

Attachment Three (3)

Committee on Domestic Violence Agenda
December 4, 2018

Contents: Fatality Review Team
Recommendations

**Nevada Office of the Attorney General
Committee on Domestic Violence
Fatality Review Subcommittee**

Case Review Summary Report

Elko, Nevada

10.1.18 – 10.2.18

Summary of Review:

On October 1st and 2nd 2018 the Nevada Office of the Attorney General Committee on Domestic Violence's Fatality Review Subcommittee met in Elko, Nevada to conduct a case review. The purpose of the review was to gather information about a local fatality related to domestic violence, understand the circumstances leading up to the fatality and to identify any gaps in services or opportunities for intervention. In addition to this case-specific review, the subcommittee also discussed the local community and/or state response to domestic violence, prevention and intervention efforts. The multidisciplinary review process worked to identify opportunities for improvement and make recommendations for prevention of future deaths related to domestic violence.

While the focus of the subcommittee was on the details of one specific case, the local community members of the subcommittee also discussed general community concerns related to domestic violence.

Below is a compiled a list of identified opportunities for improvement as well as resources and suggested strategies for implementation.

Opportunities Identified by the Review

***Issue #1:** In many cases one reason a victim of domestic abuse will stay in the home and not seek help from a shelter is because they do not want to leave their pets behind and the local shelter will not accept their pets. In some urban areas, there are shelters available for pets for when victims need to leave and want to make sure their pets are safe as well. This resources is often not available in rural areas and creates a barrier for victims who wish to leave their homes.*

Proposed Response: Advocates should work with local animal shelters, pet boarding services and veterinarians to create temporary care for pets to eliminate this barrier for victims to seeking services. In addition, victims need to be aware that safe care for their animals is available so information about this issue should be included on the card left with victims so that they are aware and may be more encouraged to seek services. Finally, a plan for education of local law enforcement about this issue as a barrier for victims and how to provide information

regarding possible solutions is also needed to ensure that appropriate information is provided on scene.

Issue #2: *In cases where children are involved, the local child welfare agency is often contacted to assess whether or not there has been any maltreatment of the children and ensure that they are safe. In these cases, child welfare has access to the medical and mental health records for the children to help in their assessment, but does not have access to these records for the adults in the home. In some circumstances, this information would be critical in assessing the capacity of parents to appropriately care for their children.*

Proposed Response: In these cases it may be possible to work with a Deputy Attorney General to obtain an administrative warrant to obtain these records when needed. The Office of the Attorney General will look into the process for obtaining these warrants and work with the Nevada Division of Child and Family Services to develop an internal process for these cases.

Issue # 3: *In many cases involving domestic violence, victims often recant or minimize their abuse. This can make prosecution difficult because the victim may be uncooperative with the investigation. Education should be provided statewide for prosecutors to learn best practices around moving forward with charges against perpetrators even when victims are not cooperative with the investigation and prosecution.*

Proposed Response: The Ombudsman for Domestic Violence has include this information in the Domestic Violence Prosecution Best Practice Guidelines that were developed and recently updated. A copy of these Guidelines have been provided to the District Attorney's Office and the Sheriff's and Chief's of each jurisdiction in Nevada and can be found here: http://ag.nv.gov/Hot_Topics/Victims/DV_Prosecuting/

Issue #4: *In rural areas of the state, victims experience significant barriers to applying for and having issued Temporary Protection Orders (TPOs). In some cases, victims would need to travel 60 miles just to submit an application, and in some areas services are not available 24/7 so victims would need to wait for orders to be issued during regular business hours. In addition, currently TPOs have no priority in being served first. (Ref NRS) The priority is for eviction notices to be served. Therefore, after a victim travels to an office to apply, waits for the order to be issued, they still have to wait for the TPO to be served to the perpetrator for it to be in effect.*

Proposed Response: The Office of the Attorney General is currently working on a Bill Draft Request to address the priority service issue in the next legislative session. Stakeholders should work together to identify solutions statewide to allow victims to

obtain a TPO 24/7 in all jurisdictions. They must work on possible solutions to remove barriers to the application process and the issuing of TPOs especially in rural areas of the state.

Issue #5: *The Subcommittee identified a potential need for additional training around what constitutes a violation of a protection order, when to make an arrest, and what the process should be for the removal of firearms from a home once a TPO has been ordered or after a domestic violence conviction. In addition, when after a conviction parole/probation are involved these agencies need to take an active role in ensuring that firearms are removed.*

Proposed Response: Create a plan to identify the most effective venues for training and information dissemination for law enforcement and assist local law enforcement agencies to provide training and/or materials so training can be provided by existing training staff. In addition, when firearms should be surrendered after a domestic violence conviction, all agencies verify that they have been removed from the offender's possession.

Issue #6: *In domestic violence cases where law enforcement responds and children are involved, often the local child welfare agency is not notified of the incident until days after the incident had occurred, if at all. It is critical for child welfare to be notified of domestic violence incidents even when it appears that children are not physically harmed. Child welfare can offer services to the family as well as provide counseling on the impact that witnessing violence in the home can have on children which may help a victim to increase their capacity to protect their children and stop the cycle of violence.*

Proposed Response: Local communities should work together to develop a process for ensuring that when law enforcement responds, and a child is present, child welfare is contacted as soon as the scene is secured to respond and provide assistance with children present and ensure their safety and promote a joint investigation and information sharing. In addition, local communities may develop processes for law enforcement to notify child welfare of all domestic Violence related cases on a regular basis as a means to ensure that no cases with children are overlooked.

Issue #7: *Domestic violence is a complex problem and there are many systemic reasons why victims may not be able to leave an abusive situation. In addition, friends, family and others surrounding the victim may have more information about the history of control and violence in a relationship that can be helpful in an investigation and in providing assistance to the victim and their family.*

Proposed Response: The creation of community level multidisciplinary teams where law enforcement, child welfare, social services, public and behavioral health and others can come together to discuss cases and identify creative solutions to overcome barriers could help to better serve the community, and prevent domestic violence at a systemic level. These teams can also discuss strategies for gathering additional information from friends and family to help intervene as well as foster collaboration between agencies.

Issue # 8: *At the time of law enforcement response to a domestic violence situation, it is critical that advocates are available and dispatched to the scene to offer timely support and resources to help victims. In addition, the development of a positive interaction and relationship with an advocate can also help law enforcement with their investigation because the victim has someone to help them understand the process of the criminal justice system.*

Proposed Response: The Office of the Attorney General has developed a protocol for cross-agency response to domestic violence (see attached). This protocol outlines the different roles in a domestic violence case as well as advice on when to contact a victim services advocate, and how on-scene advocate can help. Communities should review this protocol and explore their capacity to implement the protocols and identify barriers to implementation, including the lack of resources for advocates in all communities.

Proposed Action Plan

The review subcommittee developed each of the recommendations listed above and the local community where the review was completed has already started to discuss ways that some of these recommendations can be implemented. The report of recommendations is provided to the Committee on Domestic Violence for discussion and possible action. In addition the Ombudsman for Domestic Violence can also help to support training initiatives and the dissemination of best practices statewide.

DRAFT