

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

Meeting Minutes

Thursday, April 16, 2020 at 9:00 a.m.

Pursuant to Declaration of Emergency Directive 006 from Governor Sisolak dated March 22, 2020, the CDV Court Subcommittee Meeting will be held by teleconference.

Teleconference Access:

Dial in using your phone.

United States: +1 (571) 317-3122

Access Code: 683-450-837

1. Call to order and roll call of members.
 - a. The Committee on Domestic Violence (CDV) Court Subcommittee meeting was called to order at 9:04 am.
 - b. Present
 - Chairwoman Judge Jones, Cassandra (Chairwoman Judge Jones)
 - Judge Lynch, Patricia (Judge Lynch)
 - Ortenburger, Liz (Ortenburger)
 - Ramos, Suzanne (Ramos)
 - a. Absent
 - Cisneros, Jessica (Cisneros)
 - Scott, Annette (Scott)
 - Troshynski, Emily (Troshynski)
 - b. Staff
 - O'Banion, Nicole (O'Banion)
 - Mouannes, Jason (Mouannes)
 - Long, Sophia (Long)
 - c. Public
 - None
 - c. **Quorum established**
2. Public Comment.
 - a. No public comment.

3. **For Possible Action:** Review, discussion and possible approval of *February 6, 2020 Meeting Minutes*.

Attachment 1

- a. Chairwoman Judge Jones suggested members take a moment to review the minutes from the previous Committee on Domestic Violence (CDV) Court Subcommittee meeting. She asked for a motion to approve the meeting minutes. Judge Lynch indicated a correction on Item 4h Page 2 “that a police report is required by batterers’ treatment service providers to see what happened”. Motion to accept the minutes as amended by Lynch. Seconded by Ramos. No further discussion. All in favor. Motion passed.
4. **For Discussion and Possible Action:** CDV Member, Judge Cassandra Jones, Justice of the Peace, Douglas County will lead a discussion on the follow-up items from the February 6, 2020 meeting minutes. Members will decide if there is anything from the updates that should be added to the *Action Plan* or if further action needs to be taken.

Attachment 2

- a. Chairwoman Judge Jones recognized O’Banion for highlighting all follow-up items from the last subcommittee meeting minutes. She started reviewing the highlights on Page 2 and asked Ramos to provide an update on the bill draft request (BDR) recommendation.
- b. Judge Lynch confirmed they were on Page 2 from the last subcommittee meeting minutes.
- c. O’Banion asked if Ramos was able to look through statutes. Ramos replied she did not have an opportunity to look at statutes.
- d. Chairwoman Judge Jones reminded subcommittee members BDR recommendations need to be finalized within next few weeks. One of the subcommittee members needed to review existing legislation to find a fit for BDR recommendations regarding release of police report(s) and victim risk assessment(s).
- e. Ramos mentioned she can review the statutes and put together a memo by the end of next week. Chairwoman Judge Jones asked Ramos to forward memo to O’Banion for distribution in compliance with the Open Meeting Law (OML).
- f. Chairwoman Judge Jones always envisioned this from a judge’s point of view as receiving the police report as part of the pre-trial risk assessment. As a judge, she does not see police report as it’s hearsay. Page 3 Item X was review by Chairwoman Judge Jones. She did not believe any information withheld from both sides can be considered properly in court. In light of the Supreme Court case last week, she does not see how to keep a victim risk assessment from defendant if used in a bail setting and must be disclosed to all parties involved.

- g. Judge Lynch affirmed Chairwoman Judge Jones. It is difficult to have due process if the risk assessment information is not disclosed to both parties.
- h. Chairwoman Judge Jones asked what the concerns were from the other members about the risk assessment being available to defendant.
- i. O'Banion confirmed Ramos was on the Legislative Subcommittee and stated they may be having duplicate conversation about the same topic. O'Banion reached out to the Jeannie Geiger Crisis Center (JGCC) multiple times to see if there is any data around defendant becoming more violent after reviewing risk assessment. She had not yet received information from JGCC.
- j. Ortenburger stated that the JGCC most likely does not have that data since it is buried element of the process. Many victims may not disclose information if they know that the batterer will have access to all that personal information. This increases the risk for victims. Sometimes victims disclose information in a police report. If they know the batterer will see the report, often times they withdraw statement. There can be a disconnect between the judicial system and victim confidentiality. An alternate solution is assigning number to each risk assessment with a lethality score. The assessment can be taken by law enforcement.
- k. Judge Lynch explained in practical application from experience, the defense council may want to dispute reasoning around conclusion of number. Generally, the pre-trial risk assessment tool (PRAT) score falls between 0-10 points (0-5 points – low risk; 5-10 points – high risk). Sometimes for the judge the number is ineffective, because doesn't provide lots of details. Judge Lynch asked Chairwoman Judge Jones about experience.
- l. Chairwoman Judge Jones mentioned she has not seeing victim risk assessments of any kinds in her jurisdiction. With the possibility for jury trials, victims are more likely to recant their testimony.
- m. Judge Lynch asked if any states have tried to address this legislatively.
- n. O'Banion had been trying to address these questions by reaching out to the JGCC. She would continue process in hopes of having more information for the next meeting.
- o. Ortenburger announced a partnership with UNLV with results in September to see what justice looks like from a victim's standpoint. She also suggested putting together a focus group to get feedback from urban and rural victims.
- p. Judge Lynch suggested that some victims may only want violence to stop as they still love the person. Ramos agreed that some victims may be dependent on partners and only want abuse to stop, especially with the courts that are closed indefinitely. Sometimes victims don't tell an

officer everything or the officers are not always noting all information in reports.

- q. Chairwoman Judge Jones mentioned that snap decisions are being made regarding the Praxis model as all judges have are the police report and victim risk assessment. An evidence-based, scientifically validated assessment would help judges.
- r. Chairwoman Judge Jones asked if the Nevada Attorney General's Office can survey risk assessment in all 50 states while including the statutory reference for risk assessments.
- s. Long responded that she would ask the Deputy Attorney General (DAG) for the Committee on Domestic Violence (CDV) if they are able to survey the information.
- t. O'Banion reached out to Eric Spratley at the Nevada Sheriffs' and Chiefs' Association to find out how law enforcement is conducting the risk assessment throughout Nevada. Most jurisdictions did not have a system in place to collect victim risk assessments. Safe Nest supported Las Vegas Metropolitan Police Department (LVMPD) and Carson City would collect risk assessments on an inconsistent basis. Ortenburger mentioned Safe Nest completes about 20-30 victim risk assessments per day either in-person or over the phone via hotline.
- u. Chairwoman Judge Jones emphasized the importance of a positive response from the current implementation to obtain support from law enforcement, especially communicating with the larger jurisdictions to acknowledge their voice and find common ground.
- v. Judge Lynch proposed contacting the Prosecutor's Advisory Council and the district attorneys. O'Banion offered to communicate with the public defenders (a requirements for BDRs by AG Ford) and law enforcement liaisons in Washoe and Clark counties. The contacts would be Chuck Calloway for LVMPD and Corey Solfarino for Washoe County Sheriff's Office. Another contact to notify is Eric Spratley at the Nevada Sheriffs' and Chiefs' Association.
- w. Judge Lynch and O'Banion acknowledged it would be an uphill battle to get buy-in either prior or during the legislative session from public defenders so it would be best to begin the dialogue six months in advance and be proactive about including every single voice impacted by any proposed BDR.
- x. Chairwoman Judge Jones offered to contact the Nevada Judges of Limited Jurisdiction for support on a proposed BDR. O'Banion can communicate with District Attorney Michael Wheable in Ely who also serves on full Committee on Domestic Violence (CDV).
- y. Chairwoman Judge Jones asked for clarification on what we are exactly asking these contacts. So far, she understood the subcommittee's desire to implement the Danger Assessment for Law

Enforcement (DA-LE) and have it transmitted early in the process with an additional level of confidentiality.

- z. Ortenburger explained that advocates who administer the assessment have tools to maintain it's confidentiality (requires release from victim). They are not able to ensure law enforcement can accurately complete assessment at the current time. Members mentioned not every service provider has resources to send out victim advocate for risk assessments. However, she suggested the risk assessment can also be done over phone and leverage other agencies with resources in place.
 - aa. Members acknowledged any new legislation would need to be shared with jurisdictions and judges would need more information for bail setting process. The bill can be worded so it doesn't dictate who complete assessment, but rather, law enforcement would ensure it's completed while responding to incident (either by an officer in uniform, victim advocate in-person or over phone).
 - bb. Ortenburger emphasized that this would be a great opportunity to create partnerships between domestic violence service providers and law enforcement while revolutionizing data collection in Nevada.
 - cc. Cassandra Judge Jones supported the idea of empowering a victim of crime to have the control and ownership of releasing their information.
 - dd. Ortenburger acknowledged community advocates have additional avenues than system advocates providing flexibility.
 - ee. Members decided it would be a good idea to see when in the process risk assessment should be transferred over to judges and get some feedback.
 - ff. Judge Lynch volunteered to contact the different jurisdictions about how they run domestic violence specialty courts and dockets. In addition, she would communicate with National Council of Juvenile and Family Court Judges as they track legislation and maintain various resources.
 - gg. Chairwoman Judge Jones recognized that the action plan was drafted prior to the impact of COVID-19 and many of the discussed goals may need to be moved back three months. The goal is a drafted BDR by March next year. Ortenburger supported this change.
 - hh. Judge Lynch asked Ramos to collaborate with research in calling the courts to review specialty domestic violence dockets.
5. **For Discussion and Possible Action:** CDV Member, Judge Cassandra Jones, Justice of the Peace, Douglas County will lead a discussion on the *Court Subcommittee Action Plan*. The Subcommittee members will discuss the *Action Plan* for next steps and the update to the full CDV.

Attachment 2

- a. The discussion took place in the previous item.

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

- Committee on Domestic Violence: Thursday, April 30, 2020 @ 2:00 p.m.
| Location: Teleconference
 - The meeting will be moved to the end of May. The subcommittee was interested in holding another meeting prior to the full CDV meeting. Chairwoman Judge Jones suggested having prepared a packet for the CDV meeting containing DA-LE and memo about risk assessment chosen and its anticipated implementation. This can be added to the agenda as an attachment.
- Legislative Subcommittee: TBD | Location: Mock Courtroom, Carson City Office of the Attorney General.
- Training Subcommittee: TBD | Location: Carson City Office of the Attorney General.
- Court Subcommittee: TBD | Location: Carson City Office of the Attorney General.
 - The next subcommittee meeting will take place Monday, May 11th, 2020 at 2:00 PM. This meeting will be used to finalize materials for the CDV meeting. The BDR request form can be filled out and included in the proposed packet.
 - Chairwoman Judge Jones will reach out to the Judicial College about risk assessment legislation. O'Banion will contact previously mentioned individuals.

7. Public Comment.

- a. No public comment.

8. **For Possible Action:** Adjournment.

- a. Meeting adjourned at 10:16 am.

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