:** Chief Steve Conrad and Ellie Kerstetter, Co-Chairs, Dr. Linda Bledsoe, Mike Littlefield, John Bowling, Robin Nelson, Katelin Hula, Kathy Paulin, Joe Bargione, Stephanie Reio, Ingrid Geiser, Judge Annette Karem, Marguerite Thomas, Lt. David Allen, Liz Ferguson, Eric Troutman, Christie Atkinson, Chris Foster, and Judge Tara Hagerty.

**Staff and Guests:** Dr. Emily Sack, Meg Savage, Jenessa Bryan and Kim Allen.

### **I. Welcome/Call to Order/Co-Chairs' Report**

Ellie Kerstetter, Co-Chair

The meeting was called to order by Ellie Kerstetter, Co-Chair, who thanked members for attending and called for introductions.

### **II. Approval of Meeting Summary from July 27, 2017**

Ellie called attention to the July 27, 2017 meeting summary included in the agenda packet and asked for any additions or revisions. Following a brief review, a motion was made and seconded to adopt the summary as drafted. The motion was unanimously approved.

### **III. DVPCC Updates**

#### **A. Comprehensive Community Assessment**

Ellie introduced consultant, Dr. Emily Sack, to provide an update on the community assessment process. Dr. Sack thanked members for the opportunity to conduct the assessment and noted that a copy of her bio was included in the agenda packet. She recalled that the last comprehensive local assessment was conducted in 1998 and was followed by a snapshot review in 2005; it has now been 18 years since the last assessment and over a decade since the snapshot review. Dr. Sack commended DVPCC members for their willingness to undertake another full review of the local system response to domestic violence.

Dr. Sack emphasized that the purpose of the assessment is not to target or place blame, but to promote system improvements. She thanked members for providing materials in response to her requests and encouraged those who have not submitted their information to do so in the near future. Dr. Sack anticipates that she will return in January 2018 and will be scheduling additional interviews and observations at that time. During the current visit, Dr. Sack has conducted a number of interviews, observed the docket in Judge Karem's Courtroom, and participated in a ride-along with LMPD. She encouraged members to be candid in the interviews to ensure that the report is accurate and advised members that no individual or agency will be identified by name in her report. After the January visit, she

will determine whether a third on-site visit will be necessary and anticipates that the report will be completed in early 2018.

Judge Hagerty asked if it would be appropriate to extend an invitation to the ten Family Court Judges to meet with Dr. Sack. Dr. Sack welcomed the opportunity and provided her email address: [esack@rwu.edu](mailto:esack@rwu.edu). She also raised the possibility of conducting a focus group with the judges. Judge Hagerty advised that the Family Court Term meets every other Friday at 12 noon. Dr. Sack could attend the term meeting or an alternate date could be scheduled.

## **B. HB 309 Implementation Update**

Ellie introduced Meg Savage, Legal Counsel, KCADV, to present an update on the implementation of HB 309. Meg introduced Jenessa Bryan who serves as the Project Protect Coordinator for KCADV. Meg distributed copies of a resource brochure and an HB 309 Implementation Report dated July 12, 2017. She reported that links to both documents can be found on the KCADV website along with other resource information related to HB 309 that can be printed in various formats. A recorded version of the June webinar is also available on the website and can be viewed with closed captioning.

With regard to the implementation of HB 309, Meg reported that KCADV has had good participation in its eight webinars, received a number of requests for training, and has established a train-the-trainer program. She noted that KCADV has been working with the Kentucky State Police and representatives from CPS/APS to make revisions in the JC-3 form to reflect the statutory changes. Meg reported that police agencies that submit the forms electronically will not have any issues with routing, but noted that there are some police departments that still utilize paper forms.

In response to a question from Ellie, Meg indicated that the JC-3 is a two-page form developed in 1995 to ensure that KSP and the Cabinet received information based on mandatory reporting. Law enforcement agencies use the form to document incidents of domestic violence, child abuse and neglect, and abuse/neglect of vulnerable adults. Linda asked where the form is sent and Meg indicated that based on the revisions in KRS 209A, the form is only sent to the Cabinet if the incident involves abuse or neglect of children or vulnerable adults. If the incident involves domestic violence or dating violence, the JC-3 is retained by the police agency completing the form.

Linda noted that making the distinction that an individual is a “vulnerable adult” is often difficult. Meg agreed and noted that the requirement is not new, but has been a longstanding element of the statute. She advised that the determination of whether individuals have a mental or physical disability and are unable to protect themselves is ultimately a law enforcement training issue. Meg advised that law enforcement officers are asked to check all applicable boxes, i.e. Child Abuse, Domestic Violence, at the top of the form.

Chief Conrad asked about specific outreach and training related to HB 309 in Jefferson County and Meg reported that KCADV has been in contact with the Center for Women and Families and LMPD. She reported that training was provided last month to the Environmental Health Department of Metro Public Health and Wellness. KCADV has

provided training to the Kentucky Medical Association, Centerstone and the Foster Care Citizens Review Board. KCADV staff are available to provide training or technical assistance and will assist in thinking through policies (staff cannot provide legal advice). Jenessa added that groups that have received training are listed in the handout, although the list is not complete. Meg indicated that KCADV has also been contacted by Norton Healthcare and provided an overview of the professionals required to provide referral information which includes, but is not limited to, licensed mental health providers, doctors, nurses, schools, victim advocates, ministers, dentists.

In response to a question, Meg noted that KRS 209A includes specific provisions related to the law enforcement requirement to provide referral information on emergency shelter and available services. As previously noted, JC-3's involving domestic violence and dating violence will not be sent to the Cabinet, but retained by the department. The new provisions in KRS 209A refer officers back to the Crime Victims Bill of Rights in KRS 421.500.

Kim asked Meg to provide a brief update on any legislative proposals being discussed by KCADV in preparation for the 2018 session. Meg reported that KCADV has been looking at two items related to existing laws on marriage and statutory rape. She reported that minors cannot get married unless the court provides approval or there is an emancipation clause. Kentucky has a long history of underage or "child brides." A youth who is 16-17 years of age is allowed to get married with parental permission; under age 16, a court order is required. Meg advised that since there is no emancipation process in Kentucky, youth in need of services are stuck in limbo when attempting to access shelter services. With regard to the statutory rape law, Meg reported that changes are being considered to add situations involving an individual who is 16 or 17 years of age and a party who is 10 or more years older. As in previous years, KCADV will also be advocating for continued funding for domestic violence and sexual assault programs across the state.

### **C. Legislative Update**

Kim reported that the Legislative Committee of the Metro Criminal Justice Commission (MCJC) was reconvened in September in preparation for the upcoming session. The committee has met on five occasions and reviewed approximately 30 proposals submitted by local criminal justice stakeholders. Of the total, 20 proposals have been approved by the committee and will be presented to the MCJC Board for final approval. Kim indicated that two of the proposals would be of interest to the DVPC.

The first proposal, relating to the guardianship statute (KRS 387.025), was initially recommended by the Fatality Review Committee last year. Judge Karem reported that there have been situations in which adults are seeking guardianship of children in Probate Court in order to bypass safety measures in Family Court. It was noted that no criminal background checks are required in District Court and anyone can petition. The recommendation was approved by Judge Sherlock last year. Since Judge Haner is currently sitting in Probate Court, he has also identified cases in which this has occurred and has agreed to work with Judge Karem to draft language that will give jurisdiction to Family Court (in jurisdictions with Family Courts), while retaining provisions relating to trusts in District Court.

The second proposal was recommended by the Elder Abuse Services Coordinating Committee and would amend KRS 381.230 to allow an owner or lessee of residential property who is 55 years or older to maintain an action to prevent or restrain any trespass on the property without the payment of court costs or fees or the posting of a bond. Kim reported that the goal is to streamline the process for seniors seeking removal of an individual who is has been living in the home and has been exploiting the senior or creating chaos in the home, i.e. adult child or individual who has a substance abuse disorder. The proposal was previously sponsored by Rep. Joni Jenkins, but has not been successful. Kim has been in contact with Rep. Jenkins who is seeking a sponsor for the proposal.

Kim added that these situations are difficult for law enforcement because the problematic individuals frequently have possessions in the home or have been a resident in the home which tends to be viewed as a civil matter. Chief Conrad reported that the Crimes against Seniors Unit could share a number of stories in support of this measure and that these situations are especially frustrating for officers.

#### **D. Lethality Assessment Program**

Lt. Allen reported that a total of 1,684 screens have been conducted during the first three quarters of 2017. This represents a 5% reduction from the same time period during the previous year. Of the 1,684 screens, 1,330 were identified as high-risk. Lt. Allen noted that the total of 1,330 is trending closely to the numbers in 2015 and 2016. In response to a question from Kim, Lt. Allen provided a brief update on the implementation of the ODARA risk assessment tool. He reported that it is currently being used in the Third Division. He has been in contact with KSP and is hopeful that the LAP and ODARA information can be incorporated into the revised JC-3 form when it rolls out. Stephanie added that Pretrial Services is seeing an increase in the number of ODARA reports being received.

#### **IV. Adjourn/Next Meeting**

In closing, Ellie apologized to members for postponing the release of the Fatality Review Committee's biennial report. She reported that a decision was made to hold the report following recent questions raised regarding data and information included in the report. Additionally, the Mayor had a schedule conflict and was unable to attend the meeting today. Ellie asked about the status of the Fatality Review Committee Protocol and Kim advised that the final revisions were approved at the last meeting and a copy of the revised protocol will be included as an addendum to the biennial report.

Ellie recalled interest raised at a previous meeting in having an update on the Arise to Safety Program. Marguerite agreed to bring data to the next meeting and reported that a new one-year grant was received. Meetings have also been held with Norton Healthcare about including the program in their six hospitals, which would require additional advocates and trained SANE nurses to respond to calls.

Ellie reminded members that October is Domestic Violence Awareness Month. With no further business to discuss, the meeting was adjourned. The next meeting is scheduled for January 25, 2018 at 12 noon in the 6<sup>th</sup> Floor Crown Room of the Judicial Center.