

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

**MINUTES OF MEETING**

**June 20, 2012**

**Committee Members Present**

Ben Felix, Coordinator, Sexual Assault Support Services, Crisis Call Center  
Kari Ramos, Program Director, Nevada Coalition Against Sexual violence  
Traci Dory, Victim Services Officer, Nevada Department of Corrections  
Traci Trenoweth, Advocates to End Domestic Violence  
Justine Hernandez, Sexual Assault Support Services, Crisis Call Center  
Debbi Robinson, Northern Nevada CARES/SART Program  
Maureen Seitz, FBI, Victim Advocate  
Rebecca Salazar, Victims of Crime Program, Department of Administration  
Elynne Greene, Director, Southern Nevada Human Trafficking Task Force,  
Victim Advocate, LVMPD  
Barbara Aupperle, Program Administrator, Victim-Witness Assistance Center, Clark  
County District Attorney's Office  
Julie Skow, Victim Witness Assistance Center, Washoe County DA

**Attorney General's Office Staff Present**

Catherine Cortez Masto, Chair  
Kareen Prentice, Domestic Violence Ombudsman  
Elizabeth Greb, Grants & Projects Analyst  
Brett Kandt, NVPAC  
Eddie Cartwright, PIO  
Heather Cooney, LS II  
Martie Washington, Grants Unit

- 1. Call to order and roll call of members.** Chairperson Catherine Cortez Masto called the meeting to order at 2:00 p.m. A quorum of the members was present.
- 2. Public Comments .** No public comment from the North or South.
- 3. Review and Approval of the Minutes from May 15, 2011.** Traci Dory suggested that be a correction to the second response by Marti Washington's response on No. 7, from corporate to cooperate and in the last sentence, from corporation to cooperation. Kareen Prentice advised that the word counsel should be changed to council in item no. 6. Motion for approval of the minutes with changes identified seconded and passed.

**4. Discussion of flexibility in SART/SANE nurse licensing for sexual assault victims.** Synopsis on the issue was distributed and this item was taken out of order and addressed later in the meeting

**5. Discussion of VOC Compensation Fund to Pay for Sexual Assault Exam Fees and Take Burden Off Counties.** Chairperson Masto stated that VOC met recently with Brian Nix and Rebecca Salazar from the Victims of Crime Compensation Fund, and Jeff Fontaine, Executive Director from NACO regarding VOC paying for the sexual assault exams. Jeff's only concern was the annual cost.

Chairperson Masto explained that the VOC wants to take the burden off of rural counties by paying for the exams in those counties. She stated that she met with Liz Greb, Dale Carrison of UMC and Geri Dermillion with Rose Heart.

Chairperson Masto stated that currently in Clark County, Social Service pays for the funds from an account from the DA's office. Their concern is if payment goes through the VOC fund will the funds be there when they need it or will a state budget crisis impact funding. They are also concerned about disturbing the status quo of the program. She advised them that she would take their concerns into consideration. She stated that she assumes Washoe County will have similar concerns particularly as they are looking at state funds rather than federal funds.

She added that data is currently being gathered about the anticipated number of assaults and costs associated therewith. The cost of exams can vary from \$250 to \$2100 depending on the county. She stated that the other concern is the need for a complaint when seeking funds from the VOC Fund. The regulations would need to be changed or some exemption would need to be given regarding sexual assault exams.

Elizabeth Greb stated that they are in the process of information gathering and would have to have something in place for five years before they would really know if it had an impact on public numbers in terms of access and victims being willing to come forward. So there's also a huge public education effort that would need to go along with whatever we do.

Chairperson Masto stated that the education aspect was discussed with Jeff Fontaine,

Ben Felix asked if this solution addresses the concerns on the compliance with OVW if we leave Washoe and Clark status quo.

Elizabeth Greb responded that basically OVW's concern is access for the victim to services free from the undue influence of law enforcement particularly as most of northern Nevada and rural Nevada is coming up to the Pagel Center by way of law enforcement. They also have some concerns in our urban areas because there have been instances where tourists have been assaulted and have issues getting the exam here getting the exams reimbursed when they've gone home and had the exams in their home state.

She added that the advantage is that currently the counties are responsible. Depending on the fluctuation of their economy, it has been a barrier sometimes in dropping the requirement for a law enforcement report. It may be the hospitals requiring a police report or they are concerned they will have to be financially for everyone claiming to have been sexually assaulted.

Ben Felix introduced Debbie Robison as the SANE and CARE/SARC coordinator with the District Attorney's office in Washoe County who was here to answer questions about Agenda Item No. 4.

Debbi Robison stated she believed the topic was funding rural counties. She stated that she could not speak for the District Attorney's Office because they are administrating their funds which come from the general county funds . She advised that Mr. Gammik is frequently approaching the hospitals for funding for the program although they have one of the lowest amounts in the state for examinations. She went on to say that she understands we are considering eliminating Washoe and Clark counties but does not necessarily agree because their county program is the only program that the county administrates that is not a mandatory county entity. If the funding in their county gets too bad, it could go away unless there is something out there that would protect us.

Chairperson Masto asked that Ms. Robison put together statistics of how many exams and the cost on an annual basis to share with Victims of Crime and see if it is something that could be covered.

Debbi Robison advised that the cost of their exams is \$450.00

Ben Felix informed the committee that Washoe's numbers include Storey and Churchill counties as well.

Kareen Prentice stated that she met with Traci who will put together a synopsis for Carson.

Elizabeth Greb stated that Carson Tahoe has started doing some exams but Debbie usually performs them. One of the issues is trying to determine the cost of the exam versus the facility costs.

Traci Trenowith stated that Carson Tahoe is charging \$600 for the exam and \$350 for the emergency room.

Debbi Robison stated that Washoe does not have a facility cost because Senator Ensign obtained HUD grant for \$1,000,000 and with Mr. Gammick's efforts were able to raise \$1,600,000 and our building is completely paid for. The Northern Nevada Medical Center rents the land to the program for \$1 per year. They cover our cleaning, our linens and our supplies. They give us a stipend every month just for supplies that we might need. Currently the facility is free except for what it costs to run it. Our biggest expense is our staffing. This is why we are able to charge such a low amount for our exams to the rural areas. We actually only charge the rural areas exams we do for California and neighboring counties.

Julie Skow stated if the committee wanted more information from Mr. Gammick she could ask him to speak to you all. She further stated that she would put together a packet for your data collection

Traci Dory advised that sexual assault exams are performed for some inmates and that they need to be removed from the data as VOC should not be responsible for paying for them. In the South the inmate exams are billed to the DA.

**4. Discussion of flexibility in sexual assault response team/sexual assault nurse examiner (SART/SANE) nurse licensing for sexual assault victims.** Chairperson Masto directed the committee to a handout that Kari Ramos prepared. She stated there are five nurses in Washoe County and 1.5 in Clark County and that's it for the state of Nevada.

Martie Washington stated that there are also two certified nurses in Pahrump, one is going into Tonopah and one working toward certification in Ely.

Kari Ramos stated that there are some others working toward certification. There is one in Battle Mountain funded by a grant through DOJ.

Kareen Prentice added that there is also a physician's assistant in Battle Mountain who reached out to me.

Traci Trenowith added that there is also a certified SANE nurse in Carson City.

Kari Ramos stated that In 2010, 956 cases were reported through Uniform Crime Report. But that the number is not consistent with what they are hearing from some of the police reports of the number that are presenting to them and that all cases are not reported. She added that combining all those issues, we have to ask what the real reasons are for the shortage. While there is not one reason, we know that there is a complication when these nurses are coming forward to certify.

Debbi Robison informed the committee that there are issues with the State Board of Nursing who mandated in 2005 that in order for a nurse to perform sexual assault exams they had to have their SANE certification which is a national certification. Nevada was the first state and remains the only state to require this.

We revisited this with the State Board a couple of years ago and they remained adamant. We asked them to consider giving the nurses time to practice the SANEs before they take the certification test. They said absolutely not. Our concern was that, especially in the rural areas, if you have only 2 or 3 cases per year you cannot possibly get proficient enough to get national certification.

Ben Felix added that the request is to allow the nurses to go through the training and education and give them 18-24 months to practice before taking the national certification exam. The nursing board is saying you cannot touch a patient until you have the SANE certification. He explained that the board's justification is that advanced practice physicians or nurses can perform these exams without any education so a physician in an ER can do these without any training. The problem is we don't know

the quality of these forensic exams and these physicians and nurses do not want the liability of being subpoenaed by the court.

Debbi Robison explained that even the international association of forensic nurses, who proctors the examination, does not require that a nurse be nationally certified to do the exams. It's only our state's requirement. Their only requirement is that you have to take an approved forty hour course and have 64 hours of this and show proficiency and you can do SANE examinations. You can't put SANE A after your name but you can do the examinations. In order for a SANE nurse to make examinations she will need to come to Reno where we would teach her to do the examinations but they will have to be on call with us and sometimes there are no patients. I've actually precepted a couple of nurses from outlying areas who came to Reno and never got a patient. One nurse came up three times, spent two or three days here and never got an examination. I don't know how to fix that process.

Chairperson Masto confirmed that if we have a licensed nurse out there, the only way for her to get a certification is to get the national Sane A certification and the only way to become certified is to do a practicum, but in Nevada a nurse can't do the practicum unless she has the certification unless she is working under the supervision of another SANE or a physician. In the rurals this would necessitate the nurses coming to where the physicians are.

Elizabeth Greb advised that in Ely, the ER doctor has agreed to proctor the person who is getting their certification. They realize they are going to have a problem meeting the continuing number that you have to do to maintain certification, so they are planning on just setting that up as their protocol forever.

Debbi Robison explained that there are many different training programs available including Davis and San Diego, online programs, and Utah. The State Board lets the IAFN set the education process and standard and then require the nurses to comply. Once you comply, you can apply to take the test. Part of that application process is that a physician or a SANE is certifying that you are competent in SANE examinations and then you can take the test. The State Board does not monitor the results.

She stated that that the desired change is to allow the nurses 1-2 years to become proficient and complete their practicum. They would still need to go through the acceptable course of study.

Elizabeth Greb stated that there is a disparity between what we demand of nurses who are the ones who would be most likely to do this, and what is required of physicians and APN's. She suggested there should be an educational standard for whoever does the exam.

Debbi Robison added that the language in the first part could be changed to include anyone who will be conducting these exams.

Ben Felix stated that he would like to include ongoing CEU opportunities for keeping current and maintaining certification for those in the rurals.

Kari Ramos added that she wants to make sure that additional requirements are not added for nurse practitioners who right now don't need to take this, for example if public health nurses.

Debbie Robison stated that she agrees with making everyone take the class. She explained that it is only forty hours, part of it can be online and didactic and a couple of days on location. A 64 hour process is a preceptorship including 16 hours of normal pelvic exams. She added that public health nurses would be perfect as they have all the training they need and can work the kit.

Chairperson Masto inquired if this is something that can put in the nursing school curriculum so that the nurses can be trained in this instead of having to be with the physician?

Debbi Robison explained that it is a specialized form of nursing that is not necessary for general knowledge.

Chairperson Masto inquired if there is a model state out there that already has certification requirements that are reasonable.

Ben Felix informed the committee that West Virginia has a mobile program that works through five counties. They enlist nurses through local hospitals who then serve on a rotational basis. There is a single SANE coordinator and an advocate coordinator and they work together collaboratively and travel from county to county as necessary wherever the jurisdiction is where the assault occurred. All their protocols, all documents, all agreements, their certifications, everything is on this one site that was developed and funded by the Department of Justice.

Kareen Prentice asked if anyone could speak on telemedicine.

Elizabeth Greb explained that this came out in the past year. DCFS said they were going to put in an application. The rural medicine program through UNR medical school has been trying to work with telemedicine. She believes Elko has been using it in pediatric sexual assault exams. The idea is to set up a national 24/7 center that if somebody presented in an emergency room they would call in and they would have the equipment to do a telemedicine that would walk them through a forensic exam. Realistically we're looking at 10 – 15 years down the road.

She added that there was a project proposed for mobile units. It was grant funded but there were some aberrations in how the grants were handled and it fell apart. Unfortunately that burned the people that came up with the idea and they don't really want to try it again. She stated that the program that Ben was describing in West Virginia sounds very much like the project in Ely. She believes it is a good program for Nevada because they already have some experience in her office of how it can work.

with the regional DAG programs. Nevada would have to have a single pair do it because there are jurisdictional issues in that nobody wants to pay for the neighboring county. Nevada has counties that are small enough that they will never have a SANE, but if we could get a person to that victim it would take care of the issue of law enforcement transport and would take a huge burden off of law enforcement.

Ben Felix added that in the West Virginia model the hospitals are on board because they realize they are going to get paid so they are not going to turn anyone away.

Chairperson Masto stated that she would like to have DAG Heather Proctor meet with them to go through the language, whether it is in the NAC through the Nursing Board or the NRS through legislation. She stated she is willing once everyone is in agreement, to shop it to stake holders and then present it to the Nursing Board and ask them to make those changes. If they are unwilling to make the changes, she is prepared to take it to a legislator and ask that it be put in statute and create that certification

She explained the need for a couple of people who are familiar with this to be willing to come back and sit down with Elizabeth Greb and Heather. If anyone else wants to be there just let Linda know as she will be coordinating the meeting.

Elizabeth Greb asked if it specified statewide what is included in an evidence collection kit.

Debbi Robison explained that the crime labs mandate what needs to be included in order to evaluate DNA from the scene.

Elizabeth Greb stated that New York has dropped things which made the exams particularly uncomfortable and inquired if there were any changes that might be made in our kits.

Julie Skow stated there is a protocol, a document which supports the contents of the kit and offered to forward it to Linda.

**6. Update on legislation impacting victims of crime for 2013 Legislature.** Chairperson Masto directed the committee to the matrix handout comparing Nevada's statutes with three other states that have human trafficking legislation. She stated they are still talking to law enforcement, that Assemblyman Hambrick has been brought in and they are talking to social services. She explained they are still trying to identify what will be included in the omnibus package, but explained this will give a sense of what we have and don't have in Nevada and what other states have done for the purposes of your feedback.

She stated we are still in the process of identifying the data from Northern and Southern Nevada for both adults and children that are victims of commercial sexual exploitation. It's still not standardized but we're in the process of doing so

Kareen Prentice inquired if they had performed any exams on minors that have come in identified as a human trafficking victim?

Debbi Robison stated that they had but it is not appropriate as they could collect evidence for who is having sex with that person but not for who is trafficking that person.

Ben Felix inquired if this is only for sexual exploitation, or including labor.

Chairperson Masto replied that it is only for sexual exploitation and there is already labor on the books.

Ben Felix stated that his question there is that we then need the victim to consent to the exam. If she is unwilling to consent to finger that pimp or that john then you run afoul because I know that law enforcement wants to get this evidence and that it may be counter to what the victim wants to accomplish.

Chairperson Masto inquired if anyone was aware of legislation on the horizon that we should monitor.

Kareen Prentice stated that there is a clean-up bill that the Nevada Network is looking for a legislator. There is a card that all law enforcement is supposed to give, listing services for domestic violence services. We find that this is not always happening in every county. She explained that when pets were added to the protection order, we found it was not being added to the statute that deals with the cards so essentially we had the law but no real education to the public so they would know they could protect their pets. She stated it's the Nevada Humane Society and another group that really wants to see this added. It's also a training and education issue for advocates to ask if there are any pets they want to protect when they are going through that process. There's also one being discussed about DCFS and Animal Services to effectively cross train them so if they give a report and go get a dog and there is evidence of a child that they would also include that in the report and vice versa.

Chairperson Masto added that they are working on legislation that is still in the beginning stages having to do with alcohol and drug testing of commercial drivers which is not always being done. We learned this from a mother whose son was killed by a taxi driver high on meth. We are trying to develop a state statute or some sort of regulation or oversight to insure that Nevada commercial drivers are regularly tested for drugs and alcohol use.

Traci Dory stated that they will probably bring AB 510 back up, category A and B felons getting credit off of their minimum sentence like they did last year, but it failed.

Ben Felix inquired if it was last session that there was a failed move to change the language around statutory sexual seduction to statutory rape.

Chairperson Masto confirmed that it was and that it came through the advisory commission. She added she had just received a list of legislation that had passed and failed and would distribute that list.



Kareen Prentice added there is also a move from Clark County to restructure 432B which would be the child sexual abuse.

Kari Ramos stated that is a lot of confusion in the language on the statutory rape laws, and asked if the committee could look at that and offered to distribute specifics.

Elizabeth Greb inquired if our statutes are consistent with the new federal statutes from FBI on sexual assault and rape. She added that on the Uniform Crime Reports, from a perspective of trying to justify bringing money into this state, it's been very difficult to get any accurate figures regarding sexual assault and suggested that the issue could be looked at.

Martie Washington stated that she suspects the definition is a factor in the difference between the numbers from UCR and what we know is reported.

Ben Felix added Nevada relies heavily on the language that defines who is allowed to be married. The language isn't specific. At 16 you are allowed to marry with just parental consent. Under 16, you have to have parental consent and a judges consent, so that was the dividing line, that age derived from who could get married without the court getting involved.

Elizabeth Greb stated that inconsistent language makes working with the service providers more difficult because of concern as to whether they have to get parental consent.

**7. Update on Nevada Vine Project.** Kareen Prentice informed the committee that Mineral, Pershing and Clark County are the only counties which are not currently live. Mesquite is live, North Las Vegas is live, and Clark County Detention Center is live, but they have different numbers and have not been rolled into the statewide system. We are working with Las Vegas Detention Center and Henderson Detention center to bring them all on board. Mesquite is the only one operating in Clark County with the current statewide number.

She further stated that Pershing and Mineral should be live by the end of June and all of Clark County should be live by the end of August. They have done trainings in Las Vegas and Nye County. More in depth computer training with the jail deputies and staff in the Las Vegas and Henderson Detention Centers will take place the last week in July, first week in August. They hope that by December 2012, the Parole Board and Parole and Probation will be on board. The Department of Corrections went live in February. The grant ends in June 2013 so everyone will be on board by then.

She stated they are currently working on funding and received a JAG grant from DPS for \$45,000 to fund the program manager from July 2012 through June 2013 which corresponds with current funding. They received a stop grant that is helping with the service fee for that extended time, and will help with the next year so that's 2013 through June 30, 2014. They are hoping to have all the funding they need by July 1, 2013. The Department of Corrections has put it in as a line item. Clark County and Washoe County have said that they are going to be funding at their current level which is almost half of the current system. Las Vegas Detention Center is actually putting in a

mechanism using the inmate telephone system which is what Clark and Washoe also use. Henderson Department of Corrections is looking at doing that too. Carson is looking at how they are going to fund it. They said that they would fund it at the bill which I think was five to ten thousand. Most rural counties are not funding. It's \$188,000 per year for everyone. She added that with Clark and Washoe continuing the funds at about \$95,000 and the State Department of Corrections at \$36,000, and Las Vegas and Henderson would be the same amount so there should not be a shortfall for the next two years.

#### **8. Review legislative recommendations submitted by Ross Armstrong and Melissa Brown.**

Chairperson Masto directed everybody to the handout.

Martie Washington explained that they asked Ross Armstrong and Melissa Brown, two tri-county prosecutors what issues they were seeing and what kind of legislative changes they might want.

Chairperson Masto explained that they got funding to put two prosecutors in our rural areas and they are combined, working for three counties and they just do cases involving domestic violence, sexual assault, and stalking crimes against women in those areas.

Martie Washington further explained that the areas are Eureka, White Pine and Lincoln Counties, the other is Nye, Esmeralda and Mineral County. She explained that they asked these two prosecutors, Ross and Melissa, what issues they were seeing and what kind of legislative changes they might want.

Ross Armstrong wants the age at which children are not required to testify in court raised to 13 years as he believes they are severely traumatized by the experience. Currently if they are under the age of 10 they do not have to testify in court but testify through a video. He further requested that if children were present during domestic battery, there should be more of a hammer there. Melissa responded "Why don't we look at the legislation when somebody is arrested for a D.U.I. and maybe model it that way?"

Chairperson Masto asked "so the minor child is an aggravating factor in sentencing for D.U.I because they're present in the house where there is domestic violence or sexual assault?"

Martie Washington confirmed. She stated that the other concern she had was with the penalties. They looked at other states to see what kind of laws they had and have received copies from Washington, Missouri, Iowa and Minnesota. They are going to ask Heather to look at the language.

Chairperson Masto stated she want's everyone's input as to whether they should go in this direction although it will not be included in the bill package that she has set forth .

Ben Felix inquired about what kind of resistance this might get.

Traci Dory stated there would be a fiscal impact from the Department of Corrections.

Kareen Prentice added the judges would like a lot more flexibility in their sentencing structures.

Elizabeth Greb stated they have discovered the criminal justice system, particularly in the eastern side, where they don't have any community based services at all, has been instrumental in having a deterrent effect when the people knew we were actually going to prosecute.

Chairperson Masto stated they will look at it internally and talk to the criminal prosecutors and DA associations before proceeding.

**9. Determine future meeting agenda items.** No items were added.

**10. Next meeting.** Chairperson Masto suggested Linda Fitzgerald contact and work around everyone's schedule within the time frame as set.

**11. Comments from the public.** Martie Washington responded to the Chair's invitation for public comment by discussing her application for Nevada to be one of five states that will be taking on the DECSYS program,(Drug Endangered Children System), a web based application that the Colorado DEC alliance developed in which law enforcement, during a felony drug arrest, can input information about children. DECSYS shoots a report to DCFS or Child Protective Services, depending on which agency is dealing with children in that community. They now have the mandate to go and investigate. She explained that during the piloting they found that only 40% of the time there were children obviously present when there was a drug arrest. A lot of times there was not even a sign of a child. That means that 60% of the time these children are missed and no one was intervening. This program is not going to cost Nevada anything except for travel to explain the benefits of this program.

She stated the program is funded through the COPS grant that Colorado DEC has and they have the funding to now allow five states to take it. Eventually the states take on hosting it but for the beginning there is no financial output.

She explained that there is some discretion by law enforcement in that they can actually input that it is an ongoing investigation and request that CPS not follow up until given the go ahead. Also Nevada can input other crimes as we can have a drug issue and the crime will not always be classified as a drug charge.

Debbi Robison stated that she was in a CPET meeting today with law enforcement, the DA's office, and doctors. The meeting is a round table and the parties discuss a specific kid case; fatality or sexual assault or something of that nature. One of the recurring themes is Social Services complaining to the police that when they go out on a domestic violence call they have a difficult time with law enforcement letting

their workers know so that by the time Social Services gets it, it is eight weeks later and often too late. It seems like this program would be prime for that problem of helping them get notice in a timely manner.

Elynn Greene stated they will have an Amador County District Attorney in California coming on July 12<sup>th</sup> to host a round table discussion regarding the Family Resource Center here in Southern Nevada which will be followed by Casey Winn and Gail Strack from the Alliance. October 4<sup>th</sup>, the Southern Nevada Domestic Violence Task Force with the Nevada Prosecution Advisory Council and the Office of Victims of Crime will be hosting the annual best practices workshop at no cost. It is a best practices for domestic violence from a law enforcement, prosecution and victim advocacy perspective. Both events are at no charge to attendees. There will be some prosecution scholarships from the Nevada Prosecution Advisory Council.

(There were no further comments from the public)

**Agenda Item No. 12 – Adjournment**

Chairperson Catherine Cortez Masto adjourned the meeting.

