

Attachment One (1)

Committee on Domestic Violence Agenda
February 18, 2021

Contents: December 18, 2020 Meeting Minutes

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

Meeting Minutes

Friday, December 18, 2020 at 1:00 p.m.

Meeting Location:

Join the meeting: <https://call.lifesizecloud.com/6525145>
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Jamie Gradick is sworn-in as a new Committee on Domestic Violence (CDV) member prior to meeting.

1. Call to order and roll call of members.
 - a. The Committee on Domestic Violence (CDV) meeting was called to order at 1:00 pm.
 - b. Present
 - Aaron D. Ford, Attorney General (Chairman Ford)
 - Cisneros, Jessica (Cisneros)
 - Green, April (Green)
 - Greene, Elynn (Greene)
 - Gradick, Jamie (Gradick)
 - Hall, Karl (Hall)
 - Harig, Tracy (Harig)
 - Hernandez, Cory (Hernandez)
 - Lynch, Patricia (Judge Lynch)
 - Meuschke, Sue (Meuschke)
 - Morris, Marla (Morris)
 - Moseley, Leisa (Moseley)
 - Ortenburger, Liz (Ortenburger)

- Ramos, Suzanne (Ramos)
 - Scott, Annette (Scott)
 - Spratley, Eric (Spratley)
- c. Absent
- Armstrong, Ross (Armstrong)
 - Jones, Cassandra (Judge Jones)
 - Wheable, Michael (Wheable)
 - Yoxsimer, Denise (Yoxsimer)
- a. Staff
- Reilly, Nicole (Reilly)
 - Mouannes, Jason (Mouannes)
 - Rasul, Henna (Rasul)
- b. Public
- None
- d. **Quorum established**
2. Public Comment.
- a. No public comment.
3. **For Possible Action:** Review, discussion and possible approval of ***November 12, 2020 Meeting Minutes***.
- Attachment 1**
- a. Chairman Ford suggested members take a moment to review the minutes from the previous Committee on Domestic Violence (CDV) meeting. He asked for a motion to approve the meeting minutes. Judge Lynch requested a correction to the minutes on page 5 on the seventh line from start of 7b “...it **can** also be provided to defendant” to “...it **must** also be provided to defendant.” Motion to accept the minutes as amended by Judge Lynch. Seconded by Spratley. No further discussion. Gradick abstains. All in favor. Motion passed.

Chairman Ford requested introductions from attendees before continuing with agenda.

4. **For Discussion:** Committee on Domestic Violence (CDV) member Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence, will present the ***Legislative Subcommittee’s – Process*** for the CDV member’s feedback.
- Attachment 2**
- a. Meuschke began her presentation and informed the committee the Legislative Subcommittee Process was approved by the subcommittee in the Spring prior to the pandemic. The purpose of the document is to clarify the role of the subcommittee around reviewing legislation. The subcommittee will review any legislation and bring it to the committee

for review if the CDV wants to take a position on it. Subcommittee members will not engage in any testimony. The subcommittee also plans to assist Ombudsman Reilly with the upcoming CDV biennial report. Although the subcommittee wanted to hold an event during the legislative session, due to the pandemic, there are no plans to host an event to educate the legislatures on domestic violence at the time. She asked members if they had any questions.

- b. Judge Lynch asked how the committee would address amended legislation while following Open Meeting Law (OML) as it is a process to bring members all together to review a decision.
 - c. Chairman Ford requested feedback from Rasul. In addition, he stated Reilly can reach out to members individually to obtain input.
 - Rasul confirmed Ombudsman Reilly can reach out individually to solicit any feedback.
 - d. Chairman Ford asked Meuschke if she had anything to add to presentation.
5. **For Discussion and Action:** Nicole Reilly, Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking, Nevada Office of the Attorney General, will present the 2021 CDV Legislative Report ***Judicial Questions***. The CDV members will discuss additional questions to add to the survey and approve the questions to distribute to the Judiciary.

Attachment 3

- a. Reilly began reviewing the judiciary questions located in Attachment 3. The four questions attached are questions that the Legislative Subcommittee felt were important and wanted to be asked. Feedback for questions was also sent to the Court Subcommittee leading to the addition of question three and question four in hopes of getting some answers. She discussed the process of getting the questions sent out to the Administrative Office of the Courts (AOC) by sending them to Gradick in the first week of January. The AOC will then create and distribute a survey to judges with a two-week deadline on responses. The responses will then be sent back to Ombudsman Reilly to incorporate in the biennial report. Finally, the report will come to the Committee on Domestic Violence (CDV) for a final approval before being submitted to the Nevada Legislature by March 1st.
- b. Judge Lynch added it would be interesting to ask if judges use a pre-trial risk assessment and the status of having pre-trial risk assessments mandated in all the courts. In addition, it would be useful to know how they use the assessment and if they take account threats to the victim when setting bail and custody. She requested additional input from Hall and Ramos regarding Marsy's Law implementation of consulting the victim before making custody decisions.
- c. Hall differed to Ramos to expand on process.

- Ramos responded victims are contacted by a victim advocate to go over their victim rights and ask if there have been threats in past. In their jurisdiction, it can be considered before bail agreement is set. If yes, generally a memo is sent to the judge to increase the bail.
- Judge Lynch responded that perhaps a good question, since many rural judges may not receive this input, is if they receive anything from the prosecutor's office before setting bail and determining a custody decision.
- Chairman Ford requested that Judge Lynch send the specific language or articulation of the question to Reilly to be included in the judiciary questions.
- Reilly asked if members had any additional feedback.
- Chairman Ford entertained a motion to approve questions as amended. Motion to approve questions by Ramos. Seconded by Judge Lynch. No further discussion. All in favor. Motion passed.

6. **For Discussion:** Jessica Adair, Chief of Staff, Nevada Office of the Attorney General, present ***BDR 18-421***.

Attachment 4

- a. Adair began presenting BDR 18-421 prior to discussion with a summary of key changes. Every bill submitted by Nevada Office of the Attorney General is open to feedback and amendment.
- b. Section 4 of the bill relates to the Committee on Domestic Violence (CDV) specifically:
 - Renames the Committee on Domestic Violence (CDV) to include Sexual Assault and Human Trafficking and revises the duties of the CDV to include those additional topics.
 - Adds two additional members to the Committee
 1. A representative appointed from the Administrative Office of the Court (AOC) Administrator.
 2. A representative appointed from the Department of Public and Behavioral Health (DPBH) Administrator.
 3. These two additional members were requested by committee members to be a part of the conversation.
 - Eliminates the provision for the CDV and corresponding subcommittee to review new domestic violence batterers' treatment programs to recommend approval to DPBH.
- c. Section 7 is a technical correction and should have been explicitly included in AB 60 in terms of penalties for battery of a victim who is pregnant at the time of battery.
- d. Adair opened it up to questions and discussion.
- e. Judge Lynch expressed her concerns and questioned the purpose of removing the provision for the CDV and corresponding subcommittee to

review new domestic violence batterers' treatment programs to recommend approval to DPBH.

- Adair deferred to Reilly.
- Reilly indicated that at the recent batterers' intervention subcommittee meeting, subcommittee members discussed the purpose of providing a recommendation of approval to DPBH for new programs, in which case DPBH as sole authority to approve programs with or without recommendation from the Committee on Domestic Violence. DPBH handles all licensing and forwards the programs already vetted in advance. Subcommittee members decided to shift towards a more productive action by (1) appointing the individual who oversees the batterers' treatment certification for DPBH as part of the CDV and (2) that individual will be able to receive recommendations from CDV regarding regulations governing batterers' treatment programs. This inherently will increase the participation of the CDV in shaping batterers' treatment programs. She indicated that the next item in the agenda, Item 7, will share a project to further assess the efficacy of batterers' treatment programs.

f. Adair continued with a discussion on the statutory definition of domestic violence and interest from law enforcement in removing relationships, in cases of siblings or in-laws, to prevent potential unnecessary mandatory arrest. However, many members were concerned with the consequences of removing relationships from the definition in the context of temporary protection orders (TPOs) and she wanted to get more feedback.

- Meuschke indicated she heard the interest to remove relationships from the definition of domestic violence coming from courts. She was not sure about the recent volume of TPO requests and the number of active cases where this is causing an issue. This discussion was better fit for after the pandemic as it needs to be deeply studied to assess the impact of making any changes to definition.
- Ortenburger stated there has been a record high denial rate of temporary protection orders. Part of the issue is the judiciary not understanding domestic violence, which leads to limited opportunities for victims. Nevada still maintains the highest domestic violence homicide rate in the country.
- Adair responded Legal Aid of Southern Nevada provided the suggestion to change the definition along with law enforcement expressing interest. However, she did agree on the expansion of the statutory definition for purposes of a temporary protection order. Furthermore, Adair is disturbed by the denial rate of TPOs.

1. Chairman Ford echoed support for ideas by Adair.

- Green, from her experience representing people in TPO court often, stated legislation is not as big of an issue as educating the courts in this matter. Issues include staff, hearing master, education and training related to domestic violence. She expressed concerns related to expanding the responsibilities of the Committee on Domestic Violence to include sexual assault and human trafficking due to domestic violence challenges faced by our state. The main concern is taking on too much and not being as effective as intended to be as a committee.
- Spratley expressed his experience with mandatory arrest as law enforcement.
- Scott agreed with Green on evaluating the role of the overall committee and the potential negative impact to the efficiency if expanded. In addition, she supported removing in-laws from definition as that is not power and control dynamic most of the time which is needed to classify it as domestic violence situation.
- Ortenburger agreed with Scott and Green that domestic violence challenges in Nevada are large enough to continue dedicating it to its own task force. She is open to including sexual assault and human trafficking as it pertains to domestic violence, such as sexual assault in a domestic violence situation or power-control dynamic that is exhibited in a pimp who is in a relationship with the victim.
- Reilly commented that the addition of sexual assault and human trafficking to the CDV is in line with her position as the Ombudsman who handles all those categories, in which case should be modified to only change statute for roles of Ombudsman. The original though was that domestic violence intersects with sexual assault and human trafficking.
- Adair continued to elaborate on the intersection of domestic violence, sexual assault, and human trafficking and supported amending the bill language to include them as they relate to domestic violence.
- Chairman Ford agreed to keep it as the Committee on Domestic Violence given the current challenges the state is facing related to domestic violence. Members should look at the bill and come with recommendations prior to next meeting. Members should email Reilly with comments regarding bill so it can be compiled into a document, sent out to members, and reviewed prior to the meeting (if feedback is received).
- Moseley wanted to know if comments were only for the name of the committee or any concerns about the bill.
 1. Reilly and Adair responded comments pertain to all parts of the bill.

- g. Members were reminded that the bill is **Attachment 4** in the agenda.
 - h. Chairman Ford concluded the discussion to move to item 7 on agenda.
7. **For Information:** Nicole Reilly, Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking, Nevada Office of the Attorney General, will present the ***DV Treatment Efficacy Project***.

Attachment 5

- a. Reilly introduced the new domestic violence treatment efficacy project between the Division of Public and Behavioral Health (DPBH) and University of Nevada, Reno (UNR). The purpose of the project is to do a statewide efficacy review of batterers' treatment programs. DPBH's Bureau of Health Care Quality and Compliance is contracting with researchers at UNR to obtain information from programs (curriculum, outcomes, dropout rates, procedures, policies, etc.) to see if programs are making a difference. If not, the goal is narrowing down how to increase better outcomes. There is no financial burden on the state to complete this project.
- b. Ortenburger expressed her excitement for project. She asked what specific steps can be taken to remedy any issues resulting from the project.
 - Reilly responded that some ways to remedy issues include regulation changes (criteria to get certified) or legislative changes. As far as compliance, DPBH has the capacity to initiate compliance checks if regulation changes permit.
 - Ortenburger expanded on the topic that there is a blind spot: judges not holding batterers accountable for attending batterers treatment and other judicial issues.
 - Reilly responded that thankfully Gradick will be helping navigate issue with courts as a member of the committee.
- c. Meuschke asked how efficacy will be measured.
 - Reilly responded she can get full matrix from researcher. Part of it will be based on what information collected to begin the research. She will keep committee updated on the process.
- d. Scott added on to Ortenburger comments that there are judges not enforcing laws and that above all is concerning.
- e. Judge Lynch thought the project is exciting adding that there are not many studies on batterers' treatment programs. She mentioned the National Council of Juvenile Family Court Judges is an excellent resource to community that has done a training on batterers' treatment programs looking at recidivism. In a study, if the batterer completed program and was held accountable by the judge, in which she agreed, it reduced recidivism by 60%.

8. **For Information:** Committee on Domestic Violence (CDV) member Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence, will present the *NCEDSV Law Enforcement Training*.

Attachment 6

- a. Meuschke shared that the Nevada Coalition to End Domestic and Sexual Violence (NCEDSV) will be partnering with the International Association of Chiefs of Police (IACP) to put on a rural law enforcement response to violence against women training. It will be a virtual event focused on the impact of trauma and community coordinated response. Organizers applied for POST and CLE credit for training attendees. Additional information can be found in the attachment.
 - b. Spratley offered to share this with the membership of the Nevada Sheriffs' and Chiefs' Association (NVSCA).
9. **For Information Only:** the CDV's future meeting dates:
- Committee on Domestic Violence: February 18, 2021 @ 1:00 p.m. | Location: Virtual Meeting.
 - Legislative Subcommittee: TBD | Location: Virtual Meeting.
 - Training Subcommittee: TBD | Location: Virtual Meeting.
 - Court Subcommittee: TBD | Location: Virtual Meeting.
10. Public Comment.
- a. No public comment.
11. **For Possible Action:** Adjournment.
- a. Chairman Ford called for a motion to adjourn. Motion to adjourn by Lynch. Seconded by Greene. No further discussion. All in favor. Motion passed.
 - b. Meeting adjourned.

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

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