

Attachment One (1)

Committee on Domestic Violence Agenda
August 19, 2019

Contents: July 17, 2019 Minutes

**NEVADA OFFICE OF THE ATTORNEY GENERAL
COMMITTEE ON DOMESTIC VIOLENCE (CDV)**

Meeting Minutes

Wednesday, July 17th, 2019 at 9:00 a.m.

Meeting Location:

Office of the Attorney General
Mock Courtroom
100 North Carson Street
Carson City, NV 89701

Via Videoconference:

Office of the Attorney General
Grant Sawyer State Building
555 East Washington Street, Room 4500
Las Vegas, Nevada 89101

1. Call to order and roll call of members.
 - a. The Committee on Domestic Violence (CDV) meeting was called to order at 9:00 am.
 - b. Present
 - Aaron Ford, Attorney General (Chairman Ford)
 - Armstrong, Ross (Armstrong)
 - Brokaw, Max (Brokaw)
 - Buoncristiani, Dawn (Buoncristiani)
 - Cuevas, Amanda (Cuevas)
 - Green, April (Green)
 - Hall, Karl (Hall)
 - Harig, Tracy (Harig)
 - Hernandez, Cory (Hernandez)
 - Klem, Loretta (Klem)
 - Meuschke, Sue (Meuschke)
 - Morris, Marla (Morris)
 - Moseley, Leisa (Moseley)
 - Ramos, Suzanne (Ramos)
 - Scott, Annette (Scott)
 - Spratley, Eric (Spratley)

- c. Absent
 - Brown, Esther (Brown)
 - Greene, Elynne (Greene)
 - Lynch, Patricia (Lynch)
 - Riley, John (Riley)
 - Wheable, Michael (Wheable)
 - Yoxsimer, Denise (Yoxsimer)
 - a. Staff
 - Adair, Jessica (Adair)
 - George, Kyle (George)
 - Humm, Jimmy (Humm)
 - O'Banion, Nicole (O'Banion)
 - Bradley, Sarah (Bradley)
 - Mouannes, Jason (Mouannes)
 - Cooke, Shani (Intern)
 - Las Vegas and Carson City Interns
 - b. Public
 - Ortenburger, Liz (Ortenburger)
 - Rey, Jennifer (Rey)
 - d. **Quorum established**
2. Public Comment.
- a. Carson City
 - Buoncristiani wanted to recognize O'Banion's excellent work in the community as other community members outside the Committee on Domestic Violence have recognized O'Banion to Buoncristiani through positive feedback.
3. **For Discussion:** Introduction of new committee members and staff.
- a. Chairman Ford wanted all members in attendance to introduce themselves as we have new members joining the committee. He requested that each member state their name, brief background about themselves, and the experience they bring to this committee.
4. **For Discussion:** Attorney General Ford will request committee members to submit "Committee Action Proposals" on current domestic violence related challenges to be voted on at the next CDV meeting as the next committee wide project.
- a. Chairman Ford stated that he views the Committee as a working committee. He desired for committee members to submit committee action proposals on current domestic violence related throughout Nevada.
 - b. Moseley mentioned interest in working to address perpetrators.

- c. Chairman Ford supported possibly adopting successful models relative to the goals of the Committee, which can deliver solutions.
- d. Meuschke asked about the desired format of committee action proposals.
- e. Chairman Ford asked members to consider this as a brainstorming opportunity to discuss more about the prospective topics the Committee would like to focus on before the next legislative session.

Eric Spratley arrived at 9:15 AM.

- 5. **For Possible Action:** Attorney General Ford will request nominations for the appointment of the Vice-Chair, Secretary and Treasurer for the Committee on Domestic Violence.
 - a. Chairman Ford informed members that they may nominate themselves or someone else for the available roles.
 - b. Nominations began:
 - Ramos motioned to nominate herself for Vice Chair. Chairman Ford asked if Ramos was willing and able. Ramos agreed. Nomination seconded by Cuevas. No further discussion. All in favor. Motion passed. Ramos was nominated as the Vice Chair for the Committee on Domestic Violence.
 - Ramos motioned to nominate Cuevas for Secretary. Chairman Ford asked if Cuevas was willing and able. Cuevas agreed. No further discussion. All in favor. Motion passed. Cuevas was nominated as the Secretary for the Committee on Domestic Violence.
 - Moseley motioned to nominate Meuschke for Treasurer. Chairman Ford asked if Meuschke was willing and able. Meuschke agreed. No further discussion. All in favor. Motion passed. Meuschke was nominated as the Treasurer for the Committee on Domestic Violence.

Liz Ortenburger arrived at 9:20 AM.

- 6. **For Possible Action:** Attorney General Ford will request volunteers from the committee to be appointed to the Attorney General's Statewide Fatality Review Team and the Domestic Violence Treatment Subcommittee.
 - a. Chairman Ford asked for volunteers interested in serving on the Attorney General's Statewide Fatality Review Team.
 - b. The following individuals volunteered to serve on the Attorney General's Statewide Fatality Review Team:
 - Sue Meuschke, Amanda Cuevas, Tracy Harig, Eric Spratley, Karl Hall, Cory Hernandez, Marla Morris, and April Green.

- Chairman Ford motioned to appoint those who volunteered to serve on the Attorney General's Statewide Fatality Review Team. No further discussion. All in favor. Motion passed.
- c. Chairman Ford asked for volunteers interested in serving on the Domestic Violence Treatment Subcommittee.
- d. The following individuals volunteered to serve on the Domestic Violence Treatment Subcommittee:
 - Loretta Klem, Leisa Moseley, Sue Meuschke, Amanda Cuevas, Ross Armstrong, and Suzanne Ramos.
 - Chairman Ford asked for a motion to appoint those who volunteered to serve on the Domestic Violence Treatment Subcommittee. Motion by Meuschke. No further discussion. All in favor. Motion passed.

7. **For Possible Action:** Review, discussion, and possible approval of February 28, 2019 Meeting Minutes.

Attachment 1

- a. Chairman Ford asked for a motion to approve the minutes. Motion to accept the minutes by Brokaw. Seconded by Meuschke. Ramos corrected her statement at the top of Page 3 on the February 28, 2019 Meeting Minutes from "complete" to "start". Accept as amended. No further discussion. All in favor. Motion passed.
8. **For Discussion:** Update on Ombudsman's initiatives by Nicole O'Banion.
 - a. O'Banion updated members on some initiatives she has worked on since the last meeting:
 - O'Banion informed meeting attendees the Division of Child and Family Services (DCFS) has partnered with the Nevada Attorney General's Office to host a statewide listening session on July 30th related to domestic violence issues in Nevada.
 - Armstrong recognized the important intersection between child welfare and domestic violence situations. Although child welfare maintains a process to address child abuse and neglect, the Division of Child and Family Services sees an opportunity to intervene more proactively regarding domestic violence in homes when the children are present. Many times, the abuse is not physical, nor can it be obvious. The Family First Prevention Services Act will change child welfare in a great way as it opens a new gateway for federal funding prior to the removal of a child.
 - O'Banion announced the Nevada Attorney General's Office will be hosting a statewide human trafficking summit and bring in national leaders in demand reduction through the criminal justice system. Some of the topics include the process to run

- investigations, fund operations, and establish a 365/24/7 response team. The Save the Date flyer would be sent out soon.
- Ortenburger inquired about how the human trafficking summit would be advertised to service providers and if there was a link to RSVP.
 - O'Banion offered to forward over the digital version of the flyer with a link to Ortenburger.
 - After further discussion, Chairman Ford suggested a review of the distribution lists to ensure maximum participation by all parties who may benefit from the upcoming summit.

9. **For Discussion:** “Legislative Update” by Kyle George, First Assistant Attorney General.

Attachment 3

- a. Adair, George and Humm discussed bills proposed relating to domestic violence, sexual assault, and human trafficking during the 2019 Legislative Session. They found success in the package of bills passed through the legislature. Attachment 3 outlined and detailed each individual bill.
- b. George reviewed Assembly Bill (AB) 19 relating to temporary protective orders (TPOs) and extended protective orders (EPOs). He thanked individuals' part of the Committee on Domestic Violence who participated in improving the language of the bill, sought legislative support for the bill, and testified before the legislative committees to help pass the bill. One of the biggest challenges for law enforcement included individuals actively evading service of process. The new mechanism created targets those actively evading service of process through a more constructive service process, such as email service of process. This tool enhances protections for victims as temporary protection orders do not take effect until served to the adverse party.
- c. Adair also thanked the Committee on Domestic Violence as the constructive service aspect of the bill came about from multiple conversations throughout the years, which demonstrated the work of the Committee leading to a deliverable result.
- d. George reviewed Assembly Bill (AB) 41 which helps strengthen the Confidentiality Address Program (CAP) by protecting survivors of domestic violence, sexual assault, and human trafficking from being located by their perpetrator through public records. Other avenues used by perpetrators include utility and telecommunication providers.
- e. George reviewed Assembly Bill (AB) 60 and recognized Adair for her commitment to advocating on this bill, while facing strong opposition in many aspects relating to the bill. Adair was determined to get the bill passed in a strong manner. Meuschke and Spratley contributed

- with testimony for the bill at the legislature. Bradley and O'Banion also provided research evidence regarding reason to enhance penalties.
- f. Adair and George addressed changes to mandatory arrests found in the bill. They explained law enforcement officers maintained discretionary arrest for misdemeanors committed outside their presence. Regarding roommates, sometimes there is not a true intimate relationship, which proved challenging to address the situation given everyone may not have somewhere else to go and emotions are elevated during an argument.
 - g. Other changes in the bill included explicitly stating to the municipal courts and justices of the peace collecting the \$35 mandatory domestic violence administrative assessment. The bill created the Domestic Violence Treatment Subcommittee within the Committee on Domestic Violence.
 - h. Chairman Ford applauded the work completed by the leadership team on AB 60 as the bill initially stood challenges during the process.
 - i. George reviewed Senate Bill (SB) 9 which closes a loop hole for victims of sexual assault. If a victim is murdered in a sexual assault case, the statute of limitations is lifted for prosecution.
 - j. Humm reminded members why the committee action proposals are critical as they can lead to more success like the passage of new laws during the 2019 Legislative Session.
 - k. Green explained how Assembly Bill 19 positively impacted the work of an attorney she works with in her practice as he was able to effectively service a temporary protection order to protect a victim.
 - l. O'Banion thanked Chairman Ford, Adair, George, and Humm for their amazing contributions as the leadership team for the Nevada Attorney General's Office. She referenced her experience with the leadership team at the legislature fighting to pass these bills.
 - m. Moseley stated past issues with fines and fees in Nevada.
 - n. Adair explained how several fines and fees were scaled back during the legislative process for Assembly Bill 60 to address that concern. She also stated that moving forward courts must order offenders to domestic violence batterers' treatment programs. For example, if a domestic violence perpetrator happens to be an alcoholic and needs to address alcohol problem through a specific program, perpetrators still need to be ordered to take batterers' treatment courses without substituting another program for the requirement.
- 10. For Possible Action:** Review, discussion and possible approval of the Batterer's Treatment Subcommittee's recommendations to the Division of Public and Behavioral Health (DPBH) of the Department of Health and

Human Services (DHHS) for the *Empowerment Centre, LLC* and the *Bilingual Center for Behavioral Health* applications for certification as programs for the treatment of persons who commit domestic violence.

NRS Chapter 439 requires DPBH to evaluate, certify and monitor programs for the treatment of persons who commit domestic violence, and NRS 228.470(2) requires the CDV to make recommendations to DPBH regarding the certification of these programs.

Attachment 4

- a. O'Banion stated the Domestic Violence Treatment Subcommittee received new applications for two different batterers' intervention programs. The applications were reviewed, and corrections were completed as needed. The Subcommittee recommended approval of the presented programs to the Division of Public and Behavioral Health.
- b. O'Banion noted new changes in statute allow the Subcommittee to make the approval recommendation directly to the Division without having to go through the full committee moving forward so the process is much more efficient and helps get the agencies approved faster.
- c. Meuschke asked for an overview of both programs. O'Banion and Ramos stated Dennis Fitzpatrick is the designated supervisor for both new programs and he applied on behalf of his facilitators. He has other programs that been previously approved. He satisfied all the program requirements.
- d. Chairman Ford asked for a motion to approve the recommendation of approval for the new agency application, *Empowerment Centre, LLC*. Motion by Ramos. No further discussion. All in favor. Motion passed.
- e. Chairman Ford asked for a motion to approve the recommendation of approval for the new agency application, *Bilingual Center for Behavioral Health*. Motion by Ramos. No further discussion. All in favor. Motion passed.

Annette Scott arrived at 9:55 AM.

11. **For Discussion:** Presentation on the "Nevada Arrest and Protection Advocacy Project Report" by Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence.

Attachment 5

- a. Meuschke presented the "Nevada Arrest and Protection Advocacy Project" report. The project began in 2016 to discover how we address domestic violence in civil and criminal situations throughout Nevada by hosting multiple listening sessions. The feedback was received from 149 individuals and 55 agencies such as law enforcement, prosecutors, courts, advocates, and survivors resulting in 30 listening sessions. The information was summarized and brought to a multidisciplinary

working group to see how the issues can be addressed in our communities. Pages 7 thru 9 of Attachment 5 provided an executive summary of the recommendations.

- b. Chairman Ford inquired if there were best practices for determining the primary aggressor in a situation.
- c. Spratley responded the primary aggressor is determined on a case-by-case basis and can be one of the most difficult tasks for law enforcement officers as they do not want to mistakenly arrest a victim during the process. Sometimes the primary aggressor cannot be determined. He elaborated prior history can affect victims in the future. In his view, the worst practice is arresting a victim. The district attorney can be frustrated as they cannot decide as well.
- d. Armstrong stated for the safety of both parties, it may be best to arrest both individuals. However, it can cause legal challenges for a victim in court if they are identified as a possible primary aggressor leading to competing interests for prosecution.

12. For Discussion: Presentation on “NDOC Notifications” by Jennifer Rey, Victim Services Officer, Nevada Department of Corrections.

Attachment 6

- a. Rey stated issues with obtaining the victim notification request forms to help protect victims. She informed members about the victim notification request form, which is normally sent to Rey from the district attorney offices. She is not receiving these forms from the rural counties. She reminded members we need to remind the district attorney offices to assist victims in filling out these forms as often they are overwhelmed during the process. The forms can be submitted via fax or email. In case of emergency, Rey accepts calls as well.
- b. O’Banion stated Rey is a critical resource as she knows what is going on with an offender before they are released and knows this information ahead of time, which can provide a victim more time for safety planning. Most offenders she tracks are violent, felony offenders and sometimes they can be released almost immediately. O’Banion and Rey are hoping a conversation regarding this issue can be had with the district attorney’s association.
- c. Armstrong stated the Division of Child and Family Services operates the juvenile correctional facilities. The facilities are seeking to be complaint with Marsy’s law, but they are also not receiving information regarding victims, which has created a barrier for compliance with the new law.

13. For Discussion: Presentation on “UVisa’s” by Liz Ortenburger, CEO, SafeNest.

Attachment 7

- a. Ortenburger presented an overview of Clark County U-Visa process challenges for Safe Nest and the Immigrant Home Foundation.
 - b. She mentioned LVMPD would no longer accept U-Visa applications for violence that happened more than five years ago.
 - c. Chairman Ford expressed interest in addressing the challenges with U and T visas in any capacity available by exploring options.
 - d. Ramos stated statewide training may be necessary on the process.
 - e. Spratley explained how determining the primary aggressor and arresting victim can jeopardize the U-Visa application process.
 - f. Chairman Ford suggested a potential bill draft request proposed by the American Immigration Law Foundation might be appropriate.
 - g. Hernandez expressed officers need more education about the U-Visa process as it is not an automatic pass to citizenship in the US. She also stated some individuals may not be sensitive to immigrant population.
 - h. Meuschke suggested reviewing policies at the federal level regarding U-Visas.
14. **For Discussion:** Update on the “Committee on Domestic Violence (CDV) Treasurer Report” by O’Banion.
- Attachment 8**
- a. O’Banion stated that the budget is \$42,909. The remaining budget is \$4,392.63.
15. **For Information Only:** the CDV’s tentative future meeting date:
- CDV: August 19, 2019 | Location: CC OAG & LV OAG
 - FRT: October 1 – 2, 2019 | Location: TBD
 - CDV: November 13, 2019 | Location: Rural Meeting – Hawthorne: Times/Location TBD
16. Public Comment.
- a. Meuschke reminded everyone about the NCEDSV Annual Conference, which will take place in Reno, NV from September 23rd thru 25th.
 - b. Chairman Ford thanked Las Vegas and Carson City Interns who helped prepare Attachment 3 for the committee meeting.
17. **For Possible Action:** Adjournment.
- a. Chairman Ford called for a motion to adjourn. Meuschke motioned to adjourn. No further discussion. All in favor. Motion passed.
 - b. Meeting adjourned.

Minutes respectfully submitted by: **Jason Mouannes**
Edited by: **Nicole O'Banion**
Office of the Attorney General

DRAFT