

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

MINUTES OF MEETING

May 15, 2012 at 2 p.m.

Present in Carson City

Ben Felix, Coordinator, Sexual Assault Support Services, Crisis Call Center
Kari Ramos, Program Director, Nevada Coalition Against Sexual Violence
Debbie Tanaka (Present for Chris Lovass-Nagy, Division of Child and Family Services,
Dept. of Health and Human Services
Traci Dory, Victim Services Officer, Nevada Department of Corrections
Paula Berkley, NNADV
Christine Conti, Liaison, Washoe County Health District

Attorney General's Office Staff Present

Catherine Cortez Masto, Attorney General and Chair (Via Video Conference from Las Vegas)
Kareen Prentice, Domestic Violence Ombudsman
Brett Kandt, NVPAC
Martie Washington, Grants Unit (Present for Liz Greb, Grants and Project Analyst)
Eddie Cartwright, PIO
Janice Riherd, LSII

Present Via Video Conference from Las Vegas

Barbara Aupperle, Program Administrator, Victim-Witness Assistance Center, Clark County District Attorney's Office
Elyne Greene, Victim Services Supervisor, Las Vegas Metropolitan Police Department
Rebecca D. Salazar, Victims of Crime Program, Dept. of Administration

Present via Phone Conference

Julie Skow, Victim Witness Assistance Center, Washoe County DA
Lori Fralick, Victim Services Unit, Reno Police Department
Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence

1. Call to Order and Roll Call of Members.

Chairperson Catherine Cortez Masto called the meeting to order at 2 p.m. A quorum of the members was present.

2. Public Comment.

No Public Comment from the North, South, or from any person appearing by telephone.

[Agenda item number three (3) Review and Approve Minutes from the August 18, 2011 meeting was taken out of order and addressed later in the meeting.]

4. Update on the Attorney General's Sexual Exploitation of Minors Working Group.

Catherine Cortez Masto, Chair, informed the committee that at the beginning of the year she had put together a working group to address Human Trafficking, specifically commercial sexual exploitation of minors and adults. This working group began with groups from both the north and south of the state who were already actively involved in this area, and then Law Enforcement was brought in to work with the group. They have had two (2) meetings to date. The first meeting involved a mutual understanding of the goals, guidelines, and parameters of the group. The second meeting was a follow up meeting. In between these two (2) meetings, a sub-committee of just law enforcement was formed, including Las Vegas Metro Police Department, Reno Police Department, Washoe County Sheriff's Office, and the Sparks Police Department. The key goal for this sub-committee is to gather data, and analyze the data statewide with regard to the commercial sexual exploitation of minors and adults. This data was recently received; therefore this law enforcement working group sub-committee will meet in the near future and look at the data gathered. The main concern will be not only to identify the scope of the problem in order to come up with solutions, help, treatment, for the victims and address law enforcement needs; but to be able to inform legislators, political leaders, and those people who are in a position to assist with solutions to this issue. The data will be analyzed for not only the information, but to make sure the data is consistent statewide, and identify additional criteria needed to incorporate into the data gathering to assure that all information regarding this subject is available. Once this information is in a form to share, it will be brought to the committee. The goal is to have all law enforcement reporting in a similar manner, and reporting done to the Attorney General's Office.

The Attorney General's Office has also put together a matrix comparing Nevada Statutes to California, Illinois, and Minnesota laws enabling the creation of a rough draft of model legislation that is needed. The rough draft package will be brought to the law enforcement group to ensure law enforcement needs are included. The goal is not to create another task force, but to join existing groups together to share information to help craft the model legislation. There is a sub-committee on healthcare that has discussed Human Trafficking and has some bills they are investigating. Assemblyman Hambrick brought three (3) bills before the last legislature that failed; he will also be brought in to assist in bringing this legislation to Nevada.

The goal is not only the data gathering and model legislation, but a focus on the treatment and law enforcement training to assist the victims. A second goal is to hold a summit just prior to the legislative session to present and discuss these issues and obtain more public awareness of the issues, needs, what is being done and lack thereof, and to create discussions regarding these issues going into the legislative session.

Public Comment from Paula Berkley:

Ms. Berkley stated that she had sat through the hearings during the last legislative session with Mr. Hambrick, and he put together a good group of people and made a good attempt to get the legislation passed. Ms. Berkley felt that it would be beneficial to include Mr. Hambrick in these groups' efforts.

Response from Catherine Cortez Masto:

AG Masto was in agreement with Ms. Berkley and stated she would attempt to have Mr. Hambrick at the next meeting to discuss what happened with his bills so that we may learn and collaborate on getting the bills passed at the next legislative session.

Comment from Elyne Greene:

The Southern Nevada Human Trafficking Task Force has applied for a Department of Justice Task Force Grant, which will be a resource for the north as well. In the event that request is funded, it would start October 1, 2012. A full time Director would be hired, this person would be tracking data, looking at resources for counseling, long term services for the victims, education for law enforcement, prosecutors, health and human services providers, and should be able to assist this group.

Comment from Kareen Prentice:

Ms. Prentice stated that she would forward an email to Rebecca Salazar regarding the Polaris Project which gives Nevada a poor grade in our Victims of Crime Compensation assistance.

5. Update on the Victims of Crime Compensation Fund.

Rebecca Salazar stated that the Victims of Crime Compensation Fund recently did their third quarter pay down, which will be available on their website by the end of the week. 6.1 million dollars of bills was paid with approximately \$750,000. They are still paying 100% of the approved amount, and the fourth quarter recommendation is to continue paying 100% of the approved amount. Revenues continue to be down, but it has not been an impact on their ability to make payments. The largest revenue decline is in the refund revenue source, which on paper does not look good, but in actuality is not an issue. Ms. Salazar reported that normally they have refunds because of insurance payments. In the past, a bill was paid and then insurance paid later creating a refund amount. An effort has been made over the past year to obtain the insurance payment up front, eliminating the refund, which makes the refund revenue appear down, which in actuality it is not.

Question from Catherine Cortez Masto:

AG Masto inquired as to the amount that is reverted to the general fund.

Response from Rebecca Salazar:

Ms. Salazar stated that after the last legislative session the automatic diversion no longer occurs. Previously it was not the reserve that reverted. For example, if \$400,000 in court funds was received and the reserve exceeded the \$400,000, then that \$400,000 would have been diverted. Currently there is a fairly large reserve of

approximately 1.1 million dollars. Ms. Salazar reported that a 45 day reserve is to be held. The reserve is currently larger because of the huge grant that was received this year. They plan on carrying the reserve as long as possible.

[Back to Agenda item Number Three (3)]

3. Review and Approve the Minutes from August 18, 2011.

Elynne Greene moved and Barbara Aupperle seconded a motion to approve the minutes from August 18, 2011. No discussion was held. Motion passed unanimously. See, Attachment A.

6. Update on the Advisory Commission on the Administration of Justice.

Brett Kandt reported that the Advisory Commission is in its third iteration regarding an interim commission that meets to make recommendations to improve the criminal justice system. The Advisory commission has two statutory sub-committees, this Victims of Crime Sub-Committee and a provision for a statutory sub-committee for juvenile justice. However, because there is already a Legislative Committee on Child Welfare and Juvenile Justice chaired by Senator Wiener this interim, there is not a sub-committee for Juvenile Justice under this Commission. Senator Wiener's committee has met and will be submitting several proposals in the area of child welfare and juvenile justice. The Commission also established one additional sub-committee during this interim for the limited purpose of looking at Pre-Sentence Investigation (PSI) Reports. Currently Nevada has no statutory process to amend the PSI reports after sentencing. The Commission felt that this was something that needed to be addressed; therefore a sub-committee chaired by Phil Kohn, Clark County Public Defender, was established. This sub-committee has met and submitted a proposal that would create a statutory process for correcting errors in the PSI reports after sentencing. This proposal is modeled on the federal system. The Commission was amenable; however, issues and concerns may arise in the legislative session from the Judges associations because federal system deals with a much smaller volume of criminal cases than do the state and local courts. Approximately ninety five percent (95%) of criminal cases are handled by the state and local courts. The process for going back and amending PSI's is much easier to accomplish in federal courts because of their reduced volume of criminal cases.

The March 7, 2012 meeting of the Advisory Commission was largely a fact finding meeting. It involved information regarding the Department of Correction's boot camps and work camp programs. Additionally, Mr. Kandt and DOC Director Cox gave a report on the status of a settlement of a lawsuit involving medical care provided inmates at Ely State Prison. Mr. Kandt reported that he also gave a status report to the Commission on ACLU v. Masto, a federal lawsuit involving the State's efforts to implement the Adam Walsh Act regarding sex offender registration.

The April 17, 2012 meeting of the Advisory Commission involved more fact finding. There were extensive presentations by Dr. James Austin, who is an expert retained by the Commission for the last few interims to look at the prison population,

trends in the prison population, and proposals of how to mitigate increases in the prison population. As a result of Dr. Austin's recommendations Assembly Bill 510, good time credit, was enacted during the 2007 session. This legislation allows prison inmates convicted of non-violent, non-sexual offenses, category E, D, and C felonies, to earn time off the front end of their sentences. Dr. Austin reported that his data indicates that the prison population is stable, not growing, and he asserts that is in pertinent part the result of the good time credit being in place. Additionally at the April 17th meeting, a presentation of the sub-committee regarding the PSI process was made; and the Commission attempted to establish the priorities for the remainder of the interim and what Chairman Horn hoped to accomplish.

The next Commission meeting will be held in June. At the June meeting they intend to look at intermediate sanctions, lifetime supervision, and the impacts on Nevada Parole and Probation Department. They also want to look at some of the measures that were submitted by the Commission that did not pass in the 2011 Legislative Session. The following meeting will be in July. At the July meeting they intend to review the requirements of AB 107, which requires all law enforcement agencies to adopt written policies on eyewitness identification procedures. Additionally, the Commission would like to review a report from this Victims of Crime Sub-Committee on the sex trafficking of minors. They will also review assault weapons and gun laws, and the Clark County Coroner's inquest process. The final meeting is tentatively scheduled for the latter part of August, 2012, which is intended to be a work session in which all the legislative proposals vetted by the different sub-committees and the Commission as a whole can be finalized and submitted for BDR's.

Question from Catherine Cortez Masto:

AG Masto inquired as to the status of the eyewitness identification procedures, and understands that under the bill it has to come back to the Advisory Commission. AG Masto inquired if a working group needs to be formed, or is there a group already established for this process.

Response from Brett Kandt:

Mr. Kandt stated AB 107 specified that the Sheriff's and Chief's Association would report to the Commission on the status of compliance with the law's requirements and the progress of every law enforcement agency that has sworn peace officers who would be required to adopt such policies and procedures. It is Mr. Kandt's understanding that this has been a topic and work of the Sheriff's and Chief's Association. Las Vegas Metropolitan Police Department (LVMPD) enacted and adopted written procedures on eyewitness identification, and many of the other law enforcement agencies are going to model their written procedures after the LVMPD. A portion of the reasoning to model written procedures after the LVMPD was to promote consistency throughout the State in how the law enforcement agencies conduct line-ups, and the other issues of eyewitness identification.

Question from Catherine Cortez Masto:

AG Masto inquired if the District Attorneys were involved in this process.

Response from Brett Kandt:

Mr. Kandt stated that at the last meeting of the Prosecution Advisory Counsel, AG Masto reported she had been contacted by the Innocence Project, which has their own model of protocols that they encouraged to be adopted, and those protocols were disseminated to the District Attorneys. The District Attorneys are aware, to the extent that they have sworn peace officers employed as investigators in their offices; that they will have to adopt written policies as well.

7. Determine Future Meeting Agenda Items.

AG Masto called for the input of any future Agenda item topics.

Response from Martie Washington:

Ms. Washington stated that in the minutes of the last meeting Elizabeth Greb had asked for discussion of the BDR with regard to paying for sexual assault exams.

Response from Catherine Cortez Masto:

AG Masto stated that this request was not on the Agenda for some unknown reason, and requested the Ms. Washington proceed with this issue.

Response from Martie Washington:

Ms. Washington stated that Senior Deputy Attorney General Heather Proctor has taken this legislation and tried to simplify the language. Currently there is some confusion on who is responsible for the payment of forensic exams for sexual assault victims. The Violence Against Women mandates that the victim cannot be forced to cooperate with law enforcement, and that just submitting to the forensic exam could constitute cooperation with law enforcement, therefore the victim could be compensated.

Response from Catherine Cortez Masto:

AG Masto stated that because this is not an action item, everyone should review this material and that at the next meeting this issue will be put on the Agenda and discussed. AG Masto stated that this was going to be included in her bill package, so if anyone has any thoughts or concerns regarding this issue to let her or her office know. AG Masto stated that funding for the exams is a concern. They are looking at Victims of Crime funds to pay for the exams, but the cost is not currently known. Data is being gathered, depending on the county the cost varies. This will be part of the AG's package as she moves through this process and this committee's input, involvement and support is key.

AG Masto inquired regarding the issues of nurses and if this an Agenda Item that is needed.

Response from Ben Felix:

Mr. Felix stated that historically appeals to the nursing board have gone unanswered. In his opinion their requirements are arcane and do not follow suit with standards that other states hold. Repeated efforts have resulted in repeated confirmations that the nursing board will not change their requirements. LPN's and Certified Nurses can perform an exam, but what has not been addressed is the chain of custody of evidence. More nurses are attempting to obtain their certification, but are not being given the opportunity to fulfill their practicum. This is not homogenous across the state, but in rural areas the hours are not available to retain their certification. A way to maintain this certification in all communities needs to be addressed.

Question from Catherine Cortez Masto:

AG Masto inquired if there is a model available from any other states with rural v. urban areas that have similar issues.

Response from Ben Felix:

Mr. Felix stated that there are models, but those states have the degrees of accommodations of their nursing boards that is not available in Nevada.

Response for Catherine Cortez Masto:

AG Masto stated that she would like to identify the areas that the nursing boards could be more flexible, and obtain a model of another state that is working. She would be willing to enlist the support of doctors and medical personnel and address this issue with the nursing board. AG Masto stated she needed assistance obtaining the information and the data needed to go forward. AG Masto stated that on the heels of the Governor's executive order that licensing boards need to be more flexible and accept reciprocity for military spouses; this is an perfect opportunity to address flexibility with the Nursing Board on a subject matter that is so important resulting in a lack of care because of the inflexibility. This should be an Agenda Item for the next meeting.

Question from Christine Conti:

Ms. Conti stated that she had a question for Martie Washington. She was confused, the email provided refers to an age limit change on 51.85 from under 10 to under 13, but the BDR refers to funding. See, Attachments B and C.

Response from Martie Washington:

Ms. Washington stated that these are two completely different issues. The email from Ross Armstrong and Melissa Brown was in response to a question regarding problems and legislative issues they were seeing in prosecuting these cases in the rural communities. See, Attachment B. Children under the age of 13 are at a developmental age which makes testifying in Court difficult, therefore not requiring them to come to Court to testify. A second issue is regarding the higher penalties for a second Domestic Battery conviction. They would also like to see an enhancement in the domestic violence statute regarding the presence of children during a domestic violence issue.

Additionally, they suggest the presence of children during a DUI as an aggravating factor when the Judges are issuing sentences for DUI convictions.

Question from Catherine Cortez Masto:

AG Masto inquired if suggestions in this email from Ross Armstrong to Elizabeth Greb are potential topics this committee should consider and discuss regarding support. See, Attachment B.

Response from Martie Washington:

Ms. Washington confirmed that these are potential topics this committee should consider for support. Additionally, Ms. Washington presented an email from Melissa Brown regarding her suggestion regarding enhancement in the Domestic Violence statute. See, Attachment D. Ms. Washington reported to the committee that she had witnessed an eleven year old testifying in Court, and while the attorney was wonderful with the child, it was very difficult and would not like to see a child this young have to endure this process.

Response from Catherine Cortez Masto:

AG Masto suggested that someone in the AG's office would put these suggestions in a very rough draft form and bring the rough draft back to the group for discussion and consideration regarding support. AG Masto additionally confirmed that future agendas would contain an item regarding Bill Drafts and legislation, and an update on VINE.

No other Agenda Items were proposed.

8. Next Meeting.

AG Masto stated that Linda Fitzgerald from her office would coordinate with the committee member's schedules to calendar the next quarterly meeting. This meeting date should be toward the end of June to work with the Advisory Committee's meeting schedule.

9. Public Comment.

No Public Comment from the North, South, or from any person appearing by telephone.

10. Adjournment.

The meeting was adjourned at 2:54 pm.

Minutes taken, transcribed, and respectfully submitted by Jan Riherd, LSII 684-4607.