

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

Meeting Minutes

Wednesday, May 30, 2018 at 9:00 a.m.

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

**and
via videoconference:**

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

1. Call to order and roll call of members.
 - a. The Committee on Domestic Violence meeting was called to order at 9:00 a.m. by Cafferata. O'Banion called roll call.
 - b. Present
 - Attorney General Adam Paul Laxalt, Chairman (Chairman Laxalt) *(arrived late)*
 - Buoncristiani, Dawn (Buoncristiani)
 - Bunch, Judge Max (Judge Bunch)
 - Cafferata, Patricia D. (Cafferata)
 - Gibson, J. Brin, *Designee for Chairman Laxalt* (Gibson)
 - Greene, Elynne (Greene)
 - Guy, Dorie (Guy)
 - Hall, Karl (Hall)
 - Jordan, Magann (Jordan)
 - Lynch, Judge Patricia (Judge Lynch)
 - Ramos, Suzanne (Ramos)
 - Spratley, Eric (Spratley)
 - Troshynski, Emily (Troshynski)
 - c. Absent
 - Brady, Christine (Brady)
 - Gordon, Monsignor Gregory (Gordon)
 - Green, April (Green)
 - Hamilton, Tim (Hamilton)
 - Harig, Tracy (Harig)
 - Hazlett-Stevens, Christopher (Hazlett-Stevens)

- Hernandez, Cory (Hernandez)
- Herrick, Kelsi (Herrick)
- McMahon, Marcie (McMahon)
- Meuschke, Susan (Meuschke)
- Morris, Marla (Morris)
- Moseley, Leisa (Moseley)
- Prindle, Angela (Prindle)
- Roshak, Robert (Roshak)
- Scott, Annette (Scott)
- Scully, Moreen (Scully)
- Wheable, Michael (Wheable)
- Yoxsimer, Denise (Yoxsimer)

d. Staff

- Gibson, J. Brin, *Designee for Chairman Laxalt* (Gibson)
- O'Banion, Nicole (O'Banion), Domestic Violence Ombudsman

e. **Quorum established**

2. Public Comment.

Comment from Las Vegas: See attached.

3. **For Possible Action:** Review, discussion, and possible approval of November 28, 2017 Meeting Minutes. **Attachment 1**

Cafferata asked for a motion to approve the minutes. Motion to accept minutes by Judge Bunch. Seconded by Guy. Buoncristiani abstained as she was not present at the meeting. All in favor. Motion passed.

4. **For Possible Action:** Update on Ombudsman's initiatives by Nicole O'Banion.

a. O'Banion provided the following updates:

- i. VINE press (re)release – A letter was sent out to several providers, including law enforcement, EMS and the judiciary, informing them of the enhanced version of VINE. O'Banion shared that from 2016-2017 there was a 75% increase in VINE usage, mostly related to service provider searches. VINE posters have been received in both English and Spanish. She will be sending them to service providers statewide, requesting that they post them.
- ii. Statewide Nurses Publication – O'Banion wrote a VINE article because many members of the health care industry do not know how to assist victims, other than by calling the police. She stated that health care providers can now connect victims to resources by using the VINE app on their mobile phone.
- iii. Domestic Violence Law Enforcement Training in Elko on February 13 and 14, 2018 – O'Banion developed this training that was attended by 60 individuals, including law enforcement, victim advocates, prosecutors, social workers, tribal advocates, and tribal police. At the conclusion of the training, Lyon and Douglas Counties expressed interest in future trainings. Expansion of similar trainings are planned.

- iv. A Human Trafficking Fundraising Dinner was held on April 5, 2018 in Las Vegas at the Venetian Hotel. The casino donated the entire dinner and room costs, thus every dollar (around \$44,000) made at the event went directly into the Human Trafficking Contingency Fund. Since the contingency fund was created, 25 women have been assisted with *leaving the life*. O'Banion reported that she assisted three of those victims, two of which were provided the funds within 24 hours of the application; the third within two-hours of her application. O'Banion stated that she is in the final stages of developing a letter that she will send to CDV committee members and service providers explaining what the fund is. She will also include the application to apply for funds.
- v. The 5th Annual Human Trafficking Fundraising Dinner will be held on August 23, 2018 in Reno at the Silver Legacy Casino.
- vi. Domestic Violence Training for First Responders in Lyon County – O'Banion provided this training. She stated that attendees were receptive to the training and reported that they are often called to scenes where they are not able to assist the victim because there is no medical issue. Therefore, they cannot transport them away from the scene. She said that several of the attendees downloaded the VINE app during the training.
- vii. O'Banion reported that the protocols for the Human Trafficking Contingency Fund are being revised. Initially the fund specified emergency funds up to \$2,000. Fundraisers have enabled the funds to be dispersed into mini-grants, so the plan is to offer \$5,000 grants to service providers, so that they can expand on their services for trafficking victims, and these distributions would not be limited to emergencies.
- viii. NVeLearn – O'Banion's assistant, Jason Mouannes, created a VINE training that is available for all state employees at <http://nvelearn.nv.gov/moodle/>. He is also developing a domestic violence training that will be available to the public with certifications of completion available. Information will be shared on how to access the training once it is finalized. O'Banion hopes that law enforcement will be able to complete the training and be more knowledgeable about VINE and domestic violence.
- ix. Recidivism – O'Banion is working on finding out what codes are used by various agencies, when individuals are booked for domestic violence. VINE will be able to track the recidivism rate.
- x. VINE – O'Banion reiterated her mission of making VINE as common knowledge as 911. She is in the process of contacting law enforcement agencies to request that they add a link to VINE on their websites. Further, she will contact the jails, requesting they implement a roster of inmates on their website, to include a link to VINE, so victims can click and be able to register and “watch” the offender with ease. This will enable a more streamlined notification process for these victims.

to make recommendations to DPBH regarding the certification of these programs. **Attachment 4**

- a. O'Banion stated that the Batterer's Treatment Subcommittee agreed to approve the *Journey to Recovery* application as long as the two providers that were mentioned in the application are both certified. O'Banion followed up and determined that they are both certified. O'Banion will update the approval date on the recommendation form (reflecting today's meeting).
- b. Motion to approve the recommendation to certify *Journey to Recovery* by Judge Bunch. Seconded by Judge Lynch. All in favor. Motion passed.

8. **For Possible Action:** Review, discussion and possible approval of the proposed revisions to the "State of Nevada Domestic Violence Prosecution Best Practice Guidelines" presented by CDV member Reno City Attorney Karl Hall.

Attachment 5

- a. Cafferata stated that the State of Nevada Domestic Violence Prosecution Best Practice Guidelines were developed about a decade ago. Originally, they were adopted by the Nevada District Attorneys Association and the Nevada Advisory Council for Prosecuting Attorneys. The decision was made to move the Guidelines to the CDV, for updating and revising, so it would be more victim-centered. O'Banion reported that a letter of support was received from the Nevada District Attorneys Association, and it has been included with the Guidelines.
- b. Hall reported that several jurisdictions reviewed the document and changes were made to reflect current Nevada Revised Statutes.
- c. Ramos asked if the Guidelines will be sent to prosecutors and O'Banion stated that the Guidelines will be available on the AG website and will also be sent to the District Attorneys and City Attorneys.
- d. Judge Bunch asked if Clark County reviewed the Guidelines and Cafferata and Hall confirmed that they had at the last District Attorneys Association meeting.
- e. Judge Lynch recommended the document indicate that victims shall be heard last when providing input (see Victim Input, p. 15 letter B.) Greene confirmed that the law changed and now specifies that victims and survivors are to be heard last in the courtroom.
- f. With the above amendment made, a motion to approve the State of Nevada Domestic Violence Prosecution Best Practice Guidelines was made by Hall. Seconded by Ramos. All in favor. Motion passed.

9. **For Discussion:** Presentation by Pamela Powell (Powell), Churchill County Extension Educator, University of Nevada Cooperative Extension. Powell gave an update on the QR Code advancement being worked on as an improvement to the "Investigating Domestic Violence Crimes in Nevada" law enforcement field guide and the development of a domestic violence software law enforcement training to be utilized in police departments statewide.

- a. Powell provided copies of the first revision of the field guide booklet. She stated the importance of law enforcement officers having quick access to the field guide, while on a scene, to view its contents, such as the primary

checklist. There will be QR codes for each section of the field guide. Powell used her cell phone to demonstrate scanning a QR code with a QR reader.

- i. Spratley reported that you can use your standard camera on most new phones because a QR reader is embedded in the camera.
 - ii. Powell stated that they have also developed a pocket card that can be fitted inside a cell phone cover. They are also working on creating a downloadable app of the field guide.
 - iii. Cafferata mentioned that this field guide was used in the February training in Elko and it was well received.
 - iv. White Pine County specifically requested copies of the field guides. Powell said she provided them for their officers and will send them the updated field guides once they're available.
 - v. Ramos asked if this field guide will be going statewide and Powell confirmed it will be provided to anyone interested.
- b. Powell next talked about the difficulty in getting officers and victim advocates together for trainings. A Churchill County officer suggested developing training software which could look like a 911 call that is followed all the way through to prosecution. The person taking the training would select options to move through the training. Powell stated that the discussion took place of having the training available in virtual reality. Powell stated that there is a speed required to complete the virtual reality and depending on how active the movement is, it can cause some vertigo in the person taking the training. Therefore, at this time they intend to use computer-generated graphics instead of virtual reality.

Chairman Laxalt arrived and relieved Cafferata. Gibson left the meeting.

10. **For Possible Action:** For discussion on suggested amendments and possible approval of the "Investigating Domestic Violence Crimes in Nevada" field guide content, as a recommended statewide law enforcement field guide. **Attachment 6**

O'Banion indicated that members were provided with the field guide at a past meeting and asked for a motion to approve it as a statewide resource.

- a. Hall commented that the field guide is thorough and well-written and would like the Reno Police Department to review it. He suggested that we approve it today.
- b. Troshynski asked about NRS 171.137 which is referenced on page 5 of the field guide. There are five points to the NRS and only two included in the field guide. She suggests all of them be added.
 - i. Chairman Laxalt stated that the two bullet points may be the only ones relevant for the field guide.
 - ii. Judge Bunch and Judge Lynch asked what the other three points of the statute say and Troshynski provided the information to the committee. Troshynski further recommended the wording of "try to" on point 2 be changed as it is vague.
 - iii. Spratley recommended that the wording remain as is because law enforcement officers "shall attempt", i.e. try to determine who the

primary aggressor is and sometimes they cannot determine that. Greene agreed with leaving the discretionary term in the guide.

- c. Motion to approve the field guide as a statewide law enforcement guide made by Hall. Seconded by Guy. All in favor. Motion passed.

11. **For Discussion:** Presentation by Nicole O'Banion on the "Winnemucca Domestic Violence Services (WDVS) Newspaper Ad", its monthly Domestic Violence ad campaign for 2018, and suggested that other rural Nevada service providers attempt to do the same. **Attachment 7**

O'Banion contacted WDVS to inquire how they had paid for the newspaper ad. She learned that they have developed a relationship with their local newspaper agency and paid for their first ad. The newspaper then offered to donate one ad per month for the year. WDVS suggested that other service providers look into this also, in order to keep domestic violence in the forefront of the public eye.

12. **For Discussion:** Update on the "Domestic Violence Committee Treasurer Report" from Committee Treasurer Judge Max Bunch. **Attachment 8**
Judge Bunch stated that the budget is \$45,737 (through April 9, 2018). The balance is \$22,670.87.

13. **For Possible Action:** Review, discussion and possible approval of the CDV's rural meeting location to be held in the fall of 2018. **Attachment 9**

- a. Chairman Laxalt informed members that, by statute, a rural meeting must be held each year.
- b. After discussion, Hall made a motion to have the Fall CDV meeting in Lovelock, NV. Seconded by Judge Bunch. All in favor. Motion passed.

14. **For Information Only:** the CDV's tentative future meeting dates:

- Wednesday, July 18, 2018 | Location: Carson City via video conference to Las Vegas – 9:00 a.m. to Noon.
- Wednesday, October 3, 2018 | Location: Lovelock – 9:00 am to Noon

15. Public Comment.

Comment from Las Vegas: See attached.

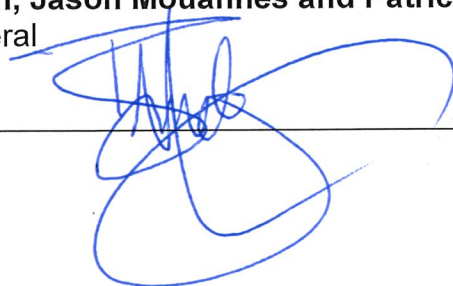
16. **For Possible Action:** Adjournment.

Chairman Laxalt asked for a motion to adjourn. Motion made by Judge Lynch. Seconded by Judge Bunch. Meeting adjourned at 10:10 a.m.

Minutes respectfully submitted by: **Tarah M. Sanchez**

Edited by: **Nicole O'Banion, Jason Mouannes and Patricia Cafferata**

Office of the Attorney General



Attachment to May 30, 2018
Committee on Domestic Violence
Meeting Minutes

Public Comment

2018-05-30 Failed group comment by Dennis Fitzpatrick (1:75 of 3 minute limit):

Public Comment Before Meeting

My name is Dennis Fitzpatrick and I have been a domestic violence supervisor for 16 years. The assumption of NAC 228 is that group treatment of domestic violence is effective. Research suggests it is not. 10 major reoffend studies over the last 18 years showed a national reoffend rate around 50% or higher. This is not acceptable.

The department of justice, in commenting on California's domestic violence programs said, "NIJ researchers have evaluated the most common batterer intervention programs. Most findings show that these programs do not change batterers' attitudes toward women or domestic violence, and that they have little to no impact on reoffending."

<http://www.nij.gov/topics/crime/intimate-partner-violence/interventions/pages/batterer-intervention.aspx>

One glaring omission is that our domestic violence groups do not address the causes of violence. We put on band aids such as timeouts and other intimacy skills. None of these address the reasons for the lack of response flexibility in offenders.

I would like the committee to consider making a Deming like system model of the reoffend rate. Once there is actual evidence based on the reoffend rate, a model can be improved. Perhaps an examination of court records could produce a reoffend rate. Maybe VINE could monitor re-offenses in their databases.

In any event, since Nevada has risen from the third worst state for female safety to the second worst state, there is more urgency to improve our outcomes. Thank you. Violence Policy Center Report, <http://www.vpc.org/studies/wmmw2017.pdf>

Public Comment After Meeting:

I would like to suggest that VINE track recidivists to the Domestic Violence Agency that treated them. Then agencies can improve their outcomes. Thank you.

—End of a one page Memo—