

Attachment One (1)

NCPDV Agenda
December 12, 2016
Contents: October 20th, 2016 Minutes

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

MEETING MINUTES

Thursday, October 20, 2016 at 9:00 a.m.

Meeting Location:

Western Folklife Center
G Three Bar Theater Room
501 Railroad Street
Elko, Nevada 89801
(775) 738-7508

Telephone Conference 1-877-411-9748 Access Code: 9890482

1. Roll Call.

Committee Members Present:

Attorney General Adam Paul Laxalt, Chairman

Patty Cafferata

Clarice Charlie

Elyne Greene

Dorie Guy

Cory Hernandez

Karl Hall

Patricia Lynch

Leisa Moseley

Suzanne Ramos

Angela Prindle

Christine Jones Brady

Committee Members Absent:

Paul Bancroft

Mark Jackson
Magann Jordan
Susan Meuschke
Sgt. Blake Smith
Robin Sweet
Emily I. Troshynski
Denise Yoxsimer

Public Present:

Heidi Lewis
Lidia Cortes
Tyler Ingram
Ben Reed, Jr.

Traci Dori – Via telephone

James Davidson – Via telephone

Christine Hernandez – Via telephone

Captain Michael Carmody – Via telephone

Attorney General Staff Present:

Arlene Rivera
Dawn Buoncristiani
Sue Dehnen
Debbie Tanaka – Via telephone
Brent Kandt – Via telephone

2. Introduction of Members and Staff.

Members of the Nevada Council for the Prevention of Domestic Violence (“Council”) who were present and staff identified themselves.

3. Public Comment.

- Ben Reed, Jr., Police Chief for the Elko Police Department (“Reed”), thanked the Council for meeting in their community and for all the good work that the Council has done. He stated that it was coincidental that

there is trial going on in Elko where a young lady was murdered by her significant other in 2011. Her name is Stephanie Gonzalez ("Gonzalez"), and her mother, Lidia Cortes ("Cortes"), is in the audience today. This is the type of case his office sees far too often. The biggest problem in Elko is drug abuse and everything else that goes along with drug abuse, and in particular, violent crimes such as domestic abuse. Reed was of the opinion that there were far too many domestic violence problems within the family unit. For example, the City of Elko has approximately 25,000 people, within approximately 17 square miles, most of which are transient in nature and not necessarily homeless. Due to the mining industry, which is an economic driver, many people do shift work and go through various stresses within the family unit, resulting in a fair percentage of domestic violence situations. Just within the City of Elko in terms of statistics, the five-year average from 2010-2013 are as follows: 20 sexual assaults; 55 aggravated assaults; 361 simple assaults; 47 average family offenses, non-violent; and, 202 domestic violence crimes. If you add up all of those figures, we are into the high hundreds, pushing towards a thousand offenses. Reed commented his officers respond to a multiple of incidents every day, 365 days a year. Reed stated that not all of them are classified as domestic violence, which is why he gave the Council some other figures. He believed that there were far too many domestic violence incidents for the size of Elko's population. A new group, Elko Hispanic Domestic Violence Committee, provides educational programs for the public. An international company in Elko, called "Barrick Gold", sponsors a program for their employees entitled "The White Ribbon Campaign", which is trying to stress safety issues to their employees in terms of preventing domestic violence. Reed believed it was a good time to bring law enforcement officers, prosecutor's offices, non-profits, community groups, and prevention groups together for the coordination of the prevention of domestic violence. This would probably require some sort of funding either through the state or through grant funding. He was delighted that the Attorney General and his staff are on board with this issue, and looked forward to working with Member Patty Cafferata ("Cafferata") and Ombudsman Arlene Rivera ("Rivera"). He applauded the work the Attorney General's Office has been doing, and stated he is available 24-7 if something comes up.

- Cortes, founder of "Justice for Stephanie" ("Justice") stated her daughter, Gonzalez, was murdered in 2011. Gonzalez was one of three women who were murdered in the community. Cortes started Justice to advocate against domestic violence. Justice needs a lot of help, as well as grant funding. We need to help the victims find a safe place to go. Cortes believed that the abusers need just as much help and assistance as the victims do. There is a need for educational classes in schools that teach abusers that this is not how to handle their anger; whether it be verbal or

physical. Many people do not want to talk about domestic violence. Cortes has been fundraising to help the community with domestic violence issues. She would like to help low income families that do not have the funds to seek help or education they need. One of her goals is to have a safe haven or home with supervised visitations for children of abused parents. A lot of the women need education and guidance to be able to join the workforce. Cortes would welcome any help the Council could offer.

- Tyler Ingram, Elko County District Attorney ("Ingram"), reiterated Reed's concern about the rise in domestic violence within the community. He stated that his office currently had about 3500 active prosecutions which puts them about third behind Washoe and Clark counties. They are extremely busy with a limited staff. There are six other prosecutors besides him and each one of them is handling about 600 cases each. He is prosecuting 2 homicides. As a result, his office is extremely busy. Ingram was here to offer his support as the District Attorney, as well as seeking support from the Council to lighten his case load.

(Arlene left at 9:04 a.m. Returned at 9:05 a.m.)

- Heidi Lewis ("Lewis"), with the Elko Committee Against Domestic Violence and Harbor House ("Harbor House"), stated that Harbor House helped educate victims to become survivors. In addition, it provides peer counseling, shelter and support groups. It helps victims of sexual assault and stalking, with protection orders, divorce and custody issues, as well as offering a place where victims can go for help. Our goal is to raise awareness and provide education and reach out to the schools.

4. For Discussion and Possible Action: NRS 228.490(1)(a) – Introduction of new Domestic Violence (DV) Ombudsman Arlene Rivera (Rivera) who will report on outreach efforts to increase awareness of domestic violence. Rivera will also submit for approval a statewide brochure with victim's advocates contact information. Attachment 1.

- Attorney General Adam Paul Laxalt, Chairman ("Chairman"), introduced the Attorney General's new Ombudsman, Arlene Rivera. Rivera stated that she came from a media background, and has been in Las Vegas for 23 years. From 2006 to the present, she became very passionate about domestic violence because it has been very prevalent in her family. As a reporter, she found herself reporting on domestic violence issues. She stated that this is a cultural issue that affects women as well as men within the Hispanic community. Rivera stayed very involved in domestic violence issues because of her passion. When this job came up, she was very

excited about joining the Attorney General's office. Although she has only been on board for 10 weeks, she has done the first domestic violence tour with the Attorney General, along with two radio interviews, two articles, and one television interview. She is very excited about the new brochure created by Cafferata and Deputy Attorney General Dawn Buoncristiani ("Buoncristiani"), and herself, that includes all the statewide organizations in Nevada and at a nominal cost. Rivera commented that they are looking at getting the brochures into non-profit organizations, as well as doctor's offices. She reiterated her commitment to ending domestic violence, sexual abuse and human trafficking. She thanked everyone for their time and effort.

Chairman Laxalt thanked Rivera for all of her hard work. He stated that we now have \$80,000 to \$90,000 in a fund that has been raised for human trafficking which is not being used. Rivera is working on a plan to present it to the State and groups to explain what the fund is, how we can access those funds, and how easy it is. This committee is in a great position to help us with this endeavor and get the word out. In terms of the brochure, he liked it and believed that the word needs to get out about these organizations.

MOTION by Member Dorie Guy ("Guy"), with a second by Member Elyne Greene ("Green"), to approve the statewide brochure as presented, along with the ability to expand the brochure as we discover all the other organizations that need to be added, and uploading it to the Attorney General's website. The motion carried unanimously.

Member Patricia Lynch ("Lynch") questioned if these were just shelters, and Member Suzanne Ramos ("Ramos") responded they are shelter and domestic violence specific. We need to categorize them as shelters so people can target specific areas they can utilize.

Guy asked where they will be distributed, and Rivera stated that initially they will be distributed to agencies, and then to universities and doctor's offices. Chairman Laxalt commented that the Attorney General's office would have to figure out the funding for distribution because it sounded like a lot of brochures. Ramos also suggested looking at law enforcement agencies. Member Christine Jones Brady ("Brady") liked the fact that the brochure was small. She suggested the Council look into emarketing. Greene cautioned the committee that there should be an escape button on the website so a victim can automatically hit the escape button if they feel they are being stocked. Chairman Laxalt asked Rivera to research this item. He also stated he would like Rivera to research the possibility of uploading the brochure onto Facebook. Brady suggested that the motion include electronic versions of the brochure.

Guy amended her motion to include electronic versions of the brochure. Chairman Laxalt suggested Rivera present some proposals. He believed that the brochure could be a little longer and could include a single link to the Attorney General's site with all of the agencies in it; law enforcement, prosecution, etc., and direct it to the online website. Brady seconded the amended motion. The motion carried unanimously.

5. For Discussion and Possible Action: Approval of minutes from the March 16, 2016, meeting. Attachment 2.

- Ramos had a question about the minutes on page 2, item 3. If a name was misspelled, did the minutes have to be specific as to which name was misspelled in order to approve the minutes. Chairman Laxalt responded no.
- MOTION by Member Karl Hall ("Hall"), with a second by Lynch, to approve the minutes as presented. The motion carried unanimously.

6. For Discussion and Possible Action: Vote on amendments to Bylaws. Attachments 3 and 4.

- Chairman Laxalt explained the amendments to the Bylaws.
- MOTION by Hall, with a second by Greene, to amend the Bylaws.
- Lynch opposed the amendment to the Bylaws. She did not think that a 30-day notice was a big deal, and preferred to leave it in the Bylaws. Lynch was of the opinion that it was a safety mechanism. Greene commented that the Board always has the ability to continue an item if they do not agree on its contents.

- The MOTION passed on the following votes:

Ayes: Chairman Laxalt, Rivera, Member Clarice Charlie ("Charlie"), Member Cory Hernandez ("Hernandez"), Greene, Guy, Hall, Ramos, and Member Angela Prindle ("Prindle")

Nayes: Cafferata, Lynch, Member Leisa Moseley ("Moseley"), and Brady

Absent: Members Paul Bancroft, Mark Jackson, Magann Jordan, Susan Meuschke, Sgt. Blake Smith, Robin Sweet, Emily I. Troshynski, and Denise Yoxsimer

7. For Discussion and Possible Action. NRS 228.205 – Explanation of the Victims Information Notification Everyday Program (VINE) sub-committee, introduction of VINE3 App launching first in Nevada, and re-consideration of motion on VINE at March 16, 2016 meeting. Presentations by Rivera, Traci Dory and Dawn Buoncristiani. Attachment 5.

- Rivera reviewed what the VINE program consisted of and introduced Traci Dory (“Dory”), via telephone conference, who is the Chairman of Victim Services that is part of the VINE program. Dory explained the introduction of the VINE3 APP. This consists of a toll-free telephone number and an internet website through which victims of crime and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender.
- MOTION by Ramos, with a second by Lynch, to clarify that VINE not be eliminated from the subcommittees. The motion carried unanimously.

(Break taken at 10:30 a.m. Reconvened at 10:45 a.m.)

8. For Discussion: Update from Elynn Greene on Human Trafficking Task Force and the federal grant received by the Las Vegas Metropolitan Police Department called “The Enhanced Collaboration Model, Human Trafficking Task Force”.

- Greene explained what the federal grant that was received by the Las Vegas Metropolitan Police Department consisted of. The Police Department will be monitoring the impact of the grant over the next three (3) years, as well as assessing the level of the victim service piece, the prosecution piece, training, and outreach. This will indicate what is working and what is not working and how to change it. The grant will be for \$600,000 for the next three years. In addition, the money will give them an opportunity to hire an Administrative Assistant to monitor the program.

9. For Discussion and Possible Action: NRS 228.490(1)(b) – Presentation by James Davidson, Associate Vice President for Student Wellness University of Nevada, Las Vegas (UNLV) on the addition of College Campus Advocates to the list of advocates to enable them to claim privilege, if their records are requested by the courts. NRS 49.2547.

- James Davidson (“Davidson”) and Christine Hernandez (“Hernandez”), via teleconference, presented the addition of College Campus Advocates to the list of advocates enabling them to claim privilege.

- Brady questioned what attorneys were asking for this information, and Hernandez replied if there is an OCR complaint, for example, and if a student believes their Title IX rights have been violated, they file a complaint with the Office of Civil Rights, and lawyers are able to access that information because we do not hold the privilege. We do not give that information out to anyone unless we have authorization from the victim.
 - Davidson commented that advocates are concerned that without this Amendment to NRS 49.2547, the information could be accessed. Students would like privacy as to their personal information. The college does let their students know if their personal information is being divulged, which would encourage them to go seek the advice of counsel.
 - Hall asked Davidson for an example of what they were referring to. Davidson said that they are concerned about the student's confidentiality and giving information out to say a defendant. This would be a chilling effect on people coming and using their advocates. Davidson stated their attorney stated they were not considered a non-profit organization, and the school would like for-profit organizations to be included in terms of privacy issues pursuant to NRS 49.2547.
10. **For Discussion and Possible Action: NRS 228.490(1)(b) – Presentation by Captain Michael Carmody from the North Las Vegas Police Department to discuss the current process of serving protective orders that prevents officers from arresting domestic violence offenders. Also, consideration of proposals to amend loopholes in the protective order process.**
- Captain Michael Carmody ("Carmody"), via telephone conference, made a presentation. Chairman Laxalt questioned why this simply isn't a local issue, why should there be a state law governing this issue or are you just wanting to make us aware that in certain jurisdictions, this is not going very well. Carmody responded he did not know that this was being proposed at a state level. He just wanted the Attorney General's office to be aware of this situation. At a jurisdictional level, there could be a different procedure. He believed that this was not being done in Clark County. Carmody did not have a solution to the problem. He suggested that maybe there were funds at the state level that could be used to make sure the process of serving protective orders was done within 24 hours or penalties would be imposed.
 - Greene stated that at the Las Vegas Metro Police Department, when a TPO is issued, they go to the civil marshal for three attempts of service. She questioned Carmody on how it worked at the North Las Vegas Police Department. He replied that the TPO's went through the

same process. Greene commented that unfortunately, it was not the most sufficient because if an offender avoids service and does not open his or her door, they do not have probable cause to serve or break into a home or residence to serve a civil order, or if the offender and victim are not together and they cannot provide a good address to serve the offender at work or home. She was of opinion that it was a challenge but more of a systematic challenge rather than a legislative challenge or financial concern.

- Charlie thanked Carmody for bringing this issue to the Council's attention and commented that this was also a problem in Northern Nevada as well.
- Carmody was of the opinion that the marshals are not trying to get the TPO's served on the first day. There are significant delays in service, and suggested that maybe if they are repeat offenders, they could be served by email.
- Lynch stated that it is a resource issue. You cannot really change the system because you can only do an ex-parte order for 30 days because it is one sided. You can act on an ex-parte basis but only for a limited amount of time, and then you have due process which is the hearing. There is no way this is going to change. Lynch stated that a private process server, as opposed to the sheriff, can serve the TRO. It is not easy to serve offenders. But you cannot get around the due process of service.
- Carmody questioned if they could get served in jail, and Greene responded yes. Carmody believed that required a victim advocate, and Greene responded that the victims are advised through the blue card to make a phone call to make it happen. It is a 24-7 hotline. Carmody stated that the victim is usually scared, and it happens when the victim advocate comes out. He was of the opinion that a process server could get the offenders served. Greene responded she did not want to be argumentative, but the other piece of this situation is, unfortunately, the process server costs money and very often the victims do not have the means to pay for this service. Maybe these fees can be reduced or minimized.
- Brady agreed with Carmody and believed that this was a good place to start to modernize the system; thinking outside of the box. If you can serve the offender within 24-hours of the application, you have a better chance of serving them. But it is a very bureaucratic system and very little resources are given to the process, and by the time they get to

your application, three days have gone by and the person is gone or out of town. Brady believed that something needed to be done to make quick process serving a priority. In 1999, she had to get a protective order; they had several 30-day hearings before he got served; she did have to pay to have him served, but in the meantime, she was sexually assaulted. The police came and told me he had not been served and he cannot sexually assault you if he is your husband. She was disappointed that we had not come further in this process. Brady was of the opinion that we need to put a priority on this issue.

- Guy responded that with all the time and effort put in to try and serve these offenders within the 30-day period, the fee paid to the process server would more than compensate for this.
- Lynch commented that it does not have to be a process server to serve the TPO. A disinterested person over 18 can serve civil process. The problem is that the person needs to know how to do it. Maybe some training programs can be conducted to teach people how to do this.
- Carmody thanked the Council for allowing him to speak, and was very interested in getting involved in this issue as much as he could.

11. For Discussion and Possible Action: NRS 228.490(1)(b) – Updates on Chairman Laxalt's Bill Draft Requests for the 2017 Legislative Session by a representative of the Office of the Chairman Laxalt.

- Brent Kandt, Chief Deputy Attorney General ("Kandt"), via telephone conference, presented the updates on Bill Draft Requests ("BDR") 380, 406, 383, and 375.
- Kandt discussed BDR 406: It provides once a felon, always a felon for battery, which constitutes domestic violence.
- BDR 475 has to do with domestic violence homicide, and how the next of kin is notified and able to receive the Coroner's report. Also, they have the power to make decisions regarding the victim's body and remains. If the perpetrator is the victim's husband, he cannot exercise his rights regarding the disposition of her remains or access the Coroner's report at the expense of the victim's family. The victim's family has those rights.
- BDR 383 has to do with protection orders. If you have an offender who repeatedly violates a protection order, whether it is a temporary or extended protection order, the BDR provides for enhanced penalties for those repeat violations.

- BDR 380 includes victims of human trafficking along with victims of domestic violence and victims of sexual assault with the statutory provisions for privilege between the advocate and the victim. In addition, the Bill provides that when an individual solicits a child under the age of 14 for sex, it is not a solicitation crime but it is a sex trafficking crime with heavy penalties that come with sex trafficking.
 - Chairman Laxalt stated that there will be a lot of back and forth on what the final legislation on these bills will look like and eventually we will have the final documents presented to the Council. He suggested that the Council not vote on the bills at this time, and that the Council not spend too much time on the proposed actual language; just focus on the first page.
 - Kandt reviewed the reorganization of the domestic violence group. He commented that over the years, several groups have been created under the Attorney General's office. The Attorney General's office wanted to see if there was a way for all of the functions to be reorganized and become as effective as possible. Some of the entities had overlapping functions. There should be a single board as opposed to several that were duplicating efforts. Reorganization would best serve the domestic violence Council's needs.
 - Chairman Laxalt was of the opinion that the Council should be able to look at all of the Committees. Kandt has looked at all of them and merged them into one committee with one function. The one group that will be exempt is the fatality group which is not subject to the open meeting law. We stayed with the enumerated composition of the Committee on Domestic Violence that has seven members. We made that as a floor because we did not want the legislature to lock us into having to do a lot of things. He welcomed everyone who was interested in joining the super committee and suggested that they let Rivera know. There will be four different committees. The new name will be the Committee for Domestic Violence and all the committees will be merged into one.
 - Lynch questioned if Batter's Treatment was going to be included in these Committees, and Chairman Laxalt commented that the Attorney General's office believes that this should be administered by licensed professionals.
12. **For Discussion: NRS 228.490(1)(c) and (3). Presentation by Grants Analyst Debbie Tanaka regarding grants that provide financial support to programs for the prevention of domestic violence. Attachment 6.**

- Debbie Tanaka ("Tanaka"), via telephone conference, presented the Services Training-Officers-Prosecutors (STOP) Grant Awards. Tanaka clarified that the financial support is not for the prevention of domestic violence; it is more for the services and development of training and other types of activities. Tanaka commented that the information is being provided because most people are not aware of the agencies they can contact in terms of applying for grants.

(Guy left at 12:03 p.m. Returned at 12:10 p.m.)

(Charlie left at 12:05 p.m. Returned at 12:10 p.m.)

(Brady left at 12:05 p.m. Returned at 12:15 p.m.)

- Cafferata inquired as to how an agency, like the City of Elko Police Department, goes about applying for a grant. Tanaka said if someone would send her their contact information, she would get in touch with their office and discuss what grants are available and the type of services they provide.
- Chairman Laxalt stated that there are two groups, as well as the Police Chief and District Attorney, that are trying to come up with a domestic violence program. He suggested that they could come together as one. Tanaka said that would be a good idea; they would just need to figure out who can apply for the grant and all the other particulars that go along with obtaining a grant. Chairman Laxalt suggested that Rivera take the lead on this.

13. For Discussion and Possible Action: Nevada Council for the Prevention of Domestic Violence to set the date for next meeting on December 12, 2016, in the Carson City and Las Vegas Offices of the Chairman Laxalt.

- Chairman Laxalt announced that the next meeting for the Council is scheduled for December 12, 2016, in Carson City.

14. Council Member Comments.

- Chairman Laxalt was of the opinion that we have a good opportunity to come up with a plan where we join with Newmont U.S.A. Limited, who has agreed to work with us, and possibly the Police Department, and anyone who has agreed to work with us, and anyone from this council who would like to work with us, where we do a domestic violence talk, discussion, and awareness training. Anyway we can raise awareness in the local communities would be beneficial. The City of Elko could be a model for an outreach awareness piece, and also show how to put together a grant application.

- Hernandez stated that Truckee Meadows Community College has a grant writing class that is presented in the Spring and Fall.
- Greene was thinking in terms of the basics in putting a grant together: what does it take, how to manage a grant, what happens when you apply for a grant, as well as what happens when you receive a grant. In addition, for those of us who have had grants approved, we can give others information on what it entails in terms of applying, getting, and managing a grant.
- Chairman Laxalt questioned if she was looking at the North and South, as well as rural. Greene believed that was a good idea.
- Chairman Laxalt stated that the Attorney General's office conducts two law enforcement seminars a year, and at the last one, there were 180 people in attendance. He suggested that we ask those agencies in attendance if they could bring their grant person with them to the seminar, and we can do a training at that time. He was of the opinion that it was not feasible to take the grants training on the road.
- Greene stated that some law enforcement agencies have certain restrictions and difficulties when partnering with non-profit agencies. She has created a cheat sheet to see what the restrictions are.
- Cafferata congratulated Rivera, Buoncristiani, and Sue Dehnen on what a great job they have done.
- Chairman Laxalt stated the Attorney General's office would reach out to Facebook on the possibility of partnering with them on preventing and discussing Domestic Violence issues.
- Hernandez announced that on October 29, 2016, the Bride's March will participate in the Nevada Day Parade. Everyone is invited; even if you don't have a wedding dress; just wear something white. They are meeting at North Carson and East Park in Carson City.
- The Attorney General's office is having a BBQ in front of their offices on Nevada Day, October 29, 2016.

15. Public Comments.

- Lewis, with the Elko Committee Against Domestic Violence, commented that it is important that advocates not be subpoenaed into court. The difference between what she does or a personal advocate does and the advocate in the legal system does, is the personal advocate helps them through the emotional process of what they need to do to establish and get their lives back. The advocate within the legal process helps them through the legal process and then move on with their lives. We offer peer counseling and help them through the emotional process. They need to have that confidentiality because they don't want what they may have said to be repeated in court if they get subpoenaed. They may say things at the time that they didn't really mean and don't want it repeated because they may incriminate themselves. The information may be used against them.
- Reed, Police Chief with the City of Elko, thanked the Council for collaborating with some of the agencies. He hoped some of the agencies in Elko can get involved. The City of Elko is involved with grant writing a lot, and the Attorney General's office could be helpful in writing and obtaining those grants. In addition, we have a new meeting space, and we can accommodate a meeting for the Attorney General's office.
- Cortes, Justice for Stephanie, thanked everyone for taking the time to attend the meeting. She would use the resources that have been offered. She appreciated what everyone is doing. The after affects are hard on everyone. It is not just the funeral that is hard; it is very difficult to go on living. Thank you again.
- **MOTION** by Guy, with a second by Greene, to adjourn the meeting at 12:32 p.m. The motion passed unanimously.

Minutes respectfully submitted by _____
Office of the Attorney General
