STATE OF NEVADA RIGHTS OF VICTIMS AND SOURCES OF FUNDING FOR VICTIMS OF CRIME SUB-COMMITTEE

MINUTES OF MEETING

August 18, 2011 at 2 p.m.

Present in Carson City

Ben Felix, Coordinator, Sexual Assault Support Services, Crisis Call Center
Christine Lovass-Nagy, Div. of Child and Family Services, Dept. of Health and Human Services

Attorney General's Office Staff Present

Catherine Cortez Masto, Chair
Kareen Prentice, Domestic Violence Ombudsman
Elizabeth Greb, Grants & Projects Analyst
Brett Kandt, NVPAC (via phone conference)
Edie Cartwright, PIO
Vicki Beavers, SLS
Martie Washington, Grants Unit

Present Via Video Conference from Las Vegas

Rebecca D. Salazar, Victims of Crime Program, Dept. of Administration
Julie Proctor, Executive Director, S.A.F.E. House
Andrea Sundberg, Executive Director, Nevada Coalition Against Sexual Violence
Elynne Greene, Victim Services Supervisor, Las Vegas Metropolitan Police Department
Maureen Seitz, Victim Advocate, FBI

Present Via Phone Conference

Maxine Lantz, Program Coordinator, Victim-Witness Services, White Pine, Lincoln and Eureka Counties (Ely)
Christina Conti, Liaison, Washoe County Health District (Reno)
Michele Youngs, Victim-Witness Assistance Center, Washoe Co. DA's Office (Reno)
Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence (Reno)

1. **Call to order and roll call of members.** Chairperson Catherine Cortez Masto called the meeting to order at 2 p.m. Roll call revealed that only 12 members were present and 13 are needed for a quorum, which prevents the committee from taking action on some agenda items, such as approving previous meeting minutes.

There was some discussion about reviewing the committee membership list and getting a core group of members that are still interested and able to attend regular meetings. The meeting proceeded on agenda items that did not require committee action.

2. Update on Nevada VINE project, Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General – Ms. Prentice informed the committee that VINE was started approximately 1-1/2 years ago after receiving a grant. There are currently six "live," problem-free counties – Esmeralda, Lyon, Elko, Lander, Douglas, Humboldt. Lincoln County is expected to go live next week. In Washoe County, Clark County Detention Center and North Las Vegas Detention Center, City of Henderson, Mesquite and City of Las Vegas will all be going live sometime in October. All will be going live at once with one phone number: 1-888-2NV-VINE. There will be press releases throughout the city coordinated with community trainings and staff trainings at all the detention centers. Washoe County and Storey County hopefully will go live in November. There are brochures and posters available in several languages to whoever wants them. Ms. Prentice also responded to an inquiry that only those who are booked for mental health will be in the VINE system. If they are not booked they will be in a closed system and will not be captured by VINE. Same with ICE and people who have federal holds—they are also not released into the VINE system. Ms. Prentice agreed to send a box of pamphlets and posters to Andrea Sundberg, who volunteered to keep some VINE information at her office for use at information fairs, etc. Ms. Prentice also responded to Mr. Felix's inquiry with assurances that in January or February VINE is also adding the Department of Corrections, Parole and Probation, and the Parole Board as part of the statewide system.

Mr. Felix stated that he is going to contact them to find out how their funding comes through because it is directly in support of working with victims and facilitating advocacy beyond incarceration. Ms. Prentice further noted that all of the brochures, etc. are free and wanted to draw attention to the back cover of the brochures where there is a blank "Notes" section which has room for an agency stamp. Those agencies that would like brochures and an agency stamp should notify Ms. Prentice's office which will provide those for all agencies who would like them.

[Liz Greb joined the meeting—there is now a quorum]

> [Chairperson Masto took a moment to relay information required by the rules of the Open Meeting Law which were inadvertently left off the agenda: "The actual Victims of Crime Board may now address the agenda items out of sequence to accommodate anybody appearing to aid the efficiency or effectiveness of the meeting; combine items on the agenda; combine items for consideration by the public body or pull or

remove items from the agenda at any time. The public is always welcome." Ms. Masto stated that the committee would invite public comment at the beginning or the end of the meetings and asked if anyone, north, south, or on the phone would like to address the committee at this point in the meeting.]

Public comment:

Brett Kandt responded to the Chair's invitation for public comment by discussing the issue of victim notification and AD510 Good Time Credit Program, which was addressed again in the last legislative session with a proposal to expand the program. The current sentencing process does not reflect the impact good time credits have on a minimum sentence of an eligible offender. The concern is the impact of the Good Time Credit Program on these minimum sentences and disclosure at sentencing in accordance with the victim's State constitutional rights for proper notification. Mr. Kandt suggested that the committee consider proposing to the next legislature some sort of statutory fix to the issue of disclosing at the time of sentencing whether an offender may be eligible for good time credit off the front end of the minimum term of their sentence and if so, implement a mechanism by which a victim can get information on how much the minimum sentence potentially can be reduced if that offender qualifies for all the good time credit that may be available to them.

Mr. Kandt offered to forward his draft proposal for legislation for consideration by the committee at a future meeting. He noted that the impact on Department of Corrections would have to be considered since the responsibility would primarily fall upon them. Mr. Kandt responded to an inquiry by stating that every offender is not eligible for good time credit. Only offenders convicted of Category C, D, or E and possibly certain B felonies that were not violent offenses or sex offenses or DUIs.

Chairperson Masto noted that the committee could not deliberate Mr. Kandt's suggestions at this meeting since Mr. Kandt's comments were presented as public comment. However, this matter should be placed on the agenda for a future meeting. There were no other public comments at this time.

3. Review and approve minutes from May 21, 2010 – Ben Felix moved and Christine Lovass-Nagy seconded a motion to approve the minutes. No discussion. Passed unanimously.

4. Review and approve minutes from June 17, 2010 – Andrea Sundberg moved and Ben Felix seconded a motion to approve the minutes. No discussion. Passed unanimously.

5. Update on legislation impacting victims of crime submitted to the 2011 Legislature – Kareen Prentice discussed SB66, which was for a bill to authorize the Attorney General to organize or sponsor multidisciplinary teams to review the death of a victim of domestic violence. That bill was approved; the Governor signed; it goes into effect October 1, 2011. Next step is to create that statewide team. There is an attempt being made to rejuvenate a Clark County team, and Washoe County is moving forward and having their second review on September 9, 2011 at 9 a.m. The next thing will be to get the statewide team trained; hopefully the first review in a rural jurisdiction will be spring 2012.

Chairperson Masto mentioned that there were some DUI bills introduced that were not passed. Sue Meuschke noted that there were a couple of bills that came out that might affect victim's rights, such as AB269 which expands some of the limitations of the use of a grand jury. Originally they were going to prohibit the prosecutor from going to a grand jury when the judge has not found probable cause. That was amended to allow a little bit of leeway. Also, SB223 regarding animal cruelty—increases penalties for violence against animals to coerce a human being. There was lot of discussion in the legislature about concealed carry weapons; also specialty courts continue to be on the legislative agenda.

6. Update on the Victims of Crime Compensation Fund, Rebecca Salazar, Hearings Division, Dept. of Administration – In FY 2011 Victims of Crime received 2,577 applications and approved 1,979 requests for assistance. There were just over $28 million in medical bills presented, of which $7.4 million were satisfied. Assaults accounted for 31% of applications for assistance; 28% were sexual assault and 21% were for domestic violence. The fund received revenues of about $400,000 less than budgeted, but they were able to pay 100% of the approved debt amount all year. The revenue categories that went down were fines, restitution, wage assessment, court assessments, etc. The same is expected in 2012. The report that was given to the Board of Examiners that sets out the impact of the assessments is available on the Victims of Crime website.

Liz Greb asked for clarification on the Clark County issue regarding Victims of Crime payments for treatment of victims. Ms. Greb reminded those present of the committee's previous discussions on this matter and discrepancies in the statutes that cause confusion when it comes to paying for treatment costs, and asked whether or not the county has to pay out the first $1,000 before Victims of Crime funding kicks in. The committee had entertained some ideas for addressing the discrepancy of the language of the statutes last year to make a victim of sexual assault be willing to go in for a forensic exam be the standard as opposed to a police report, but there is a whole series of statutes that address that a police report has to be done in order for the county to pay

out that $1,000 for incidentals, or treatment or whatever. (NRS 217.300.) What we understand from Clark County is that Victims of Crime is not kicking in funds until the $1,000 is used up from the county. If the victim gets the forensic exam which should make her eligible for Victims of Crime funding, but never applies to the county for the $1,000 does that still hold up Victims of Crime funding to them? Ms. Salazar responded that yes, Victims of Crime is a payor of last resort. If a victim does not apply to the county first we send them an application and request that they apply to the county for payment. Once that $1,000 is used the Victims of Crime fund pays the rest.

7. Future agenda items – Chairperson Masto noted that this committee is a subcommittee of a larger commission, the Advisory Commission on the Administration of Justice, and advised that anything this subcommittee does with proposals, etc. has to go to the larger commission for review. Ms. Masto proposed that this subcommittee not meet again until after the next advisory commission meeting so that she can bring to this subcommittee any of those areas, ideas, or goals where the commission wants to go in the next year to give an idea of what this subcommittee needs to be addressing based on their parameters. However, what the larger commission is doing should not limit this subcommittee on what it should be doing on behalf of victims of crime. No one should hesitate to bring to the table thoughts and ideas on legislation, regulations, practices, policies, etc. that should be brought to the attention of the advisory commission. The advisory commission's final report will be posted on the website and Ms. Masto will see that committee members get a copy as well.

Liz Greb proposed an agenda item to review NRS 217.300-320 and discuss ways to change or clarify it so that it's not a block to victims of sexual assault getting Victims of Crime funds. Ms. Greb will get information together and get it to everyone before the next meeting so it can be on the agenda.

Christina Conti, Public Health Emergency Response Coordinator and liaison to the hospitals and healthcare organizations in Washoe County, requested that an agenda item be added related to emergency management planning and education at the healthcare organization level. Ms. Conti's concern is with a possible violent situation where an aggressor comes to where a victim is being treated and threatens the staff as well as the victim. Ms. Conti would like to identify a possible gap that needs to be bridged between victims of crime and the health organizations and if there is something that can be done to better prepare staff in the event that an aggressor comes after a victim being treated for injuries.

Chairperson Masto stated that this issue is all part of emergency management planning—which state and local governments do all the time. They work closely with law enforcement in that scenario. At the state level the Attorney General's Office is even a part of it; we want to ensure that we are also involved in our state agencies

when appropriate and providing legal advice. It is assumed that healthcare organizations have been brought into this role.

Ms. Conti acknowledged that most healthcare organizations have their own emergency managers that plan for such things but some are more robust and more understanding of different types of situations that may come up than others. Her agency is also working collaboratively with other stakeholders in the community (such as law enforcement) so that they are part of a larger emergency management plan.

Sue Meuschke stated that as far as emergency management, there needs to be an understanding of the issues surrounding victims of sexual assault and victims of domestic violence to wide scale emergencies. There is little understanding of protecting victims in the event of a natural disaster when refugees are all housed in a common location and it's difficult to protect victims from aggressors in those circumstances. Ms. Conti agreed that that type of situation is the type of gap she would like to have identified and bridged. Ms. Meuschke suggested that Ms. Conti collect whatever procedures and protocol those healthcare facilities currently have in place around issues of domestic violence or sexual assault as a first step so that the committee can identify what gaps might exist.

Maxine Lantz reminded the committee to add Brett Kandt's issue to the next agenda: victim notification and AD510 – Good Time Credit Program.

Andrea Sundberg asked that an agenda item be added to discuss the dilemma of children and adolescents who need treatment and/or mental health counseling but cannot get it without the consent of their parents, who are often the cause of that child needing treatment. Kids are running because they can't stay in their homes because of what's going on and they cannot get treatment without the consent of a parent.

8. Next meeting – Chairperson Masto proposed that the next meeting be scheduled to occur after the next advisory commission meeting and schedule meetings quarterly after that.

9. Comments from the public – Liz Greb mentioned the DEC project because it has been continued to next year and it's been moving into a more policy direction which may lead to some sort of statutory changes or suggestions down the line.

Marty Washington addressed the committee as follows: As most of you are aware we received funding for the drug-endangered children office through the AG's department. I have spent the summer visiting 14 of the 17 counties throughout the state and what I have been doing is I go to each county and talk to them about the issue of drug endangered children, probably our most endangered victims. They can't speak for

themselves, they can't get services for themselves and they can't leave, so they stay in a very dangerous, toxic environment. What I have been doing is trying to spear communities into developing some kind of coordinated response. And so these children can be identified which is one of the challenges too. If they don't get involved in the system at all, we can't even identify them. That's one of the main reasons that I've been focusing on the school district too, if they're of school age. If they don't come to the attention of anybody else, sooner or later they're going to go to school. So we started this project trying to create teams, then we thought that didn't make sense because people get promoted, they change jobs, etc. and the initiative dies. It makes more sense to work with all first responders and get a community program. So sooner or later it's going to become necessary to institutionalize this response. The next organizational meeting has not been scheduled. There is a drug-endangered children summit on September 22, which is statewide.

[There were no further comments from the public.]

10. Adjournment – 3:55 p.m.

Minutes taken and transcribed by Vicki Beavers, SLS 684-1212