

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

Meeting Minutes

Monday, September 30th, 2019 at 2:30 p.m.

Meeting Location:

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

Via Videoconference:

Office of the Attorney General
Grant Sawyer State Building
555 East Washington Avenue, Rm 4500
Las Vegas, NV 89101

1. Call to order and roll call of members.
 - a. The Committee on Domestic Violence (CDV) Court Subcommittee meeting was called to order at 2:32 pm.
 - b. Present
 - Chairwoman Judge Jones, Cassandra (Chairwoman Judge Jones)
 - Judge Lynch, Patricia (Judge Lynch)
 - Klem, Loretta (Klem)
 - Ramos, Suzanne (Ramos)
 - Scott, Annette (Scott)
 - a. Absent
 - Cisneros, Jessica (Cisneros)
 - Troshynski, Emily (Troshynski)
 - b. Staff
 - O'Banion, Nicole (O'Banion)
 - Mouannes, Jason (Mouannes)
 - Bradley, Sarah (Bradley)
 - Adair, Jessica (Adair)
 - c. Public
 - Meuschke, Sue (Meuschke) – Attending as member of the public

- c. **Quorum established**
2. Public Comment.
 - a. No public comment.
3. **For Discussion and Possible Action:** Sarah Bradley, Senior Deputy Attorney General, will present Nevada Supreme Court Opinion No. 75208. The Court Subcommittee members will discuss and possibly decide if they want to add it to the action plan developed in item #4 of this agenda.

Attachment 1

- a. Bradley reviewed the Nevada Supreme Court Opinion No. 75208. She provided historical information about misdemeanor domestic violence convictions dating back to 2014. Before the release of this opinion, the Nevada Supreme Court reserved a position that misdemeanor domestic violence convictions were not sufficiently serious to require a jury trial. However, the Nevada Supreme Court Opinion No. 75208 changed the court's position due to revisions in NRS 202.360 prohibiting individuals convicted of misdemeanor domestic violence from owning or possessing a firearm. The change in statute regarding firearms prompted the courts to review the seriousness of misdemeanor domestic violence convictions and require jury trials.
- b. Judge Lynch indicated the requirement of jury trials will have a major impact on rural communities.
- c. Chairwoman Judge Jones requested more details about statutes relating to the Nevada Supreme Court Opinion No. 75208 from Bradley to be provided at the next subcommittee meeting.
- d. O'Banion stated the Nevada Attorney General's Office Chief of Staff wanted to add the Nevada Supreme Court Opinion No. 75208 to the subcommittee's agenda for review prior to presenting the document to the full Committee on Domestic Violence (CDV) at the November 13th Rural meeting.
- e. Chairwoman Judge Jones suggested jury trials may have a chilling effect on successful prosecutions.
- f. O'Banion proposed the implementation of certified expert witnesses in each jurisdiction to educate the jury.
- g. Bradley, in reference to Judge Lynch's comments earlier, mentioned increasing penalties may lead to more jury trials and increase court costs for rural communities. In addition, it may become more difficult to obtain a conviction when a victim is not cooperating in front of the jury.
- h. Chairwoman Judge Jones described her challenges with finding space to identify potential jurors from a jury pool in a small rural community.
- i. Adair responded to Judge Lynch's question earlier. The topic of jury trials for misdemeanor domestic violence convictions was not part of the Nevada Attorney General's Office bill package for the 2019 Legislative

Session. However, this discussion may prompt reason for changes with future legislation.

- j. Judge Lynch shared her experience with jury trials.
- k. Ramos explained victims may feel terrified to testify in front of a jury along with the adverse effects on victims of a lengthy trial.
- l. Scott stated district attorney offices are illegally reducing necessary domestic violence charges.
- m. Some municipalities are drafting city ordinances to avoid jury trials.
- n. Chairwoman Judge Jones inquired about rolling back changes made about firearm statutes in 2015.

Chairwoman Judge Jones allowed public comment by Meuschke.

Meuschke stated the change in statute regarding firearms in 2015 was intended to equip state law enforcement officials with opportunity to enforce federal law as a state law. Rolling back this provision may eliminate jury trials, but it is important to review the impact of making this change.

4. **For Discussion and Possible Action:** The Court Subcommittee Chair Judge Cassandra Jones will invite subcommittee members to discuss and develop an action plan for presenting the benefits of a Domestic Violence Compliance Court Coordinator to the Administrative Office of the Courts.
 - a. Chairwoman Judge Jones specified the purpose of this subcommittee is to review the potential for domestic violence specialty courts and/or compliance with existing consequences for a convicted offender.
 - b. O'Banion explained that the action plan may include a process to explore funding options for a domestic violence compliance coordinator who would travel throughout the State of Nevada.
 - c. Chairwoman Judge Jones asked if Judge Lynch would share her experience with a domestic violence compliance court coordinator and how the subcommittee can approach this change.
 - d. O'Banion stated Judge Lynch's outline would contribute to an on-going action plan, not a final copy.
 - e. Judge Lynch expressed interest in drafting an outline regarding domestic violence court compliance coordinators.
 - f. Members shared their knowledge regarding risk assessment tools.
 - g. O'Banion prompted members to communicate through her regarding materials to be shared amongst members of subcommittee in order to maintain compliance with open meeting law (OML).
 - h. Some of the suggested topics for the action plan included: specialty court options, domestic violence compliance court coordinators, pre-trial risk assessments, and expert witness training.

5. **For Possible Action:** The Court Subcommittee Chair Judge Cassandra Jones will request a volunteer to draft an action plan to present at the November 13, 2019 Committee on Domestic Violence meeting.
 - a. Ramos motioned to approve the following projects for the proposed action plan:
 - O'Banion would compile information on expert witness training and online batterers' intervention treatment programs. In addition, she would collect documents relating to pre-trial risk assessments for offenders of domestic violence.
 - Judge Lynch would draft an outline regarding her experience with a domestic violence court compliance coordinator.
 - b. Seconded by Judge Lynch. No further discussion. All in favor. Motion passed.

6. **For Information Only:** the CDV's tentative future meeting dates:
 - AG Statewide Fatality Review Team (FRT) Meeting: October 21 – 22, 2019 | Location: Tonopah
 - Rural Committee on Domestic Violence (CDV) Meeting: November 13, 2019 | Location: Hawthorne

7. Public Comment.
 - a. No public comment.

8. **For Possible Action:** Adjournment.
 - a. Chairwoman Judge Jones called for a motion to adjourn. Ramos motioned to adjourn. Seconded by Lynch. 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
