

# Attachment One (1)

Committee on Domestic Violence Agenda  
January 28, 2020

Contents: November 13, 2019 Meeting Minutes

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

**Meeting Minutes**

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*Wednesday, November 13<sup>th</sup>, 2019 at 11:30 a.m.*

**Meeting Location:**

Mineral County Convention Visitors Center  
932 East Street  
Hawthorne, NV

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*Chairman Ford took a moment to swear-in Ortenburger.*

1. Call to order, roll call of members and introduction of members and local partners.
  - a. The Committee on Domestic Violence (CDV) meeting was called to order at 11:45 am.
  - b. Present
    - Aaron D. Ford, Attorney General (Chairman Ford)
    - Armstrong, Ross (Armstrong)
    - Green, April (Green)
    - Greene, Elynne (Greene)
    - Harig, Tracy (Harig)
    - Jones, Cassandra (Judge Jones)
    - Lynch, Patricia (Lynch)
    - Meuschke, Sue (Meuschke)
    - Morris, Marla (Morris)
    - Moseley, Leisa (Moseley)
    - Ortenburger, Liz (Ortenburger)
    - Ramos, Suzanne (Ramos)
    - Spratley, Eric (Spratley)
    - Yoxsimer, Denise (Yoxsimer)
  - c. Absent
    - Cisneros, Jessica (Cisneros)
    - Hall, Karl (Hall)
    - Hernandez, Cory (Hernandez)
    - Riley, John (Riley)
    - Scott, Annette (Scott)
    - Troshynski, Emily (Troshynski)

- Wheable, Michael (Wheable)
- a. Staff
  - George, Kyle (George)
  - Adair, Jessica (Adair)
  - O'Banion, Nicole (O'Banion)
  - Bradley, Sarah (Bradley)
  - Tanaka, Debbie (Tanaka)
  - Mouannes, Jason (Mouannes)
- b. Public
  - Adams, Randy (Adams)
  - Blake, Morgan (Blake)
  - Bolton, Fawn (Bolton)
  - Ferguson, Bill (Ferguson)
  - Judge James, Mike (Judge James)
  - Mullins, Mariah (Mullins)
  - Rowe, Sean (Rowe)
  - Sanchez, Roman (Sanchez)
  - Stanton, Jaren (Stanton)
- d. **Quorum established**

*Chairman Ford asked all members, staff and public in attendance to introduce themselves before proceeding with the next agenda item.*

2. Public Comment.
  - a. No public comment.
3. **For Possible Action:** Review, discussion and possible approval of August 19, 2019 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. Motion to accept the minutes by Spratley.
- b. Judge Lynch stated that on Page 3 under Item 4b of the previous CDV meeting minutes where it says "Judge Lynch discussed her experience regarding high risk team models" she was referring specifically to San Diego's high risk team model. In addition, on Page 5 under Item 4e the statement should say "Judge Lynch proposed trainings for law enforcement on the impact of physical effect of trauma." Item 4i was corrected to reflect the requirements for a court interpreter.
- c. Motion to accept the minutes amended by Spratley. Seconded by Ramos. No further discussion. All in favor. Motion passed.

4. **For Discussion:** Committee Chair, Attorney General Aaron D. Ford will invite local partners to update the Committee on Domestic Violence (CDV) on any challenges and/or successes they are having in their communities.
  - a. Mineral County District Attorney Rowe stated that the county continues to struggle with properly investigating and prosecuting domestic violence cases. The former Deputy Attorney General position that served to assist domestic violence prosecution cases through the Nevada Attorney General's Office for about eight years was an important effort that provided value to the county. Armstrong previously served in that position.
  - b. Chairman Ford inquired about the effect of the Supreme Court Opinion No. 75208 decision on the rural jurisdiction.
  - c. Judge James specified that most cases except one waived their right to having a jury trial. There have been logistical challenges with jury trials in the rural jurisdictions.
5. **For Discussion:** Committee on Domestic Violence (CDV) member Ross Armstrong, Administrator, Division of Child and Family Services will present the CDV Training Subcommittee Action Plan.

#### **Attachment 2**

- a. Armstrong stated that the Training Subcommittee met twice prior to this meeting. Training Subcommittee members reviewed the priorities identified during the creation of the subcommittee and organized ideas into four different areas: legislator education, law enforcement and prosecutor education, public education and healthcare provider education.
- b. Chairman Ford asked if any members had questions or comments about Armstrong's presentation on the subcommittee action plan.
- c. Meuschke acknowledged an intersection between action plans of the different subcommittees while reviewing the attachments. She asked if there are any thoughts about the Training subcommittee coordinating with the Legislative subcommittee to present one-page documents on domestic violence, sexual assault and human trafficking.
- d. Armstrong responded that the Interim Health Committee would be the most appropriate as they seem the most active and best to coordinate a meeting. They are currently working out a meeting time.
- e. O'Banion affirmed cross referencing topics between the different subcommittees on the Committee on Domestic Violence. Once drafts are completed of the new documents, the information will begin to circulate between subcommittees and the overall committee.
- f. Chairman Ford asked if any members had any other questions or concerns for Armstrong.
- g. Adair expressed interest in hearing any training requests from members of the public in the rural county.

*Sheriff Adams arrived at 12:05 PM.*

- h. Armstrong suggested improving quality of domestic violence training offered through Nevada Peace Officer Standards and Training (POST) based on his experience working in the rural counties.
- i. O'Banion proposed memos on strangulation and evidence-based investigations with on-going support.
- j. Chairman Ford advised any training requests for law enforcement be forwarded to Armstrong.
- k. Ortenburger stated a consistent request by law enforcement in Southern Nevada, such as Las Vegas Metropolitan Police Department (LVMPD), Henderson Police Department (HPD) and North Las Vegas Police Department (NLVPD), are 1-2 minutes video segments that can be watched during short breaks in the officer's schedule.
- l. Chairman Ford recommended members to consider reaching out to the Advisory Commission on the Administration of Justice.

*Randy Adams introduced himself along with Bill Ferguson.*

6. **For Discussion:** Committee on Domestic Violence (CDV) member Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence will present the CDV Legislative Subcommittee Action Plan.

**Attachment 3**

- a. Meuschke presented the Legislative Subcommittee Action Plan focusing on three main actions:
  - Researching and making a recommendation regarding domestic violence high risk team models for implementation in Nevada;
  - Identifying and tracking 2019 legislative changes to understand how they are being implemented across the state;
  - Creating a process to review, recommend and/or take a position on proposed legislation for the upcoming 2021 session.
- b. She stated the Jeanie Geiger Center (JGC) is interested in working with Nevada. Due to Nevada's high homicide rate, JGC would consider beginning a statewide project. The JGC is a technical assistance provider through the Office of Violence against Women. On January 28<sup>th</sup>, 2020, the Committee on Domestic Violence (CDV) will be participating in a webinar with the Jeannie Geiger Center (JGC) to determine next steps if the committee wants to move forward with this initiative. One of the components the Legislative Subcommittee is interested in reviewing is the risk assessment tool through JGC and similar offerings from different programs.
- c. The Legislative Subcommittee planned to create a process to identify the performance of past legislative changes.

- d. O'Banion noted all subcommittee meetings have been scheduled for December.
- e. Chairman Ford asked if any members had any other questions or concerns for Meuschke about the action plan.
- f. Judge Lynch inquired if the Legislative Subcommittee would review Supreme Court Opinion No. 75208 as there may be some concerns related to this ruling.
- g. Chairman Ford informed members the Nevada Attorney General's Office is actively working on addressing implementation concerns related to the ruling throughout Nevada. Theresa Haar, Special Assistant Attorney General to the Nevada Attorney General's Office, may be able to share her findings in a report about the new ruling.
- h. Adair mentioned that the Nevada Attorney General's Office met with the Nevada Association of Counties (NACO) to observe the response to Supreme Court Opinion No. 75208.
- i. Chairman Ford explained that the Committee on Domestic Violence (CDV) can collectively agree or disagree upon proposed changes to legislation. This can be done by demonstrating the effectiveness or ineffectiveness of a new bill.
- j. Ortenburger revealed Safe Nest has engaged Assemblyman Frierson's office and the Legislative Council Bureau to research how different states host domestic violence specialty courts. It was noted that 46 states have jury trials for misdemeanor domestic violence when there is a gun involved in a situation.
- k. Judge Lynch was glad this topic was addressed at the committee meeting.
- l. Members agreed it is difficult to determine the effectiveness of increasing penalties and requiring counseling for repeat offenders if they are not being convicted in the first place under the state statutes.
- m. Adair would be interested in including some of this information in the Committee on Domestic Violence Biennial Report.
- n. Judge Jones inquired about the deadlines for the subcommittees to provide information to the full committee. Bradley responded that normally legislative proposals are due in May of the even-numbered year. Chairman Ford welcomed recommendations for bill draft requests and reminded members to keep in mind that other legislatures may be addressing similar issues in their bills, which we may support.
- o. Judge Jones questioned the issue of reviewing all past legislation for not only 2019 legislation session, but also some of the other legislative sessions as well. She felt the topic of accessibility to batterers' treatment programs offered should be reviewed. O'Banion responded that the issue has been solved relating to utilizing an online option. The Division of Public and Behavioral Health (DPBH) revised their regulations after a successful pilot program in White Pine County for an online batterers'

treatment program. Some issues with the program included only being able to participate if you lived more than 70 miles away from a provider. Not everyone has access to a car especially since some rural areas are less than 70 miles away from a major town or city that has access to batterers' treatment. Moving forward, the language in the regulations will be adjusted to expand access to this option. This was the only certified online provider available to date.

- p. Meuschke would like to start a conversation around online counseling in 2020 and address the changes to the regulation about online batterers' intervention programs. O'Banion suggested reviewing regulations regarding batterers' treatment programs as a future committee agenda item. In addition, this would give the committee time to research any other proposed domestic violence legislation.
  - q. Chairman Ford requested O'Banion or Adair to identify the deadline to submit bill draft requests for the Legislative Counsel Bureau.
  - r. Judge Lynch asked if the batterers' treatment subcommittee was still active as it might be the appropriate vehicle to look at the changes when it comes to making any recommendations.
  - s. O'Banion and Judge Jones agreed that the Court Subcommittee will be reviewing diversion courts, which will result in a batterers' treatment discussion.
  - t. Judge Lynch stated the Nevada Attorney General's Office delegated the responsibility of approving batterers' treatment programs to the Division of Public and Behavioral Health, although she was against this change.
  - u. O'Banion asked Judge James if he had an opportunity to utilize the online batterers' treatment program. He responded they have not had the opportunity to use it yet.
7. **For Discussion:** Committee on Domestic Violence (CDV) member Judge Cassandra Jones, Justice of the Peace, Douglas County will present the CDV Court Subcommittee Action Plan.

#### **Attachment 4**

- a. Judge Jones presented the action plan for the Court Subcommittee. She acknowledged that many changes have taken place in the court system recently and the subcommittee may not be the appropriate voice on these issues as some of the subcommittee members are judges who do not generally get to speak on whether something should or should not happen but rather focus on implementation of changes within the law. Recently, the Administrative Office of the Courts and the Nevada Supreme Court implemented a pre-trial risk assessment that may show the likelihood of an offender to appear and be a risk to the community based on criminal history. The assessment fails to show risk to victim affected by the case.

- b. There is no standard procedure to take risk of a victim and transfer that information to the judge for use in consideration of bail, sentencing or other court proceedings. Quite often, probable cause reviews have taken place daily or twice daily depending on the jurisdiction. It has been observed that the victim does not always get an opportunity to participate in the process of determining risk. Thus, the committee will be examining several victim risk assessment tools and expressed interest in working with the Supreme Court in a coordinated effort to support them in finding a solution before implemented statewide.
- c. O'Banion stated that on January 28<sup>th</sup>, 2020 during the Jeannie Geiger Center webinar, the CDV will review the DA-LE risk assessment tool.
- d. Chairman Ford offered to begin the conversation with Supreme Court Justice Hardesty.
- e. Greene stated that Las Vegas Metropolitan Police Department (LVMPD) completes a lethality assessment at the time of a report. She has two concerns: first, training for all officers would be necessary as the tool is only valid if used properly. Second, we would need to demonstrate the effectiveness of this process to officers otherwise this would just be another piece of paper in this process.
- f. O'Banion stated the Jeannie Geiger Center provides training to officers.

*Chairman Ford instructed members to take a five-minute recess at 12:45 pm.*

- g. Judge Jones stated the subcommittee took the approach and observed what individual courts are doing around the country. We knew this project would extend until the 2021 session as we review what models exist and what we are currently doing. It is important to recognize the difference between rural and metropolitan jurisdictions while having reasonable models that account for sufficient due process.
- h. The Nevada Administrative Code (NAC) only requires providers of diversion programs to provide five percent in scholarships to the indigent population. For-profit providers may be someone's only option. Providers are absorbing bills as they care about people in their community. Unfortunately, there are many substantial legal and financial hurdles that cannot be settled with community service.
- i. Chairman Ford recognized lack of legal resources statewide.
- j. Judge Lynch stated she has had situations where providers will not graduate offenders or give them completion credits. She would graduate them anyway, despite the provider wanting the court to become a collection agency. That is punishing someone for being poor.
- k. However, perpetrators can be manipulative through power and control and that must be remembered during this discussion.
- l. Finally, she clarified her intent of diversion of an offender through a specialized court (this does not mean no conviction and no treatment).

8. **For Discussion:** Sarah Bradley, Senior Deputy Attorney General, Nevada Office of the Attorney General will present a summary of the Open Meeting Law (OML) as it applies to the Committee on Domestic Violence (CDV) and all the CDV Subcommittees.
  - a. Bradley reminded current and new members about Open Meeting Law (OML). The Committee on Domestic Violence (CDV) is subject to OML. Some highlights of Bradley's presentation include:
    - If you have things to share, send it to the AGO staff (O'Banion and/or Mouannes) who can distribute information without violation.
    - Committee members cannot communicate about committee business outside of the committee meeting(s).
    - If there is a conflict of interest during an agenda item or action taken, please recuse yourself.
    - The idea of OML is to increase transparency for public.
  - b. O'Banion thanked Bradley as it was her last meeting with the Committee on Domestic Violence (CDV).
  - c. Chairman Ford extended an opportunity to start a new subcommittee titled "Underserved Community Subcommittee" if any members wanted to take the lead and create an action plan. No action was taken as the CDV currently has three active subcommittees.
9. **For Discussion:** Committee member Ross Armstrong, Administrator, Division of Child and Family Services (DCFS) will provide an update on DCFS/DV Best Practice Protocol development.
  - a. Armstrong shared his experience after DCFS hosted a think session to analyze the intersection between child welfare and domestic violence. One in five kids put into the foster care system had a parent arrested in the household during that same year. Since 2013, domestic violence was in the top three types of arrest for parents of children who enter into the foster care system. Moving forward, DCFS looking for additional federal funding to address these concerns.
  - b. Ortenburger insisted child welfare respond appropriately to situations where domestic violence is present with child in the home.
10. **For Possible Action:** Nicole O'Banion, Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking, Nevada Office of the Attorney General will present the Recidivism in Nevada White Paper.

#### **Attachment 5**

- a. O'Banion presented the Recidivism in Nevada White Paper. The intent was to obtain data on domestic violence recidivism in Nevada. The report is based on all the charges codes received from the majority of jurisdictions. Carson City did not provide info to properly incorporate data. She noted members should keep in mind that domestic violence is

completed under-reported and these numbers are not exactly what we know, but rather what has been reported.

- b. Chairman Ford was concerned about the validity of the report as it misses some critical components. It should be tested for reliability.
  - c. Members determined this report aided in creating questions to increase the effective of any future reports.
  - d. Harig stated this appears to be a descriptive study to look at data. However, the report is not meant to be used to draw any conclusions.
  - e. O'Banion stated a member of the public, Dennis Fitzpatrick, was curious to see the ability to obtain a recidivism report to track the effectiveness of domestic violence batterers' treatment programs.
  - f. Members concluded that more work needs to be done on this report as it is missing many components unique to Nevada.
11. **For Discussion:** Update on the "Committee on Domestic Violence (CDV) Treasurer Report" by CDV Treasurer, Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence.
- Attachment 6**
- a. Meuschke stated that the budget is \$36,049.00. The remaining budget is \$24,330.26.
12. **For Information Only:** the CDV's tentative future meeting dates:
- Court Subcommittee: December 16, 2019 @ 2:30 p.m. | Location: Carson City Office of the Attorney General, Room 228 & via GoToMeeting.
  - Committee on Domestic Violence: January 28, 2020 @ 10:00 a.m. | Location: Carson City Office of the Attorney General, Mock Courtroom & Las Vegas Office of the Attorney General, Conference Room 4500.
13. Public Comment.
- a. Mouannes requested committee members sign travel claim forms and turn them in before leaving the meeting.
14. **For Possible Action:** Adjournment.
- a. Chairman Ford called for a motion to adjourn. Motioned to adjourn. 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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