

ATTACHMENT 1

DRAFT 10/4/21 MINUTES FOR APPROVAL

AARON D. FORD
Attorney General

KYLE E. N. GEORGE
First Assistant Attorney General

CHRISTINE JONES BRADY
Second Assistant Attorney General



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STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
100 North Carson Street
Carson City, Nevada 89701

**ADVISORY COMMITTEE ON THE RIGHTS OF
SURVIVORS OF SEXUAL ASSAULT**

MINUTES

October 4, 2021 at 3:30 p.m.

Location: Those present attended virtually at: <https://call.lifesizecloud.com/4658445>

Members present:

Attorney General Aaron Ford, Chairman
NDOC Dep. Director Brian Williams, proxy for Director Daniels
Margaret Campe
Serena Evans
Kim Murga
Kim Otero
Danielle Staple
Debbi Robison
Tracy Trenoweth

Others present:

Nicole Reilly
Jessica Adair

Counsel present: Rosalie Bordelove

1. **Call to Order and Roll Call.** Chairman Ford called the meeting to order at 3:30 p.m. and roll call determined there was a quorum present.
2. **Public Comment.** There was no public comment.
3. **Election of the Advisory Committee Chairperson.** Chairman Ford initiated discussion and invited nominations for the next chairperson from those present. Debbi Robison moved to elect Attorney General Ford as chairperson and Serena Evans seconded the motion. The motion passed unanimously.

4. **Approval of minutes of August 28, 2020 meeting.**

Serena Evans moved to approve the 8/28/20 minutes and Kim Murga seconded the motion. Minutes approved with no changes.

5. **Presentation on impact of AB176 funds from grant recipient Nevada Coalition to End Domestic and Sexual Violence.**

Serena Evans presented an overview of the benefits of AB176 funding the Coalition received. The funding allowed the Coalition to conduct a four-week comprehensive online training that resulted in 14 fully trained sexual assault survivor advocates. Attendees were from Nevada Outreach/Pahrump, which serves Nye County; Domestic Violence Intervention/Fallon; Churchill and Lyon Counties; Domestic Violence Intervention /Lovelock—Pershing Co.; Consolidated Agencies for Human Services/Hawthorne—Mineral Co.; Committee Against Domestic Violence (Harbor House)/Elko—Elko, Eureka and White Pine Cos. In addition to the training series, the Coalition was able to continue technical assistance outreach to those who participated. Additional funding from another grant allowed the Coalition to create an online platform with an online certificate program,

Jessica Adair thanked Debi Tanaka and Nicole Reilly for their work with the grant application process and their efforts to quickly re-direct and help grantees achieve the goal of getting people trained via a virtual platform. In addition to creating the platform and getting people trained, the Coalition also produced equipment for those who would otherwise have been unable to participate and provided funds for travel and fees to attend other groups' trainings.

Adair inquired if there will be follow up to see if the advocates are able to put their training into practice and to demonstrate how the dollars spent translates into people being served. Evans reported the Coalition has quarterly reports reflecting program members' numbers of how many survivors they have served throughout the year.

AG Ford recognized Jessica Adair for her efforts to make all this happen during the pandemic as well.

6. **Presentation on impact of AB176 funds from grant recipient Rape Crisis Center.**

Danielle Staple reported an opportunity resulting from the change in the marriage license funding structure. Since there are now people who are trained in the rural areas, hopefully there will now be sexual assault specific funding available throughout the state in addition to what is already provided to Clark County. Staple reached out to Division of Child and Family Services to ask if that increase in revenue would be available for support and technical assistance to newly-funded organizations. Staple thanked AG Ford and his team for efforts to keep the original grant awards going after they were cut due to pandemic financial issues.

Staple noted that Rape Crisis Center's name has been changed to Signs of HOPE—Healing Option Prevention Education. Staple explained the many different crisis response and support services provided by Signs of HOPE advocates and the challenges presented by pandemic restrictions, transportation issues, victims' proximity to their abusers in smaller communities,

lack of volunteer staff, lack of training and education, etc. Some of the agency's successes include getting training curriculum accredited by the National Advocate Credentialing Program, and the addition of a rural component to all advocate trainings. Funding is used to explore and expand resources in rural counties, providing volunteer advocates full access to the resource database. Relationships with Nye and Lincoln Counties has been strengthened, with more outreach and programming offered to those communities.

7. Discussion re possible topics for future meetings.

- a. Jessica Adair suggested inviting a presentation by Nevada Department of Corrections (NDOC) regarding how the Sexual Assault Survivors Bill of Rights works with the Prison Rape Elimination Act (PREA) and of advocates who work with incarcerated survivors. Deputy Williams will reach out to Deborah Striplin, PREA Coordinator for NDOC and victims advocate Jennifer Rey to make a presentation at the next meeting.

Nicole Reilly, Domestic Violence Ombudsman, would like to learn more about what exit services are provided for victims of sexual assault and what services available for them when they exit the prison system. Staple explained that her agency worked quite a bit with people in detention to help them work through various aspects of their trauma after sexual assault to better position them when they are exiting. Due to some roadblocks, including pandemic issues, those programs need to be recertified and activated by a program sponsor within the facilities.

Staple will reach out to Florence McClure Women's Correctional Center's Associate Warden Gabriela Najera and get some information about programs there.

- b. Chairman Ford expressed interest and a request for help in bringing in some legislators to a meeting to share with them some of the committee's ideas and see what NDOC can add to the discussion and determine what this committee can get behind and submit from victims' perspective to the legislature.
- c. Chairman Ford suggested adding Division of Child and Family Services (DCFS) to the agenda to discuss the new marriage license funding and DCFS's interpretation of that law. Staple agreed and noted that it would be beneficial to some members of the committee to be made part of the evaluation process of funding applications and to be aware of possible conflict of interest issues.
- d. Staple suggested doing a statewide canvass of law enforcement to determine the number of sexual assault cases recorded versus number of actual prosecutions. That information could lead to the identification of needed specific training or funding to send law enforcement to already existing training. Try to look at it from the statewide scope and along with the advocates, get as many law enforcement officers and prosecutors trained as possible. Staple expressed an interest in having DCFS offer committee input as well.
- e. Adair mentioned that some committee members have expressed interest in learning how the State plans to acquire future Sexual Assault Kit Initiative (SAKI) funding to

move forward now that most of the backlogged SAKI kits have been tested. This issue might fit the discussion of survivors having a right to an advocate when interacting with law enforcement and/or prosecutors and having the data to determine the specific number of advocates needed.

- f. Chairman Ford suggested that the committee invite the current president of the Prosecutors Association to come in to present and answer meaningful questions the committee would provide in advance. Reilly added the committee might try to get the director of the Sheriffs and Chiefs Association to come in and report what's going on statewide as well as the president of the District Attorneys Association to expedite the process.
- g. Staple suggested a public information campaign targeted to decrease victim blaming and reduce stigma by educating potential jury pools to evaluate cases by looking at possibly flawed victims with better understanding and to evaluate cases with a true understanding of what consent and coercion look like.
- h. Serena Evans suggested focusing on access to SANE exams—look at telehealth options and incentives to recruit and train SANE nurses to better reach our rural communities.

Reilly volunteered to send an email out to the committee members to get questions to review at the next meeting.

8. **Public Comment.** There was no public comment.

9. **Adjournment.**

Murga put forth a motion to adjourn which was seconded by Evans. Motion passed and meeting adjourned at 4:30 p.m.

Minutes prepared by V. Beavers
vbeavers@ag.nv.gov

ATTACHMENT 2

Striplin memo re PREA

Steve Sisolak
Governor

Charles Daniels
Director

James K. Jones
Inspector General



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STATE OF NEVADA
Department of Corrections

MEMORANDUM

Date: November 1, 2021

To: Nicole Reilly,
Ombudsman For Domestic Violence, Sexual Assault and Human Trafficking

Subject: Prison Rape Elimination Act and Sexual Assault Survivors Bill of Rights

The Nevada Department of Corrections (NDOC) implemented policies and procedures in compliance with the Prison Rape Elimination Act (PREA), Prisons and Jail Standards, United States Department of Justice Final Rule, National Standards to Prevent, Detect, and Respond to Prison Rape 28 C.F.R. Part 115. The agency and facilities have developed and implemented policies and procedures for addressing sexual abuse/assault reports for the following PREA standards:

§115.21 Evidence protocol and forensic examinations: NDOC's current procedure requires that an inmate who reports sexual abuse within 96 hours are offered a sexual assault forensic exam. If the inmate victim accepts the offer, they are transported to Renown Emergency Room or University Medical Center for a sexual assault forensic exam. Also, the agency's protocol includes contacting the Sexual Assault Support Services (SASS) or Signs of Hope to provide a community victim advocate for emotional support during the exam. The facility supervisor will also, notify the on-call Criminal Investigator from the Office of the Inspector General (OIG) and email the Agency PREA Coordinator. The inmate victim is not charged for the forensic exam or any agency medical or mental health follow-up treatment associated with the sexual abuse/assault. Additionally, inmate victims of sexual abuse can request that a victim advocate be present during the investigatory process. If the inmate victim requests an advocate, the Criminal Investigator assigned to the case will attempt to coordinate with the community advocate to be present telephonically. Currently, Signs of Hope is the only organization providing follow-up emotional services to inmate victims.

In the Northern region, the Criminal Investigator from the OIG will collect the Rape Kit and transport it to the Washoe Crime lab. In the Southern region, an officer from Las Vegas Metropolitan Police Department will collect and submit the rape kit. All Rape Kits notate the NDOC's incident or investigation case number.

The OIG's PREA Coordinator is the agency administrator for the NV Trak Kit who designates OIG staff and investigators to access the NV Trak Kit to monitor the status of the rape kite

process. The agency is working on a process to inform inmate victims of the progress of the kits. For the safety and security of the inmate victim, this information will be provided verbally to keep as confidential as possible.

§115.53 Inmate access to outside confidential support services: The agency collaborates with Signs of Hope, a PREA community victim advocate who provides emotional support services for victims of sexual abuse in confinement or any history of sexual assault. All facilities have information on how to contact Signs of Hope telephonically or in writing. Contact information is posted in all housing units and provided in an orientation packet to all inmates during reception/intake or transferred to another facility and is provided in English and Spanish. Additionally, the agency recently added the phone number to the back of the inmate ID card and calls to Signs of Hope are at no cost, not recorded and coded as a legal call. Letters and information to/from Signs of Hope PREA victim advocate are treated as legal mail and may only be opened in front of the inmate as necessary for management concerns. Inmates can request a private phone meeting with the victim advocate and are arranged with the facility PREA Compliance Manager.

As the agency's PREA Coordinator, I have been working collaboratively with Signs of Hope to enhance current procedures. Signs of Hope will be developing a brochure that will be provided to all inmates within their inmate education orientation packets and provided to victims when they are released from the agency whether on parole or discharging from their sentence. This process will be coordinated between Signs of Hope, the agency PREA Coordinator, and facility PREA Compliance Managers.

§115.65 Coordinated Response: The agency has a coordinated response procedure that is followed by the facility shift commander when a report of sexual abuse is reported.

The agency PREA Coordinator has been communicating with the Nevada Coalition to End Domestic and Sexual Violence to assist in providing victim-centered training to designated staff. This will include but is not limited to Investigators, facility supervisors, and Medical and Mental Health staff.

§115.67 Agency protection against retaliation: All facilities have a policy and procedure to monitor victims for possible retaliation by staff or other inmates. Multiple measures are reviewed to include meeting with the inmate victim over a period of time.

§115.71 Criminal and Administrative Investigations: The OIG criminal investigators assigned to conduct investigations follow standard requirements for conducting sexual abuse/assault investigations. Substantiated allegations of conduct that appear to be criminal will be referred to the Nevada Attorney General's Office for prosecution.

§115.73 Reporting to inmates: The agency and each facility have a policy and procedure to notify inmate victims following an inmate's allegation that a staff member or another inmate has committed sexual abuse against the inmate, and shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

1. The staff member is no longer posted within the inmate's unit.
2. The staff member is no longer employed at the facility.
3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or

4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
5. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
6. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications are documented and the agency's obligation to report will terminate if the inmate is released from the agency's custody. The agency is working with the Attorney General's office to be notified when they determine charges will be filed, to be informed on the status and outcome of the case.

§115.81 Medical and Mental Care: The agency and facilities have policies and procedures to meet the requirements of this standard which also, intertwines with §115.41 Screening for risk of victimization and abusiveness. Inmates who report sexual abuse whether it occurred in an institutional setting or the community are offered a follow-up mental health and medical meeting. If the inmate accepts the offer, a referral is sent to mental health or medical who will schedule a follow-up within 14 days. Additional protocols are addressed in Standard §115.83 Ongoing medical and mental health care which includes follow-up services, treatment plans, testing, and treatment for sexually transmitted infections. All treatment services are provided without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

If you have questions or wish to discuss further, please do not hesitate to contact me.



Deborah Striplin, Agency PREA Coordinator
Nevada Department of Corrections

cc: James Jones, Inspector General
Brian Williams, Deputy Director of Operations
Christina Leathers, Assistant to the Director
Jennifer Rey, Victim Services Officer

ATTACHMENT 3

Rey memo re NDOC victim notification

Steve Sisolak
Governor

Charles Daniels
Director

Brian Williams
Deputy Director
Operations



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STATE OF NEVADA
Department of Corrections

MEMORANDUM

Date: November 5, 2021

To: Nicole Reilly,
Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking,
State of Nevada Office of the Attorney General

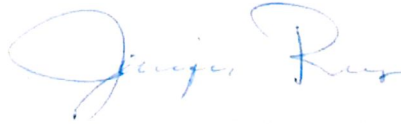
Subject: Nevada Department of Corrections Victim Notification

Victims of sexual assault which occurred in a Nevada Department of Corrections (NDOC) facility are primarily served per the Prison Rape Elimination Act (PREA). The PREA Coordinator serves these victims through the Office of the Inspector General.

- I. The NDOC Victim Services Unit provides notifications to victims of crime whose offenders are incarcerated by NDOC, regardless of the type of crime or location at which the victimization occurred, pursuant to all applicable state laws.
 - a. Notification to the victim by NDOC:
 - (1) A Notification Request is received by the Victim Services Unit;
 - (2) The victim is registered in the NOTIS victim database;
 - (3) The victim receives notifications by mail from the Victim Services Unit.
 - b. The State of Nevada Office of the Attorney General notifies the Victim Services Officer that an incarcerated victim requires notification of their rights as a victim:
 - (1) The Office of the Attorney General sends a written copy of the victim's rights to the Victim Services Unit;
 - (2) The Victim Services Officer sends the copy of the victim's rights and an additional signature form to the facility Associate Warden or designee;
 - (3) The Associate Warden ensures the victim's rights are served both in writing and verbally;
 - (4) The signature form is returned to the Victim Services Unit for submission to the Office of the Attorney General.

- II. In some instances, an incarcerated victim may not feel comfortable receiving mail which identifies the recipient as the victim. To overcome this barrier to exercising their rights, the NDOC Victim Services Unit facilitates phone conversations between an incarcerated victim and the Nevada Office of the Attorney General in a more private setting, out of view of inmates. This occurs upon request from the Nevada Office of the Attorney General and with the consent of the incarcerated victim so that updated case information can be communicated to the victim with minimal risk.

If you have questions or wish to discuss further, please do not hesitate to contact me.



Jennifer Rey, Victim Services Officer
Nevada Department of Corrections

Attachments (2): State of Nevada Constitution Article 2, Section 8A
Nevada Revised Statute 178.4715

cc: Brian Williams, Deputy Director of Operations, Nevada Department of Corrections
James Jones, Inspector General, Nevada Office of the Inspector General
Christina Leathers, Assistant Director, Nevada Department of Corrections
Deborah Striplin, PREA Coordinator, Nevada Department of Corrections

ATTACHMENT TO ITEM (1)
Memo: NDOC Victim Notification

Nev. Const. art. 2, § 8A.

1. Each person who is the victim of a crime is entitled to the following rights:
 - (a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.
 - (b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
 - (c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.
 - (d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.
 - (e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
 - (f) To reasonably confer with the prosecuting agency, upon request, regarding the case.
 - (g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.
 - (h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.
 - (i) To the timely disposition of the case following the arrest of the defendant.
 - (j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
 - (k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.
 - (l) To full and timely restitution.
 - (m) To the prompt return of legal property when no longer needed as evidence.
 - (n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.
 - (o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.
 - (p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.
 - (q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.
2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

5. The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

6. The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

7. As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.

[Proposed new section passed by the 2015 Legislature; agreed to and passed by the 2017 Legislature and approved and ratified by the voters at the 2018 General Election. See: Statutes of Nevada [2015, p. 4073](#); Statutes of Nevada [2017, p. 4611](#).]

ATTACHMENT TO ITEM (2)
Memo: NDOC Victim Notification

NRS 178.4715

1. If a person is committed to the custody of the Administrator and is subject to the provisions of [NRS 178.463](#) to [178.471](#), inclusive, a victim of the person may request the Administrator or the Administrator's designee to notify the victim of the person's discharge, conditional release or escape from the custody of the Administrator by submitting to the Administrator:

- (a) A written request for notification; and
- (b) The current address of the victim.

2. If the Administrator or the Administrator's designee receives a request for notification pursuant to subsection 1, the Administrator or the Administrator's designee shall notify the victim if the person committed to the custody of the Administrator:

- (a) Will be discharged or conditionally released pursuant to [NRS 178.463](#) to [178.471](#), inclusive, at least 10 days before the discharge or release; or
- (b) Has escaped from the custody of the Administrator.

3. A person described in subsection 1 must not be discharged or released from commitment, temporarily or otherwise, for any purpose unless notification of the discharge or release has been mailed to the last known address of every victim of the person who has requested notification pursuant to subsection 1.

4. The Administrator or the Administrator's designee may not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the Administrator or the Administrator's designee or if the address provided is inaccurate or not current.

5. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Administrator or the Administrator's designee pursuant to this section is confidential.

6. As used in this section, "victim" means:

(a) A person, including, without limitation, a governmental entity, against whom an act has been committed for which the person committed to the custody of the Administrator has been charged;

(b) A person who has been injured or killed as a direct result of the commission of an act for which the person committed to the custody of the Administrator has been charged; or

(c) A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a "relative" of a person includes:

- (1) A spouse, parent, grandparent or stepparent;
- (2) A natural born child, stepchild or adopted child;
- (3) A grandchild, brother, sister, half brother or half sister; or
- (4) A parent of a spouse.

(Added to NRS by [2009, 71](#))

ATTACHMENT 4

Prosecutor Survey Questions

Prosecutor Survey Questions

- 1) How they prosecute cases where the victim declines to participate with the prosecution?
- 2) How they prosecute cases if they cannot locate the victim. or the victim is dead and there's a CODIS hit?
- 3) How many of the above types of cases have they done?
- 4) What percentage of SA cases are plead and never end up in court?
- 5) How do they decide what cases are plead?

ATTACHMENT 5
Judicial Survey Questions

Judicial Survey Questions

1. None.

ATTACHMENT 6
Investigator Survey Questions

Investigator Survey Questions

- 1) How they investigate cases where the victim declines to participate with law enforcement reference the following scenarios:
 - a. Medical only
 - b. Sexual assault kit was completed/collected but there is no victim cooperation with the investigator

- 2) How they investigate cases if they cannot locate the victim, or the victim is dead and there's a CODIS hit?

- 3) Do these cases still go to the DA to decide if they will prosecute?