

**STATE OF NEVADA
NEVADA COUNCIL FOR THE PREVENTION OF
DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

March 23, 2010

Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

Committee Members Present

Mike Sprinkle
Brett Kandt
Amy Crowe

Committee Members Present Via Teleconference

Dr. Michael Freda
Elynn Greene
Valerie Cooney
Ron Titus
Pam Russell
Sue Meuschke
Christine Brady

Committee Members Absent

Andrea Sundberg
Vic Hutchings

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Lorraine Webber, Assistant to NCPDV

1. *Call to order and roll call of members.

Mike Sprinkle called the meeting to order at 10:00 a.m. A roll call was performed and a quorum was established.

2. *Review and approval of minutes from the May 28, 2009 meeting.

Brett Kandt made a motion to approve the minutes of the May 28, 2009 meeting as submitted. Elynne Greene seconded the motion. A vote was taken and the motion passed. Pam Russell and Ron Titus abstained from voting because they did not attend the meeting.

3. *Review, discussion and possible action regarding legislation and suggestions for BDRs.

Mr. Sprinkle stated that he would like to see a bill for the next legislative session come out of this Committee. He asked the Committee if they had any ideas. Mr. Kandt added that General Masto is always willing to support initiatives that come out of the Prevention Council but there are a variety of ways to get a bill introduced in the legislature. The Attorney General is limited as to the number of bills she can carry and, due to the budgetary issues, General Masto is going to have to propose a lot of bills having to do with the Office. If the Attorney General is unable to take on the bill other options would be to approach a legislator, or to introduce it through the Victims of Crime Subcommittee.

Dr. Freda stated he recently came across some custody evaluations done by someone in Washoe County and each of them completely ignored the domestic violence issues in the family. In each of the cases, the evaluator recommended custody or liberal visitation be given to the batterer. He stated that some evaluators are not trained in domestic violence and their reports are relied upon by family court judges. In some cases this can lead to re-victimizing the victim as well as the children. He stated that in California the statutes stipulate who can do evaluations. California codes delineate the training required for people doing custody evaluations, including academic credentials and training specific to domestic violence and sexual assault on children. In Nevada, the statute stipulates the evaluator be trained, but does not state any specific requirements.

Ms. Greene supports Dr. Freda's idea. She stated that in Clark County, hearing masters are making those types of decisions where child abuse occurred in the process of abusing the partner. The judge decides it would not be fair to deprive the father of his rights, even when children are begging not to be with that parent because of the abuse they suffered. She stated that there is no standard; it is up to the judge's discretion.

Ms. Brady said that she too supported some kind of training.

Ms. Cooney stated she believed the problem to be statewide. She said that in Elko County, every case involving custody has to go through a two step process—first mediation and then advocacy. Advocacy is sometimes done by a marriage and family therapist or a licensed clinical social worker, but none of these individuals have a requirement to have domestic violence training. Of the list of advocates who get these cases, there are only one or two whom Ms. Cooney is confident have familiarity with domestic violence issues.

She added that in another county the guardians ad litem are all juvenile probation officers. They make recommendations to the court but don't necessarily have any training. There have been trainings offered by the Coalition in these areas but they are not mandatory. She stated that without a statutory requirement, not much can be accomplished.

Ms. Brady was concerned that it might not be an issue of what the evaluator does or does not know, but what that person believes is important for custody.

The Committee discussed whether the problem could be addressed by the regulatory boards of certain professions, or whether it would have to be addressed legislatively.

Mr. Kandt stated that it is already in statute that domestic violence must be taken into consideration when making an award of custody and so it is a training issue. Ms. Cooney disagreed, saying that it is not about training judges about what the standard is and what the law says, but about the evaluators, who don't have the training, making recommendations to the court. Ms. Brady added that it might also be a topic for consideration by the Judicial Training Committee.

Mr. Sprinkle stated he would like to see some language mimicking other states to consider at the next meeting. Dr. Freda, Valerie Cooney, Christine Brady and Pam Russell volunteered to research the laws of other states on this topic and present their findings at the next meeting.

Mike Sprinkle asked the Committee if anyone had other ideas to consider for BDRs. Ms. Brady stated that she had asked around her office and the topic of convictions that occur when the victim is inviting the perpetrator to violate the TPO came up. She asked what the Committee thought about an invited conduct defense.

Ms. Greene was opposed to an invited conduct defense because the perpetrator has the option to say no. Ms. Cooney agreed, saying she thought that would open the door for more victimization of the victim.

Mr. Sprinkle asked Ms. Brady for some formal language for the Committee to consider.

4. *Discussion and possible action regarding biennial legislative report.

Mr. Sprinkle reminded the Committee members that it was the responsibility of the Legislative Committee to prepare the biennial legislative report and explained that, in the past, the Committee gathered some of the required information at the rural meeting. He stated that the Committee should have something prepared to present at the November meeting of the NCPDV and that the finished report will need to be sent to LCB by February 1, 2011. He reviewed the requirements set forth by NRS 228.490. Dr. Freda asked if the Committee will be sending out another survey. Mr. Sprinkle stated he wasn't sure if there would be money to do that this year. The Committee discussed disseminating the survey electronically. Mr. Kandt stated that perhaps he could bring it up at the meeting of the district judges association in April and encourage them to provide some feedback that can be included in the report. Mr. Sprinkle asked Mr. Titus if he had suggestions for getting responses from the judges. Mr. Titus stated he would discuss it with Sheila MacDonald and see if they could come up with some ideas. Ms. Meuschke added that surveys are often a low priority for the people completing them and suggested gathering the required information at the rural meetings and including the work that has been done by all of the Council's committees in the report. Mr. Sprinkle agreed that perhaps the report should go into more depth on the work of the committees instead of just reporting on the work of the Council in a broad sense. Mr. Kandt suggested emphasizing the education component of the Council's work in this report because the law often requires things that are not being done in practice. Training and education is the key to system improvement. Ensuring that the existing laws are being followed is the main focus of the Council.

Mr. Titus stated that there are regional meetings of both district judges and limited jurisdiction judges and that if there were specific issues the Committee wanted input on, those topics could be added to the agendas of these regional meetings. He suggested this as an alternative to doing a survey. Mr. Sprinkle stated that it was a good idea but that the Committee also needed written responses for the report. There was discussion as to whether the statute required specifically that the comments be written. Mr. Kandt stated that the Council was statutorily required to *solicit* comments and recommendations and that is why he thought a survey was the best option. Mr. Titus and Ms. Cooney thought focusing on the regional

meetings would be more efficient and would solicit a good response. The minutes of those meetings could then be used in preparing the report. Mr. Titus stated that he could be relied upon to put the topics on the agendas if the Council provided him with the specific issues to be discussed. Mr. Kandt stated that the statute required information on the issue of counseling and the availability of counseling services in rural Nevada. Mr. Sprinkle asked the Committee to submit any other suggestions for topics to Lorraine Webber and she would forward them to Mr. Titus for inclusion on the regional meeting agendas.

Mr. Sprinkle added that if it were cost effective, it would still be a good idea to send out a survey in addition to soliciting feedback at the regional judges meetings.

5. *Discussion and possible action regarding 2010 Committee Goals.

Mr. Sprinkle stated that the three goals he had for the Committee are:

- Completing the biennial report
- Reviewing proposed bills regarding domestic violence
- Researching possible bills that could come from the Council

He asked if anyone else had anything to add. Mr. Kandt said he thought the stated goals fit the scope and responsibilities of the Committee.

6. *Schedule future meetings and agenda items.

The next meeting was scheduled for May 24, 2010 at 10:30 a.m.

7. *Public Comment.

There was no public comment.

8. *Adjournment

Dr. Freda made a motion to adjourn the meeting. Elyne Greene seconded the motion. The meeting was adjourned at 11:09 a.m.

**NEVADA COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

Monday, May 24, 2010, at 10:30 a.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

Committee Members Present

Mike Sprinkle
Brett Kandt
Amy Crowe

Committee Members Present Via Teleconference

Dr. Michael Freda
Elyne Greene
Christine Brady

Committee Members Absent

Andrea Sundberg
Valerie Cooney
Ron Titus
Pam Russell
Sue Meuschke

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General

1. *Call to order and roll call of members.

Mike Sprinkle called the meeting to order at 10:33. Roll was taken and a quorum was established.

2. *Review and approval of minutes from March 23, 2010 meeting.

A motion was made by Dr. Freda to approve the minutes of March 23, 2010 meeting. The motion was seconded by Elynn Green. A vote was taken and the motion carried.

3. *Review, discussion and possible action regarding possible legislation and suggestions for BDRs.

Mr. Kandt stated he had an item brought to his attention by someone in the rural community that there was a gap in Nevada law, as opposed to federal law, in firearms restrictions for those convicted. Under federal law, a misdemeanor conviction triggers firearms prohibition. In Nevada, only a felony can trigger the firearms prohibition.

The Committee discussed how well the proposal would go over with the legislature and gun owners in the state. Mr. Kandt suggested working with the federal authorities to insure that if someone has a prior conviction that the federal authorities do what they are supposed to do in terms of enforcing federal prohibition. The Committee discussed the probability of such a bill passing and if the Attorney General's office would have the time to devote to putting it forward and as well as how it would be funded. Committee members agreed not to pursue the matter at this time.

Ms. Brady asked if there was anything legislative in the materials that the Attorney General sent out on Friday regarding the Supreme Court hearing on TPOs. Ms. Greene stated that there was a call to testify but that it doesn't directly impact law enforcement or the criminal court – it's a family court matter of how records are maintained. She said she wasn't sure that it would lead to legislation. Mr. Kandt stated that this is a matter on the Supreme Court's administrative docket. Judge Hardesty set a June 3rd hearing and invited input from a variety of sources on the issue of confidentially with regard to protection orders; how much information is available and how it can be accessed by all parties involved. There was discussion of whether the Attorney General has taken a position on this matter. An NCPDV meeting is scheduled to discuss the matter on May 28, 2010.

Mr. Sprinkle stated that it appeared there is nothing out there at this time that concerned the committee regarding potential BDR's.

4. * Review, discussion and possible action on potential action on potential BDR addressing necessary training for those reviewing custody issues in domestic violence cases.

Dr. Freda stated he researched several states – California, Oregon and Utah. He stated the California statute was the only one he had found that had any information. He has downloaded the information and can send it out to the Committee members. Ms. Brady offered to research more areas of the country

and volunteered to look into Arizona's statutes. Ms. Greene stated that Victor Shulze from the Attorney General's office is currently working on a bill that would set some guidelines in terms of pick up orders which fits in with the custody disputes. He is working to tighten up the language. Mr. Kandt advised the Committee that Mr. Shulze is the children's advocate for the Attorney General's office.

Mr. Sprinkle stated that the Committee needs to decide if they want to move forward on this and have in writing what the Committee hopes to do to change existing law or a revised statute, so that it can be presented to the full Council by July. Dr. Freda said he work on it and send the information to Lorraine Webber to distribute.

Dr. Freda stated the California statute was very detailed in spelling out what type of training a Custody Evaluator must have regarding domestic violence and child sexual abuse. He thought the Committee could review it and see if they could come up with some sort of wording that would apply to Nevada. Mr. Kandt recommended that the Committee approach the licensing boards with anything the Committee comes up with so the Committee can gauge their support. The Committee discussed getting the research done first, meeting again, then contacting the licensing boards to get their views. Dr. Freda said he would contact Vic Shulze to see exactly what he is working on and if there is any way that it can be combined, or if it is similar, with what the Committee is working on.

5. *Discussion and possible action regarding biennial legislative report.

Mr. Kandt reported that he, Kareen Prentice and General Masto attended the district court judge's conference in Mesquite in April. The Attorney General made a presentation to the judges as to everything the Attorney General's office does with regard to domestic violence including the functions and efforts of the NCPDV and the Committee on Domestic Violence. She stressed that the office welcomed the judges' input on how the laws related to domestic violence can be improved. Mr. Kant stated that General Masto did mention the biennial report and the Committee's efforts to solicit any and all comments from judges. He stated that the Attorney General was unable to attend the limited jurisdiction judges' conference in June. Mr. Kandt stated that one judge did give feedback regarding sentencing but that he didn't entirely understand it.

Mr. Sprinkle said that in reviewing the minutes from the last meeting, Mr. Titus was going to gather agenda items for regional meetings that members from the Committee proposed so they could be discussed with the judges and elicit comments. The responses were to have been sent to Lorraine Webber. Mr. Sprinkle asked Henna Rasul if she knew if Mr. Titus had been following up on this or if the judges have been contacted. Ms. Rasul stated that Kareen Prentice would be the one to have that information. Mr. Sprinkle stated that the Committee needs to show that they made a good faith effort to get responses

from the judges. Mr. Kandt stated that by statute, the Committee still needs to solicit comments or recommendations and a survey would seem the best way to accomplish that. He suggested Mr. Titus could act on the Committee's behalf at the regional meetings and request comments from the judges that he could bring back to the Committee. This would show that the Committee was attempting to get feedback.

The Committee discussed the possibility of doing an electronic survey through Survey Monkey. Ms. Rasul suggested that the Committee review the previous questions and change them, if necessary. Ms. Webber will send the previous survey to the Committee to review. Mr. Kandt commented that using Survey Monkey would satisfy the statutory requirement and may be the best option given budget constraints. The Committee can use the survey and responses from these the judges meetings as documentation for the report. Mr. Kandt stated that he believes that it is the responsibility of the AOC to contact the judges and having Mr. Titus on the Committee facilitates that. Ms. Rasul stated that in the past, the AOC has worked in conjunction with the Council in preparing this report and didn't see any problem with asking Mr. Titus about dissemination of the survey. Mr. Sprinkle stated the Committee would revisit the topic at the next meeting to formalize the survey and determine the process by which it can be sent out.

6. *Schedule future meetings & agenda items.

The Committee will need to meet in early December to review the list of BDRs that will begin to come out in November.

The next meeting was scheduled for Monday, June 14, 2010 at 10:30 am.

Agenda items will include finalizing adoption of the language regarding the custody evaluator BDR, the biennial report, approving the contents of the survey and deciding the delivery method for the survey.

7. Public Comment.

There was no public comment.

8. *Adjournment

The meeting was adjourned at 10:18 a.m.

**NEVADA COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

Monday, June 14, 2010, at 10:30 a.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

Committee Members Present

Mike Sprinkle
Amy Crowe

Committee Members Present Via Teleconference

Dr. Michael Freda
Elynne Greene
Christine Jones Brady
Pam Russell

Committee Members Absent

Brett Kandt
Andrea Sundberg
Valerie Cooney
Ron Titus
Sue Meuschke

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Kareen Prentice, Domestic Violence Ombudsman
Lorraine Webber, Assistant to the NCPDV

1. *Call to order and roll call of members.

Mike Sprinkle called the meeting to order at 10:43. Roll was taken and a quorum was established.

2. *Review and approval of minutes from May 24, 2010 meeting.

A motion was made by Elynne Green to approve the minutes of May 24, 2010 meeting. The motion was seconded by Amy Crowe. A vote was taken and the motion carried. Pam Russell abstained.

3. *Review, discussion and possible action regarding possible legislation and suggestions for BDRs.

Mike Sprinkle asked if there were any comments or suggestions. There were none.

4. * Review, discussion and possible action on potential action on potential BDR addressing necessary training for those reviewing custody issues in domestic violence cases.

The Committee discussed who would be doing the training and how training and education will be provided. It was also discussed who would be overseeing the licensing requirements. They discussed the need to identify it in the statute and the fiscal impact on the agency involved. There was discussion on whether existing boards could incorporate the training into their board duties. There was discussion on requiring licensing fees so that it could be done without fiscal impact on the boards.

The Committee recognized that there is a time crunch since BDR's have to be submitted in August or September and discussed whether it was feasible for this session. The Committee agreed that they need to establish how the training is provided, who will provide it and who will certify the trainers. Dr. Freda agreed to contact the boards to see if they are interested in taking it on.

Elynne Greene made a motion that Dr. Freda should contact the boards to see if they would be interested in certifying the trainers. Amy Crowe seconded the motion.

Mike Sprinkle asked Elynne Greene to withdraw the motion and she agreed so that the contacts can be divided up among the group. The motion was withdrawn so that more discussion could take place.

Elynne Greene made the motion to authorize Dr. Freda to contact the psychologists and family therapists (marriage and family therapists); Christine Brady to contact the social workers board; and Mike Sprinkle to contact the medical board physicians to see if they are interested in approaching these licensing boards. Christine Brady seconded the motion. The motion carried.

Dr. Freda asked that the committee members to review the materials he sent out and send Lorraine Webber any changes or additions by 5:00 pm, on Friday, June 18 which she will then forward on to Dr. Freda. Mike asked Dr. Freda if one week would be time enough to integrate any changes into what has already been written and Dr. Freda agreed.

5. *Discussion and possible action regarding biennial legislative report.

- i. Dissemination of survey.
- ii. Discussion regarding Underserved Populations Committee survey.

Mike Sprinkle stated that the Underserved Population Committee is going to send out a survey. Kareen Prentice stated that the survey will only go out to family court judges and general jurisdiction judges. Mike Sprinkle suggested that the committee might be able to add some questions to the UPC survey and fulfill the statutory requirements.

Mr. Sprinkle stated that the statute for the legislative report says the committee must solicit comments and recommendations from district judges, municipal judges, and justices of the peace in rural Nevada. He said after rereading the statute, he felt that adding questions to the Underserved Population Committee's survey would not be sufficient.

Mr. Sprinkle asked for comments on the copy of the survey that was emailed out to the committee which was the survey that was sent out two years ago. Dr. Freda suggested sending the same one and comparing the answers to the last one and see if any of the answers have changed. He thought perhaps the committee could see if the judges are getting more educated with DV issues and applying that to their sentencing. Mr. Sprinkle stated this committee might be able to compile this information and send it on to the Education Committee for their use.

Dr. Freda stated that the Judicial Training Committee was created because of the results of the last survey. Dr. Freda made the motion to use the same questionnaire used in 2008 and compare the answers from 2008 to those in 2010. Christine Brady seconded the motion. There was no discussion and the motion carried.

The committee agreed to send the survey out in electronic form. There was discussion as to who would be getting the survey and who would be tabulating the results and submitting the report.

Amy Crowe made the motion to send the survey to district judges, municipal judges, and justices of the peace in rural Nevada exclusively at this time, electronically. Elynne Greene seconded the motion and the motion carried.

6. *Schedule future meetings & agenda items.

The next meeting was scheduled for Monday, July 26, 2010, at 11:00 a.m.

If any one has agenda items they should send them to Lorraine Webber.

7. Public Comment.

There was no public comment.

8. *Adjournment

The meeting was adjourned at 11:45 a.m.

**NEVADA COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

Monday, July 26, 2010, at 11:00 a.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

Committee Members Present

Mike Sprinkle
Brett Kandt

Committee Members Present Via Teleconference

Dr. Michael Freda
Elynne Greene
Christine Jones Brady
Andrea Sundberg

Committee Members Absent

Valerie Cooney
Ron Titus
Sue Meuschke
Pam Russell

Public Present

Sheila MacDonald, AOC

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Kareen Prentice, Domestic Violence Ombudsman
Lorraine Webber, Assistant to the NCPDV

1. *Call to order and roll call of members.

The meeting was called to order at 11:15 a.m. A roll call was taken and a quorum was established.

2. *Review and approval of minutes from June 14, 2010 meeting.

Brett Kandt made a motion to approve the minutes of the June 14, 2010 meeting. Dr. Freda seconded the motion. Ms. Brady asked that her name be changed to read "Christine Jones Brady." A vote was taken and the minutes were approved as

amended. Ms. Sundberg abstained from voting because she was not present at the June 14, 2010 meeting.

3. *Discussion and possible action regarding biennial legislative report and judge survey by Sheila MacDonald, AOC.

Ms. MacDonald stated that the AOC does a lot of surveys and has received complaints from the courts and the judges about the number of surveys. The AOC has been trying to pull back on the number of surveys and think of other ways to get information. She asked the Committee to consider what kind of information it is asking for and what they planned to do with the information once they got it. Ms. MacDonald said that the judges are frustrated when information is gathered but nothing is done with it. Because the Committee's survey is identical to the one sent out in 2008, she thought it might irritate the judges and may result in a low participation rate. She commented that because of the way the questions were phrased, the judges might feel as though they were being tricked into answering questions about something they don't know about but that they should know about.

Mr. Sprinkle stated that the requirement to solicit comments from the judges, especially rural judges, was put in statute at their own request. He did not believe it was absolutely necessary anymore since the Council had developed other ways to solicit comments, such as during the rural road trip and through the work of the Council's committees. Mr. Kandt stated that the statute said the Council "shall solicit" comments and recommendations, etc. and include them in the biennial report. The statute does not say this had to be accomplished through a survey. He thought that the Committee could comply with the requirement by working with the AOC, attending the judges meetings, etc. The Committee discussed the value of having the judges' comments in their own words. If there are going to be changes to NRS228, as discussed under item 7 of the agenda, then it would be a good time to change section 228.490(2)(b).

Ms. Brady asked about other ways to collect the data requested in the survey. Ms. Prentice asked Ms. MacDonald for any thoughts or recommendations. Ms. MacDonald stated USJR might have some of that information but reiterated the importance of thinking about why the information is being collected and what would be done with it. Information is useless if it doesn't go anywhere and judges will not respond if they think it is meaningless exercise. Ms. Prentice asked what the USJR was. Ms. MacDonald stated that a statistical unit of the AOC compiles judicial statistics as required by law and puts out an annual report every year. However, she was not familiar enough with it to answer any detailed questions. Ms. Prentice asked if the judges might be more willing to answer just a few open-ended questions. Ms. MacDonald thought they might be, but was not sure. The judges had complained about the sheer number of surveys in general, and were concerned about nothing being done with the information, but had not commented specifically about the Committee's survey.

Ms. Brady stated that it seemed that the amount and quality of services offered had improved in the last several years and maybe the issue was that the judges were not aware of what had been done. Ms. Prentice remarked that the CDV also did a biennial report and that those reports are available.

Ms. MacDonald stated that after listening to the discussion, perhaps the best question to ask the judges is “do you have any concerns or issues with the process, statutes, etc.” rather than asking the judges what they have done or how many people they have sentenced. Mr. Kandt stated that such a question would meet the requirements of the statute requiring the Council to solicit comments and recommendations.

Mr. Kandt made a motion to retract the Committee’s prior decision to issue a survey for the upcoming biennial legislative report and instead make reference to the solicitation efforts made by other methods. Dr. Freda seconded the motion. Mr. Sprinkle encouraged the Committee members to bring forth any comments they have received in writing to be included in the biennial report. Ms. MacDonald stated that if she heard any comments about domestic violence, she would ask that those comments be put in writing and she will forward them to the Committee. A vote was taken and the motion passed with Christine Jones Brady opposing the motion.

4. * Discussion and possible action regarding biennial legislative report.

Ms. Prentice stated she thought that the Council got a lot of good information at the July 14, 2010 town hall meeting in Wendover. Mr. Sprinkle stated that he thought the report should focus on what the Council has been doing as a whole. Mr. Kandt added that General Masto had asked the Committees to make goals each year and that they could report on the progress made on achieving those goals. Mr. Sprinkle thought the report should highlight outreach that has been made to the judges and the efforts the Committee, especially Brett Kandt and Kareen Prentice, had made with the legislature last year. The Committee discussed making the report a general summary and then attaching the minutes of the committee meetings. Mr. Sprinkle, Kareen Prentice and Henna Rasul will work on the first draft of the report and Mr. Kandt is willing to review it.

5. *Review, discussion and possible action regarding possible legislation.

The Committee discussed adding the words “and sexual assault” to the Domestic Violence statute. Mr. Sprinkle stated he had found a legislator who might be willing to take on the BDR. The Committee discussed whether the language should be “sexual violence” or “sexual assault.” Ms. Sundberg stated sexual violence encompassed a lot of things but sexual assault was already legally defined. She was concerned that sexual violence may be too broad. Since the statute focused on the legal definition of domestic violence, the Committee agreed that it would be better to use sexual assault for the sake of consistency.

Mr. Kandt made a motion that the Committee recommend amending NRS 228.480 through 228.490, inclusive, to add the term “sexual assault” wherever the term “domestic violence” is used so that it would read “domestic violence and sexual assault.” The second amendment would be to amend section NRS 228.485(2) to delete the requirement that the NCPDV have a secretary. The third amendment would be to delete the last sentence in NRS 228.490(2)(b) which refers to the Council soliciting comments and recommendations from judges. Ms. Sundberg seconded the motion.

The Committee discussed keeping some kind of mechanism to touch base with the judges. Mr. Kandt stated that there is no statutory requirement prohibiting anyone, including judges from providing input and, through the Committee’s efforts, they would be soliciting feedback.

Mr. Sprinkle stated that the second part of the motion regarding the secretary had been discussed at the Council meeting and it was the consensus that the position be kept. Therefore, he didn’t feel comfortable keeping that part of the motion in. Ms. Brady commented that the Council kept that position *because* it was in the statute. The Committee discussed the necessity of keeping the position. Mr. Kandt withdrew the portion of his motion eliminating the position of Secretary for the Council. Ms. Sundberg seconded the amended motion. A vote was taken and the motion, as amended, passed unanimously.

Mr. Sprinkle stated he would set up a meeting with Keith Munro to present the suggested changes to NRS 228. If the Attorney General approves, the next step will be to find a way to carry it forward either through the Attorney General’s office or by a legislator.

6. *Review, discussion and possible action on potential BDR addressing necessary training for those reviewing custody issues in domestic violence cases.

Dr. Freda reported that no one had made suggestions to the legislation as he had written it but there were a few comments regarding the fiscal impact and who would be responsible for monitoring the reviewers. He has been trying to contact the Executive Director of the MFT Board for feedback on how such a change could be accomplished. He stated that he will report back to the Committee once he is able to meet with the MFT Board director. Mr. Sprinkle stated that those who were assigned duties with regard to this project should hold off until Dr. Freda has had his meeting with the MFT Board. This will be an ongoing agenda item.

7. *Review, discussion, examination and possible action regarding proposed sexual violence language to be added to NRS Chapter 228 under the NCPDV section.

This topic was discussed under item #5 of the agenda.

8. *Schedule future meetings & agenda items.

The next meeting was scheduled for August 25, 2010 at 11:00 a.m.

9. Public Comment.

There was no public comment.

10. *Adjournment

The meeting was adjourned at 12:20 p.m.

**NEVADA COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

Tuesday, October 5, 2010, at 11:00 a.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

Committee Members Present

Mike Sprinkle
Brett Kandt

Committee Members Present Via Teleconference

Dr. Michael Freda
Christine Jones Brady
Valerie Cooney
Ron Titus
Elynnne Greene

Committee Members Absent

Andrea Sundberg
Sue Meuschke

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Kareen Prentice, Domestic Violence Ombudsman
Lorraine Webber, Assistant to the NCPDV

1. *Call to order and roll call of members.

The meeting was called to order at 11:03 a.m. A roll call was taken and a quorum was established.

2. *Review and approval of minutes from August 25, 2010 meeting.

Dr. Freda made a motion to approve the minutes of the August 25, 2010 meeting. Brett Kandt seconded the motion. A vote was taken and the minutes were approved as submitted. Ron Titus, Elynnne Greene and Valerie Cooney abstained from voting because they were not present at the August 25, 2010 meeting.

3. *Discussion and possible action regarding biennial legislative report.

Ms. Prentice and Henna Rasul will work on the report. Mr. Sprinkle will assist as needed. When a draft is done, Ms. Webber will send it to the Committee to review.

Instead of sending out a survey to the judges, the Committee discussed using comments elicited during meetings and in response to other surveys, to fulfill that requirement of the report.

4. * Review, discussion, examination and possible action regarding possible legislation including proposed sexual violence language to be added to NRS Chapter 228 under the NCPDV section.

Mr. Titus commented that if there is a change in the statute to strike the last sentence of NRS 228.490(b), then the first part of that section “with the assistance of the Court Administrator . . .” would also need to be removed. His suggestion was to remove only the last half of the last sentence of the section since the Committee would still be interested in soliciting comments. The last sentence of the section would then read, “In preparing the report, the Council shall solicit comments and recommendations from district judges, municipal judges, and justices of the peace.”

Mr. Kandt stated that when Sheila MacDonald met with the Committee, she reported that the judges were getting too many surveys, asking for information that overlapped other surveys, and that the information garnered from the surveys was not being used in an efficient or constructive manner. The requirement in the statute had been originally requested by the judges but perhaps the avenues to provide their comments are in place now, and having specific statutory requirement is no longer necessary.

Mr. Sprinkle added that the section being considered was added because at the time, the rural judges felt that they had legitimate issues and concerns that were not being heard. Since then, the Council has formed a separate committee to address judicial issues and training and makes a special effort to solicit comments and hear concerns from the judges.

Mr. Titus agreed that there are lots of ways to solicit comments. A survey is not necessarily required. However, if the entire last sentence of the NRS 228.490(b) is removed, there may be some resistance from the judges who might think that the Council is not interested in their comments. Although the current Attorney General has made a special effort to solicit feedback from judges, policy should not be made based on who is in office at a given time.

After discussion, the Committee agreed that there may need to be some reconsideration of the change to NRS 228.490(b) including deletion of language, or else broadening the language to include solicitation of comments from judges (and not just in rural communities) as well as from professionals in a variety of fields.

Because the Committee had already acted on this item at the July 26, 2010 Committee meeting, it will be placed on the agenda for the November 16, 2010 NCPDV meeting for discussion by the entire Council.

5. *Review, discussion and possible action regarding possible legislation involving prosecutorial discretion in domestic violence cases.

Ms. Brady stated that colleagues in her office as well as some prosecutors have had discussions with her regarding discretion as to what type of domestic violence case to bring forward. There is no gradation as to the severity of the abuse. Mr. Kandt commented that the charges can range from misdemeanor to felony based on the nature and severity of the injuries. There is language in the statute that prohibits a prosecutor from plea bargaining a case unless there is not sufficient admissible evidence to obtain a conviction. Mr. Kandt stated that there has been no discussion or interest among the prosecutors in amending that provision. Ms. Greene stated that in Clark County prosecutors do have some discretion in that they may not prosecute a case when, for example, there is not a witness or a victim willing to testify. However, when it rises to the level of gross misdemeanor or felony, they prosecute anyway because there are medical records for evidence.

Ms. Cooney stated that maybe some prosecutors may need education. Mr. Kandt stated that prosecutors do receive CLE training in how to properly handle domestic violence cases and that the training is grounded in the Prosecution Best Practices that were developed in 2006. He added that the law, as it is now written, promotes victim safety and offender accountability. He stated that he believes prosecutors have the appropriate amount of discretion.

Dr. Freda suggested that Ms. Brady get more specifics from those who have discussed the issue with her and find out exactly what they would like to see changed. Mr. Kandt suggested bringing the issue to the Criminal Justice Committee.

6. *Review, discussion and possible action on potential BDR addressing necessary training for those reviewing custody issues in domestic violence cases.

Dr. Freda stated that he had already approached the MFT Board and would be happy to talk to the Social Worker and Psychological Boards of Examiners as well.

Ms. Cooney stated that this is a really important issue and would hate to see it die for lack of activity.

Mr. Titus commented that if the court is required to determine if the evaluator meets certain standards, then the bill would need to specifically address how that is to be done other than taking the evaluator's word for it. Ms. Cooney stated that private litigants also retain evaluators and so every evaluator would have to meet the same

standards. Dr. Freda said that the intent was to delineate exactly what kind of training is required, which would be in the form of a NAC, not a NRS. An NAC would also be easier to change in the future if necessary.

Ms. Cooney and Dr. Freda will work together to come up with some formal BDR language to present to the Committee.

7. *Schedule future meetings & agenda items.

The next meeting was scheduled for Wednesday, November 10, 2010 at 10:00 a.m.

Agenda items will include items #3, #4, #6, and the fatality review BDR.

8. Public Comment.

There was no public comment.

9. *Adjournment

The meeting was adjourned at 11:55 a.m.

**NEVADA COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

Wednesday, November 10, 2010, at 10:00 a.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

Committee Members Present

Mike Sprinkle
Brett Kandt

Committee Members Present Via Teleconference

Dr. Michael Freda
Christine Jones Brady
Ron Titus
Elynne Greene

Committee Members Absent

Andrea Sundberg
Sue Meuschke
Valerie Cooney

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Kareen Prentice, Domestic Violence Ombudsman
Lorraine Webber, Assistant to the NCPDV

1. *Call to order and roll call of members.

The meeting was called to order at 10:06 a.m. A roll call was taken and a quorum was established.

2. *Review and approval of minutes from October 5, 2010 meeting.

Elynne Greene made a motion to approve the minutes of the October 5, 2010 meeting. Dr. Freda seconded the motion. A vote was taken and the minutes were approved as submitted.

3. *Discussion and possible action regarding biennial legislative report.

Mr. Sprinkle asked if everyone had time to review the report prepared by Ms. Prentice. Brett Kandt made a motion to approve the draft report and submit it for the Council's review on November 16, 2010. Dr. Freda seconded the motion. Mr. Sprinkle found a typographical error that needed to be corrected. Mr. Kandt clarified his motion to authorize the staff to correct any typographical errors. Dr. Freda seconded the amended motion. A vote was taken and the motion passed unanimously.

Mr. Sprinkle complimented Kareen Prentice on the report and stated that it gives a good synopsis of the Council's work. Ms. Prentice stated that she welcomed the thoughts and opinions of others should the Committee wish to revise the report.

4. * Review, discussion, examination and possible action regarding possible legislation including proposed sexual violence language to be added to NRS Chapter 228 under the NCPDV section.

The Committee reviewed the previously suggested change to NRS 228. Brett Kandt made a motion to amend the Committee's previous recommendation to change NRS 228.490(b). Rather than eliminating the entire second sentence of the section, Mr. Kandt moved that the sentence should be amended to read, "In preparing the report, the Council shall solicit comments and recommendations from district judges, municipal judges and justices of the peace." The remaining existing language would be dropped. Christine Brady seconded the motion. A vote was taken and the motion was approved unanimously.

The Committee then discussed the addition of sexual assault language to the statute. Mr. Sprinkle stated that while he was in favor of adding sexual assault to statute's language, he questioned whether the Council's name would be, or should be, changed. Not only would the NCPDV have a more cumbersome title, but everything with the Council's name would need to be changed including the letterhead and the website. He questioned if a change in the Council's title was part of the intent of the motion which had been made regarding adding sexual assault language to NRS 228. After discussion the Committee decided that the name should not be changed without a lot of thought and discussion. The intent of the change was to be inclusive of sexual assault issues in the duties of the NCPDV.

Mr. Kandt stated that if Assemblywoman Benitez-Thompson is willing to carry the BDR, and the Council clearly indicates that the intent is to expand the scope of the Council's duties, then it would be up to the Legislative Council Bureau as to how the BDR is drafted. He said that his previous motion was overly broad because he stated that wherever the statute said "domestic violence," the phrase "and sexual assault" should be added. Mr. Kandt then made a motion to clarify that the Committee was recommending that "sexual assault" be referenced where the duties

of the Council are set forth in NRS 228.490. Christine Brady seconded the motion. A vote was taken and the motion passed unanimously.

5. *Review, discussion and possible action on potential BDR addressing necessary training for those reviewing custody issues in domestic violence cases.

Dr. Freda stated that he and Valerie Cooney had been working on the language of the BDR. They felt that the previous draft was too cumbersome. It would not be ready for the upcoming session and so he suggested taking it off the agenda until he and Ms. Cooney came up with something more workable.

Mr. Sprinkle agreed with Dr. Freda, saying that he believed it was an important issue and it needed to be done right. When the necessary work has been done, this topic will be added to the agenda again.

6. *Review, discussion and possible action regarding fatality review BDR.

Ms. Prentice stated that it had not been discussed internally with the Attorney General yet and that she wouldn't be comfortable discussing it until it had been. Mr. Kandt stated that a BDR with draft language has been sent to LCB but that it will probably be revised as the result of internal discussion and input from the Council and other interested parties. This item will remain on the agenda for future discussion.

7. *Schedule future meetings & agenda items.

The next meeting was scheduled for Thursday, January 20, 2010 at 10:00 a.m.

Agenda items will include items #3, #4, and #6.

8. Public Comment.

There was no public comment.

9. *Adjournment

The meeting was adjourned at 10:29 a.m.