

Attachment One (1)

Committee on Domestic Violence Agenda
July 17, 2019

Contents: February 28, 2019 Minutes

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

Meeting Minutes

Thursday, February 28th, 2019 at 9:00 a.m.

Meeting Location:

Office of the Attorney General
Mock Courtroom
100 N. 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)
 - Prindle, Angela (Prindle)
 - Scott, Annette (Scott)
 - Hernandez, Cory (Hernandez)
 - Buoncristiani, Dawn (Buoncristiani)
 - Greene, Elynne (Greene)
 - Troshynski, Emily (Troshynski)
 - Spratley, Eric (Spratley)
 - Judge Lynch, Patricia (Judge Lynch)
 - Jordan, Magaan (Jordan)
 - Morris, Marla (Morris)
 - Brokaw, Max (Brokaw)
 - Cafferata, Patty (Cafferata)
 - Meuschke, Sue (Meuschke)
 - Ramos, Suzanne (Ramos)
 - c. Absent
 - Green, April (Green)

- Guy, Dorie (Guy)
 - Hazlett-Stevens, Christopher (Hazlett-Stevens)
 - Yoxsimer, Denise (Yoxsimer)
 - Riley, John (Riley)
 - Judge Bunch, Max (Judge Bunch)
 - Hall, Karl (Hall)
 - Herrick, Kelsi (Herrick)
 - Moseley, Leisa (Moseley)
 - McMahill, Marcie (McMahill)
 - Wheable, Michael (Wheable)
 - Monsignor Gordon, Gregory (Monsignor Gordon)
 - Hamilton, Tim (Hamilton)
 - Harig, Tracy (Harig)
- a. Staff
- Adair, Jessica (Adair)
 - George, Kyle (George)
 - O'Banion, Nicole (O'Banion)
 - Bradley, Sarah (Bradley)
 - Mouannes, Jason (Mouannes)
- d. **Quorum established**
2. Public Comment.
- a. No public comment.
3. **For Possible Action:** Review, discussion, and possible approval of December 4, 2018 Meeting Minutes.
- Attachment 1**
- a. Chairman Ford asked for a motion to approve the minutes. Motion to accept the minutes. Seconded by Meuschke. No further discussion. All in favor. Motion passed.
4. **For Discussion:** Update on Ombudsman's initiatives by Nicole O'Banion.
- a. O'Banion updated members on the initiatives she has worked on since the last meeting:
- Riley and O'Banion have collaborated to develop a domestic violence training for Churchill County and surrounding areas willing to participate.
 - O'Banion began working with the Division of Child and Family Services (DCFS) on domestic violence protocols and procedures. In addition, she had reviewed the ability for offenders to access batterers' treatment courses while in jail or prison as they are already incarcerated.

- Ramos stated that Washoe County Sheriff's Office provides batterers' treatment courses in the jail, so offenders can complete course while in custody.
- Victim Information Notification Everyday (VINE) began developing a recidivism report which should be available in a few weeks. They have partnered with the Nevada Attorney General's Office to publish the report. Since we are the first state to publish such a report, the assessment is being done free of charge.
- O'Banion had put together an expert witness resources list for prosecutors including high qualified individuals from UNLV and UNR. She also mentioned Tracy Harig has scheduled domestic violence trainings for the medical school, the nursing school, and the Northern Nevada nurse practitioners group coming up in AG May 2019.
- Chairman Ford stated there will be an increased focus relating to domestic violence in the Nevada Attorney General's Office. He thanked O'Banion for the work she has done and continue to do moving forward. In addition, he thanked the participation of the committee members reminding all that appointments will be renewed for those who want to continue to work in this committee in July.
- Chairman Ford suggested all committee members introduce themselves going around the room.

5. **For Discussion:** Update on the Confidential Address Program by DCFS Program Officer, Gina Hinds.

Attachment 2

- a. Hinds provided all the meeting attendees an overview on the Confidentiality Address Program (CAP). The program was established in 1997 with the Nevada Secretary of State. In 2015, the program was transferred to the Nevada Attorney General's Office where Hinds took over the program. In 2017, the program was transferred to the Division of Child and Family Services. Other states have Address Confidentiality Programs (ACPs) similar to Nevada. The program assists victims of domestic violence or stalking, sexual assault, and human trafficking. Victims informed Hinds the program is valuable to ensuring their personal safety.
- b. Certified advocates, such as Ramos, play a critical role in the program. Approximately 30 agencies and 100 advocates are trained and certified in Nevada. Certified advocates assist in determining the eligibility of victims for the program, which requires specific documentation (NRS 217.462).

- c. Cafferata questioned the release of the actual physical address to law enforcement agencies as a security risk if the perpetrator works for law enforcement agencies. Hinds reassured the committee there is a system in place to approve the release of address requested by law enforcement agencies.
 - d. In 2017, Nevada became a member of the National Association of Confidentiality Address Programs allowing states to collaborate to address any issues.
 - e. Spratley inquired about the CAP card for law enforcement agencies. Hinds clarified the purpose of the CAP card is for individuals to identify as program participants.
 - f. The CAP Program has grown by approximately 35% in the past year.
 - g. Ramos thanked Hinds for always enhancing the process of the application when issue arise.
 - h. Spratley suggested assistance to committee members regarding any issue relating to officers mishandling access of information.
 - i. For more information about the program, please visit:
http://dcfs.nv.gov/Programs/CAP/CONFIDENTIAL_ADDRESS_PROGRAM/
6. **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 *Care Counseling* application for certification as a program 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 3

- a. O'Banion stated the Batterers' Treatment Subcommittee received a new application for a batterers' intervention program. This application was initially reviewed, and corrections were needed to be completed. Upon completion, the application was reviewed a second time on January 7th, 2019 and met the requirements. The subcommittee recommended approval of the presented program to the Division of Public and Behavioral Health.
- b. Lynch stated the documentation was received in a disorganized matter. This led to the criticism of legislation that would release the Committee on Domestic Violence of the responsibility to review and recommend approval of new agency applications for batterers' treatment programs.

- c. Chairman Ford asked for a motion to approve the recommendation of approval for the new agency application, Care Counseling. Motion by Meuschke. Seconded by Judge Lynch. No further discussion. All in favor. Motion passed.
7. **For Discussion:** Presentation on the “Washoe County Fatality Review Team Recommendations” by Kim Schweickert, Human Services Program Supervisor, Human Services Agency and Lori Fralick, Law Office Manager, Washoe County District Attorney’s Office.

Attachment 4

- a. Schweickert and Fralick highlighted the recommendations identified by the Washoe County Fatality Review Team.
- b. In Attachment 4, the recommendation was provided along with the rationale behind the recommendation and action taken to date.
- c. Meuschke stated offenders demonstrate a conservative effort to evade service of protection orders. Fralick agreed there are many components related to this issue such as staffing and service after-hours.
- d. A timeline was created for the case review. Fralick stated there was a gap in service with assumptions made with the case management software used by law enforcement. This was elaborated on in recommendation #3 in the fatality review report.
- e. George suggested concerns about this recommendation. They expressed that sometimes there is a belief a women who stays in a domestic violence setting is potentially liable for child endangerment charges.
- f. Schweickert stated that this process is currently active and there are advocates in place to properly protect the victim from this situation. HSA wants to be a resource to victims of domestic violence situations.
- g. Greene expressed the coordination of changes statewide so there is consistency in Northern and Southern Nevada in the long-term conversation.
- h. O’Banion reminded the committee members that all reviews are confidential. However, the recommendations derived from these reviews is helpful in making important changes to system.
- i. Meuschke stated that privilege of communication is protected by statutes and they do not end with death of an individual. However, she did not imply the privilege statute be weakened.
- j. Chairman Ford stated this could lead to possible lawsuits and it is necessary to protect the service providers.
- k. Jordan stated that in Clark County the situation is different. At the Las Vegas Metropolitan Police Department headquarters, there are three advocates that handle all crimes. Additionally, there is one victim advocate for domestic violence at the Clark County District Attorney’s office. The District Attorney prosecutes at least 70,000 cases

on a yearly basis. When we discuss fatalities, almost every time a victim speaks to a shelter, they are at full capacity. Police officers are challenged because there is not enough space to relocate people seeking safe shelter. Furthermore, one single advocate cannot possibly handle a case management load of 10,000s of thousands of victims alone. The cycle of domestic violence often leads to sexual assault, human trafficking, and fatalities. We are lacking case management staff and resources.

- l. Chairman Ford suggested we want uniformity while considering the needs of individual communities throughout the State of Nevada.
 - m. Spratley stated adequate domestic violence reporting is being communicated with law enforcement. The focus is documentation of incidents related to domestic violence, even if this would prompt a short report.
8. **For Discussion:** Presentation on “Prevent Child Abuse Nevada as it intersects with Domestic Violence” by Tara Phebus, Executive Director, Nevada Institute for Children’s Research and Policy.

Attachment 5

- a. Phebus stated her work is focused to strengthen families to prevent the maltreatment of children in all of its forms.
 - b. Often during training or communicating with parents, there is a misconception of the impact domestic violence has on children, such as not directly hitting a child. Academic research has analyzed impact of toxic stress on child.
 - c. Impact of a chronically stressful capacity
 - d. Communication between law enforcement and child welfare
 - e. Additional trainings are needed for recognizing and reporting child maltreatment for law enforcement.
 - f. A presentation was provided to the Sheriffs’ and Chiefs’ Association on this issue.
 - g. Information on trainings that are offered.
 - h. Adair thanked Phebus for her work. She asked if school resource officers are also receiving trainings.
 - i. Chairman Ford thanked Phebus for her presentation.
9. **For Discussion:** Presentation on summaries of AB19, AB41 and AB 60 by Senior Deputy Attorney General, Sarah Bradley,

Attachment 6

- a. Bradley provided an overview of Assembly Bill 19, Assembly Bill 41, and Assembly 60. The intent of AB 19 is to create a repository for orders of protection, even after protection order is no longer active. The duration of protection orders was also being carefully reviewed. AB 41 is focused on making changes to the Confidentially Address Program (CAP) to

further protect the address of program participants. Sometimes perpetrators can call cable companies or non-state entities that have to have the real address of an individual because they have a service in place. The focus is to enhance the confidentiality for real addresses of victims. AB 60 is focused on enhancing penalties and clarifying crimes listed relating to domestic violence. Our office has reached out for input on the language of laws that can be improved.

- b. Judge Lynch stated the importance of mandating batterers treatment programs for domestic violence offenses and eliminating confusion to the requirements for the justices of the peace.
 - c. Bradley stated that our office would like the batterers treatment subcommittee that makes the recommendation of approval for new agency applications to make the decision on behalf of the full committee. This would make the process more streamline while allowing the committee to have a role in reviewing the new agency applications.
 - d. Adair thanked everyone for their work on the proposed legislation. She mentioned relating to Meuschke statement about individuals evading the service of protection orders, the Nevada Attorney General's Office is researching opportunities for constructive service.
 - e. Chairman Ford wants committee members to manage expectations regarding legislation on crimes and the respective penalties.
10. **For Discussion:** Review and discussion of the Committee on Domestic Violence 2019 Legislative report by Domestic Violence Ombudsman, Nicole O'Banion.
- Attachment 7**
- a. O'Banion presented the Committee on Domestic Violence 2019 Legislative Report.
 - b. Members congratulated O'Banion for the development of report.
11. **For Discussion:** Update on the "Domestic Violence Committee Treasurer Report" by Domestic Violence Ombudsman for Committee Treasurer Judge Max Bunch.
- Attachment 8**
- a. O'Banion stated that the budget is \$42,909.00. The remaining budget is \$28,382.71.
12. **For Information Only:** the CDV's tentative future meeting date:
- Wednesday, July 17, 2019 at 9 a.m. | Location: Carson City & Las Vegas Office of the Attorney General
13. Public Comment.
- a. No public comment.

14. **For Possible Action:** Adjournment.
 - a. Meeting adjourned.

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

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