

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 27, 2021

Meeting Venue: Oklahoma Department of Mental Health and Substance Abuse Services
2000 N. Classen Blvd., Oklahoma City, OK 73106

MEMBERS

Bardin, Tania (NAAV) [P]	Harrison, Shelly (NAAV) [P]	Smith, Jeff (DAC) [P]
Blanton, Melissa (OAG) [P]	Hawkins, Scott (OSA) [P]	Sweger, Don, (OACP) [P]
Coffey, Sara (OOA) [P]	Jelley, Martina (OSMA) [P]	Wilson, Janet (ONA) [P]
Combs, Brandie (OSDH) [A]	Kuester, Laura (OCADVSA) [P]	Warren, Mike (OSC) [P]
Edstedt, Marissa (DHS) [P]	Mueller, Karen (OBA) [A]	Woods-Littlejohn, Brandi (OSDH-IPS) [P]
Garder, Lauren (ODMHSAS) [P]	Pasley, Brandon (OCADVSA) [P]	
Glandon, Donna (OJA) [P]		
Green, Beth (OSBI) [P]	Sharif, Asma (OCME) [P]	

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

Chair Beth Green presided over the regularly scheduled meeting of the Oklahoma Domestic Violence Fatality Review Board, held at the Oklahoma Department of Mental Health and Substance Abuse Services on October 27, 2021. Notice of the meeting was posted at the Office of the Attorney General and the Oklahoma Department of Mental Health and Substance Abuse Services more than twenty-four (24) hours in advance. Chair Beth Green called the meeting to order at 9:11 a.m.

II. Roll Call and Establishment of Quorum

Roll Call was conducted via introduction due to guests being present. Quorum was achieved at Roll Call with sixteen (16) members present. Others present included Anthony Hernandez-Rivera, OAG Research Assistant; Tamera Massad, OAG Training Program Manager; and Jari Askins, Administrative Director of the Courts. Scott Hawkins (OSA) joined the meeting at 9:18 a.m. and Janet Wilson (ONA) joined the meeting at 9:30 a.m., bringing the total quorum to eighteen (18) members. Lauren Garder (ODMHSAS) left the meeting at 10:58 a.m., reducing the quorum to seventeen (17). Quorum was maintained throughout the meeting.

III. Discussion and Possible Action on Approval of Minutes from August 25, 2021 regular meeting*

Jeff Smith moved to approve the minutes of the August 25, 2021 regular meeting. Brandi Woods-Littlejohn seconded the motion. The motion to approve passed by roll call vote (13 Aye, 3 Abstain, 0 Nay).

IV. Program Manager Update on Progress of Domestic Violence Fatality Review Board Annual Report for 2022*

Program Manager Katy Fortune informed the Board there had been some challenges in collecting the information needed to complete the case variables needed for the report. She stated there was a delay in receiving the reports from the Tulsa Police Department due to the department being the victim of a malware attack. Ms. Fortune stated the reports were received within the last couple weeks and staff is working on collecting the variables necessary to complete the report. She advised staff was hoping to have the report completed and released in October for Domestic Violence Awareness Month but due to the delay that was not possible. Ms. Fortune stated program staff hoped to have the report completed and released by the end of November but no later than December. Ms. Fortune advised the report is being revamped and has a new cover. She stated it will also include infographics that can be downloaded and/or printed and used by various disciplines. No action was taken.

V. Discussion and Possible Action on DVFRB Classification, Review, and Data Collection for Officer Involved Shootings Related to Domestic Violence*

DVFRB Program Manager Katy Fortune stated Research Assistant Anthony Hernandez Rivera had prepared a handout with information regarding officer involved shootings (OIS). Ms. Fortune stated she and Mr. Rivera had encountered additional barriers when collecting documents related to OIS for the 2021 annual report. She stated historically the DVFRB collected data and reviewed cases on OIS where there was a victim death in addition to the perpetrator death but not on incidents where a perpetrator died in an OIS when law enforcement was responding to a domestic violence or abuse call. Ms. Fortune stated that the statute governing the DVFRB indicates the mandate is to review domestic violence deaths, not just homicides. She stated it is well-known that responding to domestic violence calls carry an increased risk of escalated violence for both law enforcement and victims and believes it would be beneficial to analyze data for incidents where the perpetrator is killed in an OIS during a domestic call. Ms. Fortune stated doing so would allow the Board to analyze – insofar as they can – what perpetrator variables may carry an increased risk for law enforcement and victims and result in OIS, making it possible to create recommendations to increase law enforcement and victim safety. Mr. Rivera shared that the Tulsa World maintains a database of deaths due to OIS and shared several stories from the handout in which police responded to a domestic violence call or encountered domestic violence and the perpetrator was killed in an OIS. He shared that he reviewed cases and collected data regarding OIS from OSBI and the Tulsa World and from 2015-2019 approximately 23% of OIS occurred when police were responding to or intervening in a domestic violence situation. Mr. Rivera shared that if certain years were excluded, that number rose to 25%. He also shared additional statistics that included OIS perpetrator deaths that occurred when law enforcement was attempting to serve felony warrants for charges related to domestic violence and protective orders. Donna Glandon asked if other states tracked domestic violence related OIS. Ms. Fortune stated she was unsure if they tracked domestic violence OIS specifically, but she believed most states tracked OIS and she could look into the matter further. Ms. Glandon asked what prompted program staff to investigate this matter. Mr. Rivera stated he attended a Lethality Assessment Protocol training conducted by Jason Potter with the Ada Police Department who shared data on domestic violence related OIS but didn't have any Oklahoma data and thought it would be beneficial to training law enforcement and advocates to be able to provide some. Ms. Glandon further asked where Mr. Rivera found the cases of domestic violence OIS and he shared that the Tulsa World maintains a database of all OIS in Oklahoma. Beth Green asked if the Tulsa World database only reports fatal OIS and Mr. Rivera confirmed it did. Ms. Green stated she has concerns about methodology and further stated it may be concerning to report data on OIS only if the perpetrator died instead of in the context of all the OIS where there are only injuries, or no one is even shot at all. Ms. Fortune stated some contextual comparative analysis could be done with all OIS rather than just focusing on perpetrator deaths. Brandi Woods-Littlejohn stated OIS data was difficult to collect and expressed concerns about DVFRB staff being set up for failure given their existing workload, further stating it might be better to talk to OSBI about what they collect and can share with DVFRB staff. Ms. Green stated she would be interested to see data about the topic but thinks it is outside the scope of the DVFRB and wasn't sure if perpetrator deaths by OIS with no other victim counted as domestic violence-related deaths. Board discussion ensued regarding the scope of statute and the ability to collect records and data regarding OIS perpetrator deaths related to domestic violence. As a result of the discussion, Ms. Fortune was charged with looking into other states' policies and protocols regarding perpetrator death by OIS during domestic violence-related responses and develop a criteria and protocol for including the data for such cases in the annual report. Ms. Fortune stated she will prepare the information to present at the February 2022 meeting.

VI. Presentation and Discussion on Oklahoma Protective Order Procedures by Jari Askins, Administrative Director of the Courts, Administrative Office of the Courts*

Jasi Askins stated she was present at the request of DVFRB member and OAG-VSU Division Chief Melissa Blanton to, she believes, answer question about protective orders (POs) wherein petitions were filed but never appeared in the official record. Ms. Askins stated she spoke with a

few individuals and court clerks familiar with the process and they assured her they are filed. She further stated some victims and clerks may not be familiar with the process of filing a PO petition when the courthouse is closed and explained the process. Ms. Askins stated that some county court clerks familiar with the process were defeated in the 2020 election and others have retired, which resulted in new clerks who may not be familiar with court clerk duties and processes. She stated she would be sending notice regarding POs in November and in February she would address POs at the County Officers and Deputies Association Meeting. Ms. Askins stated she would be reviewing some of the statutory changes around POs with these actions. Scott Hawkins stated he was the person responsible for writing the 2019 bill associated with many PO changes and explained some of the challenges that prompted him to write the changes. Mr. Hawkins stated since that time he has had many conversations and phone calls regarding the court clerks' misunderstanding and implementation of the changes. He further stated he recently read an article that stated Oklahoma had 77 counties and 77 different ways of implementing statute, and he wholeheartedly agreed with that and the issues it raises. There was discussion between Ms. Askins and Mr. Hawkins about the development of the forms associated with filing POs and the challenges that arose and continue to arise from it. Several DVFRB members shared their concerns about how POs are being filed and handled in several counties, including sharing examples of filing processes within specific counties. DVFRB members also raised concerns about several judges whose practices regarding POs are not statutorily compliant or outright violate statute, and court officers and law enforcement whose behaviors and attitudes regarding POs and PO violations may discourage victims from filing POs. Ms. Askins stated her office conducts domestic violence training every year at the Judge's conference but not the judges aren't required to learn or even attend the conference. Ms. Askins stated she came to the meeting personally when asked because it is important to her and she wants to understand the issues and be a better advocate at the Capitol and advance bills to address the problems the DVFRB is trying to solve. She further stated she hears the DVFRB's concerns and supports them sharing their recommendations with as many agencies and organizations as possible, especially if they have to do with legislation. Ms. Askins stated there are lots of ways to improve the system but there is only so much she has control over, and she doesn't have control over which judges are appointed to what dockets and in larger counties especially many judges don't want to handle the PO or domestic violence dockets because of how it might affect their reelection. Mike Warren stated the domestic violence bench book would help but doesn't know the status of the bench book. Judge Warren suggested it might be beneficial to form a subcommittee to update the bench book every couple of years. A brief update was given on the status of the DV bench book. Mr. Hawkins stated there needs to be a broader discussion on the correct filing of POs as the issue that was raised during the DVFRB meeting in August was that court clerks were not filing POs completed by victims or were gatekeeping them. Ms. Askins stated all PO petitions should be file stamped and scanned by the court clerks and indicated she needed specific counties where issues were occurring. DVFRB members provided Ms. Askins with information about the counties where this practice was occurring. Shelly Harrison asked if there was anything Ms. Askins could do to make the process more consistent. Ms. Askins stated there is always something that can be done and wondered if there was some way to modify the PO forms to ensure the court clerks are aware they should always be filed. Mr. Hawkins also suggested finding a way to give training on PO procedures without pointing fingers. There was general discussion on the statutory definitions around who could file a PO and additional PO processes in specific counties the members found concerning or alarming. Ms. Askins requested the DVFRB compile a document with the issues raised at the meeting and provide it to her so she can give it to the Supreme Court Justices so they can have a better understanding about where the lack of communication and training is. She spoke briefly about the establishment and history of the DVFR and the challenges they faced. Ms. Askins thanked the DVFRB for inviting her to the meeting and giving this issue so much attention and assured it wouldn't be swept under the rug. She stated she will send the list of specific counties having issues that was provided by members to judges and contact DA offices to bring the issues to their attention, especially since it may be a matter of Assistant DAs reinforcing the correct procedures with their court clerks.

VII. Consideration of Motion to Adjourn to Executive Session*

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

- a. Jeff Smith moved that the Board go into Executive Session to review cases. Don Sweger seconded the motion. The motion was approved by roll call vote (18 Aye, 0 Abstain, 0 Nay). The Board adjourned to executive session at 10:51 a.m.
- b. Review and discussion of cases **190056** and **190099**.
- c. The Board came out of the executive session at 11:07 a.m.
- d. Chair Beth Green called for Board action as a result of Executive Session.
- e. No action was taken.

VIII. New Business in Accordance with 25 O.S. § 311(9)

There was no new business.

IX. Announcements

There were no announcements.

X. Adjournment

Jeff Smith made a motion to adjourn. Janet Wilson seconded the motion. Chair Beth Green declared the meeting adjourned at 11:08 a.m.