

**MINNESOTA GOVERNOR'S COUNCIL  
ON DEVELOPMENTAL DISABILITIES**

Wednesday, February 6, 2019

12:15 p.m. to 1:55 p.m.

Continuing Education and Conference Center  
University of Minnesota St. Paul Campus  
1890 Buford Avenue, St. Paul, Minnesota 55108

**MINUTES**

**MEMBERS PRESENT**

Ashley Bailey, Vice Chair  
Alex Bartolic, Vice Chair  
Michelle Albeck  
Wendy Berghorst  
Pamela Hoopes  
Eric Kloos  
Mary Martin  
Noah McCourt  
Jillian Nelson  
Stacey Nelson  
Kate Onyeneho  
Carolyn Perron  
Dan Reed  
Reid Scheller  
Lee Shervheim  
Bonnie Jean Smith

**STAFF PRESENT**

Colleen Wieck  
Mary Jo Nichols

**MEMBERS EXCUSED**

Senator John Hoffman  
Lisa Emmert  
Jim Lovold  
Randy Miller  
Jacki Rightler  
Heather Tidd

**MEMBERS ABSENT**

Hanna Barr  
Alan Wilensky

**GUESTS**

Barbara Johnson, Chair, Sexual  
Assault Working Group  
Roberta Opheim, Ombudsman Office  
for Mental Health and Developmental  
Disabilities  
Lana Mattonen, Support Person for  
Stacey Nelson  
David Voigt, Attorney General's Office

**I. CALL TO ORDER**

Alex Bartolic, Council Vice Chair, called the meeting to order at 12:15 p.m. for today's Council program.

**COUNCIL MEETING PROGRAM**

Colleen Wieck provided background for the Sexual Assault panel discussion.

The topic of sexual assault and people with disabilities is one that goes back decades and the Council has brought up the issue on many occasions. Most recently, Brandon Stahl, *Star Tribune* journalist, wrote a nine part series of articles, from July 22, 2018 to December 30, 2018, entitled "Denied Justice: When rape is reported and nothing happens."

Using data practices requests, the Council was able to get copies of reports from police departments and those reports were reviewed. Stahl was asked to not forget about people with disabilities in his investigative reports. A briefcase of materials, including a bibliography and white paper, was prepared for Attorney General Lori Swanson's Sexual Assault Task Force.

The Attorney General convened a Working Group in response to the *Star Tribune* series. Barbara Johnson was named as Chair. Johnson and Roberta Opheim have known each other for some time and Roberta presented Barbara with the briefcase of materials.

We are grateful that the final report includes recommendations for people with disabilities, including sentencing departures in sexual assaults against people with disabilities. The POST Board recently approved a model sexual assault investigative policy.

Barbara Johnson was asked to chair the Working Group Experts with a range of perspectives and disciplines, and years of working with sexual assault victims and conducting investigations, were needed. Members of the Working Group included victim advocates, law enforcement, prosecutors and county attorneys, and health professionals.

Johnson was a Minneapolis City Council member and President for 12 years. Her experience was more in dealing with law enforcement and heavy caseloads in a large city. She said the Working Group needed to know the challenges in working with

victims as they experience lifelong consequences. People from greater Minnesota emphasized the lack of services; more services are available in the metro area.

Johnson concluded by saying that every victim deserves to be treated respectfully. She hopes the recommendations contained in the report lead to action and made specific mention of the POST Board policy. One legislative hearing has already been scheduled and there will be more.

David Voigt stated that the problems highlighted in the *Star Tribune* series are not new. Many people are just not aware of the extent of the problems or the under reporting. The problem areas that the series identified can be placed in three categories –

1. The poor treatment of victims by law enforcement;
2. The lack of diligence in investigating; and
3. The lack of resources.

Regarding poor treatment: It's difficult for victims to stay through the entire investigative process. They are having to convey personal details during in-depth interviews in front of strangers. Police are not responsive to phone calls and promised call backs notifying victims about the progress of a case don't happen. The questioning/interviewing process is perceived as one that blames the victim.

Regarding the investigative process: Investigations in sexual assault cases should be conducted at the same level as other criminal cases. Failures in the investigative process were many and included not conducting searches, not collecting evidence, not completing reports, not assigning to investigators, not forwarding to prosecutors, and a general lack of follow through. Only about 10% of investigations resulted in convictions.

Particular concerns were in those instances where the victim was intoxicated. If the victim was sober, charges were brought in 15% of the cases; if the victim was intoxicated, charges were brought in only 8% of the cases.

There is no specialized training for law enforcement. Caseloads are high and there aren't enough resources. Minnesota doesn't mandate specialized training or specialized reporting.

Health care professionals have been concerned for a very long time but to no avail. Many more people are talking about these issues now; the momentum is there.

The Attorney General's Office researched what other states are doing. The Working Group was well publicized so many people contributed and provided information that helped to frame the recommendations.

Voigt then walked through the recommendations in four areas that considered the collective expertise of members of the Working Group in their respective fields –

**For the Legislature** – Adoption of policies and protocol by law enforcement in terms of responding to and investigating reports of sexual assault, training in trauma informed investigations, ease of reporting, reporting aggregate data, expanding access to victim advocates, clarifying or repealing statutory language that has interfered with investigations overall and prevented charges when the victim is intoxicated, establishing a statewide council to conduct research and identify system problems related to reporting and data collection, and funding.

**For law enforcement** – Adoption of a sexual assault policy, adequate training, culture changes that place a value on sex crime assignments and investigations (these assignments are now seen as dead end jobs), creating community sexual assault response teams, seek guidance from outside organizations to improve handling of sexual assault investigations, and not bring charges for minor offenses against reporters of sexual assault.

**For county attorneys:** Increased availability of prosecutors to law enforcement and vice versa during investigations, trauma informed training, prosecuting difficult cases when conviction is less than certain, upward sentencing departures in sexual assault cases involving people with disabilities, and life sentences for "heinous" cases.

**For the POST Board:** Adoption of a model sexual assault policy and trauma informed training.

The POST Board recently adopted a policy for law enforcement agencies regarding responding to reports of sexual assault. A copy was handed out to Council members.

Roberta Opheim said that, in her experience over the years in working with vulnerable adults and with individuals with disabilities who are living in group homes or institutions who are sexual assault victims, no one believes them. They are "known to exaggerate" and are not taken seriously.

Prosecutors don't want to take the time to interpret or try to understand what victims are expressing. But in almost all instances, there is a thread of truth.

There's not a lot of money invested in investigating sex crimes that involve vulnerable adults. We are not spending our resources well for these individuals.

Bartolic thanked the panel members.

Voigt added that Attorney General Keith Ellison has endorsed this work and is continuing to engage, suggesting a greater likelihood that positive changes will be made.

## **II. CALL TO ORDER**

Bartolic called the business portion of the meeting to order at 1:30 p.m.

## **III. INTRODUCTIONS**

Everyone present introduced him/herself.

## **III. APPROVAL OF AGENDA**

Bartolic asked for approval of the Agenda.

**MOTION:** McCourt moved, seconded by Jillian Nelson to approve the Agenda. Motion carried; there were no dissenting votes

## **IV. APPROVAL OF MINUTES FOR DECEMBER 5, 2018**

Bartolic asked for approval of the Minutes as written for December 5, 2018.

McCourt noted the date should be corrected to read December 5, 2018 rather than December 6, 2018.

**MOTION:** Jillian Nelson moved, seconded by McCourt to approve the Minutes as written with the date corrected to read December 5, 2018. Motion carried; there were no dissenting votes

**V. CHAIR'S REPORT**

In the absence of Senator Hoffman, there was no Chair's report.

**VI. GRANT REVIEW COMMITTEE**

Shervheim reported the evaluation results and funding recommendations for cosponsorship funds for training conferences.

Members were reminded about the Conflict of Interest Policy and Conflict of Interest Form. The Form must be signed if a member does not have a conflict of interest with the applicant organization. Funding recommendations were presented separately so abstentions could be recorded.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **Advocating Change Together, Inc.** for **\$2,000** for three Olmstead Academy training sessions on the history of disability rights, human rights, and Minnesota's Olmstead Plan. Jillian Nelson seconded. Motion carried; there were no dissenting votes or abstentions.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by the **All Star Academy** for **\$2,000** for the workshop, "Preparing for Leadership: What It Takes to Take the Lead," that will explore leadership as a strategist, manager, communicator, mentor, and team member. McCourt and Jillian Nelson seconded. Motion carried; there were no dissenting votes. Onyeneho abstained.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **The Arc Minnesota Southeast Region** for **\$2,000** for the conference, "Self Advocates Speak Up!" regarding supported decisionmaking as an alternative to guardianship. Jillian Nelson seconded. There were no dissenting votes. McCourt and Stacey Nelson abstained.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **The Autism Society of Minnesota** for **\$2,000** for the 24<sup>th</sup> Annual Minnesota Autism Conference. Sessions for self advocates will address employment, independent living, community integration developing and maintaining positive relationships; and for educators and care givers, topics will include challenging behaviors and positive behavior supports, anxiety and

mindfulness, and techniques and skills for managing emotions. Martin seconded. Motion carried; there were no dissenting votes. Jillian Nelson abstained.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **The Arc Northland** for **\$2,000** for the "Arc Northland's Regional Self Advocacy Conference," focusing on leadership development to enhance relationships at home, work, and community by practicing and applying the concepts of IPSII. Jillian Nelson seconded. Motion carried; there were no dissenting votes. McCourt and Stacey Nelson abstained.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **Community Involvement Programs** for **\$2,000** for "Creative Writing to Build Human Rights Advocacy," applying person centered thinking to creative writing and speaking skills. Jillian Nelson seconded. Motion carried; there were no dissenting votes or abstentions.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **Customized Options, Inc.**, for **\$2,000** for a series of classes, "Building Self Advocacy through Creative Writing," developing and expanding writing and public speaking skills for personal and political advocacy. Jillian Nelson seconded. Motion carried; there were no dissenting votes or abstentions.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **MN APSE** for **\$2,000** for the "2019 MN APSE Annual State Conference." The focus will be on employment, assuring success in competitive employment, supporting choices and honoring preferences, and success stories. Jillian Nelson seconded. Motion carried; there were no dissenting votes. Martin abstained.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by the **Minnesota Organization of Habilitation and Rehabilitation (MOHR)** for **\$2,000** for the "Annual Spring Conference for Direct Support Professionals," highlighting best practices in working with individuals with autism and providing positive community supports. Jillian Nelson seconded. Motion carried; there were no dissenting votes. McCourt abstained.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **New Directions Inc.**, for **\$2,000** for a "Writers

Workshop for Self Advocates," highlighting the social roles of participants and their ability to express themselves through creative writing and personal story telling. Jillian Nelson seconded. Motion carried; there were no dissenting votes or abstentions.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **The Sibling Leadership Network** for **\$1,950** for the "2019 National Leadership Network Conference," demonstrating the layers and levels of advocacy to improve the lives of individuals with developmental disabilities and families; and focusing on sibling relationships. Jillian Nelson seconded. Motion carried; there were no dissenting votes or abstentions.

**MOTION:** Shervheim moved on behalf of the Committee to approve the application submitted by **Sounds Powerful Productions** for **\$2,000** for a workshop, "Create Your Own Podcast and Radio Episode!" Stories will be created for a broadcasting medium and interviewing skills will be practiced in a professional audio broadcasting space. Jillian Nelson seconded. Motion carried; there were no dissenting votes or abstentions.

## **VII. PUBLIC POLICY COMMITTEE**

Kloos reported for the Committee.

The topic of supported decisionmaking as an alternative to guardianship was presented by Anita Raymond and Kathleen Carlson, Volunteers of America. There was considerable discussion with members to gain a better understanding of the process and the freedom it gives people to be self determined in all aspect of their lives.

Legislation is being prepared and will be proposed in the next Legislative session as an initial step for making supported decisionmaking in option in Minnesota.

Alex Bartolic presented a Legislative update. The Governor's budget has not yet been released. His budget and the budget forecast will help to determine priorities for this session .

## **VIII. EXECUTIVE DIRECTOR'S REPORT**

Colleen Wieck provided the following updates and highlights from monthly reports:

- A. We have received permission to enter Program Performance Reports for FFYs 2017 and 2018.
- B. We received a final award letter the end of December for FFY 2019 funds in the amount of \$1,025,890.
- C. The Attorney General's Handbook for Board Members has been updated but no changes were made to the sections that apply to the Council.
- D. There was a hearing today on HF 129, the bill that contains per diem language for Council members. The bill passed out of committee with no fiscal note.
- E. Changes are being made in the encumbrance and liquidation time periods for our federal funds. Instead of the three year period for encumbering and liquidating each year's allocation, we will have two years to encumber funds with the third year solely liquidating funds and making all payments.

The Grant Review Committee will be discussing options at the April meeting.

- F. The Olmstead Subcabinet met on January 28, 2019. Jennifer Ho, Minnesota Housing Finance Agency, has been named Chair of the Subcabinet.
- G. A new Executive Order regarding the Olmstead Subcabinet is anticipated.
- H. The next customer research study will focus on the Governor's One Minnesota initiative, and what this means for people with developmental disabilities and their families. The results will be presented at the April Council meeting.
- I. The first phase of the Bill of Rights project that included the situational videos for four specific rights with the Instructor Handbook, Resident Workbook and Easy Read Guide was released in January. The next phase will be to finish the improv videos and a related presentation for the remaining rights.

- J. The Ombudsman Office for Mental Health and Developmental Disabilities will be issuing a Request for Proposal for a multimedia Stop Abuse campaign.

The Council will continue to work with the Attorney General's Working Group on Sexual Assault.

**IX. ADJOURNMENT**

Bartolic asked that the meeting be adjourned.

The meeting was adjourned by consensus at 1:55 p.m.

Respectfully submitted,

Colleen Wieck  
Executive Director