

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

**Meeting Minutes**

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*Tuesday, October 29, 2019 at 4:00 p.m.*

**Meeting Location:**

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

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1. Call to order and roll call of members.
  - a. The Committee on Domestic Violence (CDV) Court Subcommittee meeting was called to order at 4:00 pm.
  - b. Present
    - Chairwoman Judge Jones, Cassandra (Chairwoman Judge Jones)
    - Judge Lynch, Patricia (Judge Lynch)
    - Ramos, Suzanne (Ramos)
    - Troshynski, Emily (Troshynski)
  - c. Absent
    - Scott, Annette (Scott)
    - Cisneros, Jessica (Cisneros)
  - d. Staff
    - O'Banion, Nicole (O'Banion)
    - Mouannes, Jason (Mouannes)
    - Long, Sophia (Long)
  - f. **Quorum established**
2. Public Comment.
  - a. No public comment.
3. **For Possible Action:** Review, discussion, and possible approval of September 30, Meeting Minutes.
  - . Judge Lynch: At Item 3.i, "Adair responded to Judge Lynch's question earlier." There is no earlier question. I do remember what the question was, and it was: "Was that bill part of the Attorney General's packet or where did the gun bill come from?" Maybe it should say: Judge Lynch's question as to

who sponsored the bill. Also at item j, it says I shared my experience with jury trials. That is true, but what I was specifically saying is that the Justice Court got the jurors from the District Court jury pool. That was a suggestion.

b. Jason Mouannes: I will make those corrections.

c. Judge Lynch: I am still confused where we say the benefits of a Domestic Violence Compliance Court Coordinator to the Administrative Office of the Courts. We were about two different things – whether we were going to do domestic violence courts, or see if people wanted to try and get coordinators for their courts. We also needed to talk to the AOC about the risk assessment. I think the agenda item was actually two items, and I do not see any discussion that actually separated them. Maybe you could add that Judge Lynch expressed confusion regarding this topic thinking they were two separate items.

d. The minutes were approved unanimously with the above corrections by Judge Lynch.

4. **For Discussion and Possible Action:** CDV member, Judge Patricia Lynch, will present the “Battered Women Justice Project” and the “Domestic Violence Compliance Court” outlines. 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.

a. Judge Lynch: Reviewing the materials submitted. Are these domestic violence courts more effective than just throwing the cases in regular court? Is it worth it? Hopefully they will be funding under VALA, but I think it is still pending in the Senate. This would be similar to the court I created and in Las Vegas which were created by grants. We would look at those two courts and survey what is going on out there because we need a baseline.

b. Judge Jones: I think this is the action plan. This committee should make a recommendation to the Attorney General; and he can make the recommendation to the AOC, other law enforcement officers, etc.

c. O’Banion stated it does not have to be a finalized action plan by the 13th. We just need to advise what needs to be looked at further before the next steps.

d. Judge Jones: I think our timeline should be the same as when BDR’s need to be submitted – next October or November. Our recommendations could be implemented on a voluntary basis, but the Attorney General may want to use some of his BDRs to implement them.

e. O’Banion: Our office has to have the BDR’s drafted by May 30th.

f. Judge Jones: I know we are kind of mixing items 4 and 6, but with that type of timeframe I do not know if we could achieve steps 1 through 6 and do it well in six months. I see them break down into three things: 1) the survey of literature and best practices; 2) funding; and 3) what is Nevada already doing. After we have looked at those three areas, let’s make a recommended action plan for implementation across the state. I think what the Legislature

might want to do is provide a BDR for the creation of a diversion or a specialty court.

g. There was no further comment at this time.

5. **For Discussion and Possible Action:** Nicole O'Banion, Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking, Nevada Office of the Attorney General will present the Praxis International "New Guides to The Domestic Violence Best Practice Assessment: Victim-Witness Services, Bail Setting and Pre-Trial Release" Power Point. The Court Subcommittee members will discuss and possibly decide if they want to add it to the action plan developed in item #4 [sic] of this agenda. (Judge Lynch – I believe it should be item #6.)

a. O'Banion advised that part of the conversation that occurred last time was that there are no domestic violation questions included in the pretrial release risk assessment, and that is something that was of concern to everyone. There was a webinar that discussed including domestic violation questions in a pretrial assessment. I included it so the committee members would have the information if it was another item to be included on the action plan. I know it is a conversation that is continually brought up in every domestic violence meeting. This is a really big concern for those of us in the field of domestic violence; specifically domestic violence offenders are not being assessed for that type of risk. I am not sure if you want to include that in the action plan as a second piece of action that would include further evaluation of any risk assessments in the nation. See if other states are including domestic violence questions on those risk assessments or not, then coming up with questions the committee would recommend.

b. Judge Jones: This is obviously the area that I am really interested in. A victim risk assessment available at the time of setting bail, and also the same assessment being available at the time of sentencing, would be extremely helpful. I do not know if the court has to order it, if it becomes the best practice model for law enforcement agencies across the state. This is where the Attorney General really has the authority to shape things, i.e. make it a best practice for law enforcement agencies and the District Attorneys to provide this information and have it readily available. Even if the Supreme Court does not implement as part of our pretrial risk assessment, it is still something that could be implemented in domestic violence advocacy. I see our subcommittee recommending a specific tool that law enforcement officers can use in the field.

c. O'Banion: We just had this conversation in the legislative subcommittee meeting and the Jeanie Geiger Center, they used the Dale risk assessment and they recommended using that statewide, so all law enforcement are using the same one. Judge Jones you were asking to have the assessment attached, and I am not sure where you get that.

d. Judge Jones: What I am talking about is a probable cause sheet, which is a very brief report that the law enforcement officer compiles to show there is probable cause for the arrest. Under the Supreme Court rules, we also now get Pre-trial Risk Assessment Tool (PRAT). The PRAT shows us how likely is someone to fail to appear, and in the general sense, what type of risk do they oppose to the community if they are out on bail. It does not give us any specific information about the risk to the victim involved. That is where the domestic violence risk assessment would be a supplement to this. If it were completed and included in the packet, I would get the PC affidavit, the PRAT, and also the domestic violence assessment.

e. O'Banion: Would the judges be the ones who would require the DV risk assessment be included with the packet?

f. Judge Lynch: Yes. You have to review the information with 48 hours because you can't hold them without probable cause. A lot of jurisdictions are trying to move that up, so that a judge needs to look at it by 12 to 24 hours during the work week. That is when the judge, in looking at the probable cause assessment, will make an initial bail determination. It is real early in the proceeding, but that is also the time when it is the most dangerous.

g. O'Banion: Who now requires that DV written assessment to be attached to that packet? How do we make sure that gets attached to the probable cause sheet?

h. Judge Jones: It is not being done on a consistent basis statewide. I believe it is being done in the Las Vegas Municipal or Justice Court.

i. O'Banion: But how did it get to the judges? I am trying to put the pieces of the puzzle together for our action plan.

j. Ramos: Judge Graham has shared with me that Metro completes it and Metro attaches it to their PC affidavit.

k. O'Banion: How did Metro start doing that? That is what I am trying to figure out.

l. Ramos: Pretrial services at the jail are done by the staff. The pretrial services would be within the Sheriff's office, or Metro that would be doing this.

m. O'Banion: The pretrial services people would then reach out and collect the DV assessment from the law enforcement officer, and then the pretrial services people would then make sure on any DV case they get the DV assessment, they attached with the PRAT, and the PC go to the judge. Is that correct?

n. Judge Jones: Yes.

o. Judge Lynch: That would be the way that it would ideally work. I do not know if every jurisdiction has pretrial services. You would have to look at every jurisdiction. Judge Jones, is everyone required to use the PRAT or was it just being used on a trial basis.

p. Judge Jones: It is mandatory as of January 1st. As far as I know, every jurisdiction has implemented it. Even if there is not a formal pretrial

services department, every county now has someone tasked with doing that job. We do not have to solve this today. We do want to review and recommend a risk assessment tool, and we want to recommend an implementation model. We do not have to solve what the implementation model is going to be today.

q. O'Banion: Correct, and this might be one of those legislative changes you were talking about, because we might want to add that wherever PRAT is implemented, we add onto that language a DV assessment also needs to be included.

r. Judge Lynch: It is the Supreme Court that makes that determination. That is why Judge Jones was saying it will be mandatory January 1, and it is mandatory in certain trial jurisdictions. That is where we will have to coordinate with the AOC. We need to reach out to that committee and see where they are – because they put it on the back burner. We want to be involved in the conversation before they come up with something that we do not think is very good.

s. O'Banion: Is there someone who can get us connected with that committee or find out when they are meeting again?

t. Judge Lynch: They will talk to any judge who calls them. It is fairly congenial. We just want to see where they are in the process and let them know we would like to participate and maybe assist them with the process, because maybe they have not had the resources to get to it, and we do.

u. O'Banion: I think our #2 action plan should also be to get with that committee, i.e. 1) evaluate DV assessment tools; 2) get connected with that committee so we can be a part of that conversation.

v. Judge Lynch: I think you may even want to make that #1, because if they are working on something now, we need to know that; they might implement something without our input, and we have some pretty good ideas.

w. O'Banion: I agree, I think that should be number 1 on the second action item.

x. Judge Jones: I will reach out to our representative at the AOC and see if he can connect me to the right person on that committee.

y. Judge Lynch: Robin used to be head of the AOC, do we have anyone from the court on the committee anymore?

z. O'Banion: Great idea, I will bring it up to the Attorney General.

aa. Judge Jones: I think we have developed a plan on the risk assessment. I haven't heard from Emily, and Suzanne has had a hard time getting a word in – ladies, do you have anything to add?

bb. Troshynski: I think this sounds a really great idea. I think it would make for a consistent baseline across the state which we really need. The Praxis PowerPoint is really good; however send that, thank you. If there was a way for the state to actually follow some of these recommendations, it would also make sure there is more consistency within the core system which would lead to more transparency and then victims and defenders actually knowing what their rights and remedies are, which I think is needed.

cc. O'Banion: Would we want to put the Praxis down for further digging into at a next court subcommittee meeting?

dd. Judge Lynch: Yes, I think so.

ee. Troshynski: There are really good examples in the Praxis, it gives good examples, how to map things. If the state of Nevada could do this I think it would be absolutely amazing. It would make things much more manageable. We could see what is actually working and what is not.

ff. O'Banion: We will schedule another subcommittee meeting in December, maybe, and we can just spend a little more time looking into that and try to glean out what type of things that are in this that we would like to include in our best practice model. Does that sound good?

gg. Judge Lynch: Yes, that sounds great. Suzanne, did you have anything else that you wanted to add?

hh. Suzanne: No.

**6. For Discussion and Possible Action:** The Court Subcommittee Chair Judge Cassandra Jones will invite subcommittee members to discuss and possibly develop an action plan for presenting the benefits of a Domestic Violence Compliance Court Coordinator and including Domestic Violence questions on the Pre-Trial Release Assessment to the Administrative Office of the Courts. I think we have already discussed this. Does anyone have anything else to add to this?

a. Judge Lynch: No, as long as everybody understands we have two items there.

**7. For Possible Action:** The Court Subcommittee Chair Judge Jones will request a volunteer to draft an action plan to present at the November 13, 2019 Committee on Domestic Violence meeting. I will take Patty's outline and draft the subcommittee's approach on how we would investigate and potentially come up with recommendations for a compliance court.

a. O'Banion: The written assessment for action item #2, do you feel you have sufficient information to do that second action item also?

b. Judge Jones: Sure, but is there anyone else who wants to draft it?

c. O'Banion: I can send you the template that Ross Armstrong came up with, because it was really clean and clear, for the training subcommittee's action plan. I will send you that template, if you can fill in the first part and send it to me, maybe you and I can hop on the phone and fill in the second part together. Since we are running out of time, I will just say you will be the presenter at the full committee meeting. Does that work?

d. Judge Jones: Sure, no pressure.

e. O'Banion: I will help because we will be drafting it together. I will get you the template and then we will just quickly get that put together. Once you get the first part done, you can send it back to me and I will try to fill in

the second part. Then we can get on the phone and go over it together to make sure that nothing is missing. Then we will just fly by the seat of our pants at the full committee meeting.

f. O'Banion and Jones agreed to get together to complete the written plan.

8. **For Information Only:** the CDV's tentative next meeting is:

- Monday, December 16, 2019 at 4:00

9. Public Comment.

a. No public comment.,

10. **For Possible Action:** Adjournment.

Meeting Adjourned.

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

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