

**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 stated 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 provide education.
- b. Chairman Ford asked if any members had questions or comments about Armstrong's presentation on the subcommittee action plan.
- c. Meuschke noticed a cross over in action plans while reviewing the attachments. She inquired if there was any thought about coordinating with legislative committees to present one pagers?
- d. Armstrong responded the the Interim Health Committee would be the most appropriate. They seem to meet the most actively and best to coordinate with. Once they determine a meeting time, working on getting a time and date to present.
- e. O'Banion affirmed cross referencing topics between different subcommittees. As soon as we get something more solid in each subcommittee, sharing materials or bringining back to overall committee.
- f. Add addition questions for Armstrong? – AG
- g. Adair interested in hearing more about training from rural attendees of the meeting.

*Sheriff Adams arrived at 12:05 PM.*

- h. Armstrong suggested improving quality of DV Training offered through POST.
6. O'Banion suggested memos on strangulation and evidence-based investigations to be constantly supportive. On-going support vs one off trainings.
7. Ford asked if law enforcement can think of training requests for LE to contact Armstrong
8. Ortenburger stated the consistent request by LE at LVMPD are minute to two minute video segments. Same thing in Henderson and NLVPD. New generation. – Shift change training.
9. Chairman Ford – Advised contacting the advisory commission of justice.

Randy Adams introduced himself along with Bill Ferguson.

10. **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 on the Legislative Subcommittee Action Plan. Looking at three main actions:
  - Researching and making a recommendation regarding domestic violence high risk team models for implementation in NV
  - Identifying and tracking 2019 Legislative changes to understand how these changes are being implemented throughout the State
  - Creating a process to review, recommend and take a position on suggested legislation for the 2021 session.
- b. We spoke to the Jeannie Geirge Center. They are interested in working with NV.
- c. Due to our high homicide rate, they are interested in a statewide project. They are a technical assistance provider of the Office of Violence Against Women. Must have separate funding discussion.
- d. Committee webinar will be taking place.
- e. Next thing would be to determine next steps. Risk assessments are also being reviewed by the legislative subcommittee.
- f. Webinar is scheduled for the next committee meeting.
- g. Identify how past legislation is performing.
- h. Create a proc
- i. All subcommittee meetings booked? O'Banion yes for December.
- j. Chairman Ford asked if any members had questions or comments about Armstrong's presentation on the subcommittee action plan.
- k. Judge Lynch asked is this where the issue of the supreme court opinion on gun law conviction of a misdemeanor requires the loss of gun rights and

triggered the jury trial. There are some real repercussions with that. Maybe this is one of those concerns.

- l. Chairman Ford...in our office many people working on this issue diligently. Our special assistance Theresa Haar is working on this and maybe we can overlap work through her report.
- m. Adair – our office had a conversation with NACO about how counties are responding to Anderson. In my personal opinion, the report from this subcommittee. How previous legislative is being implemented is really important on a standalone based because so often legislators pass legislation and do not hear about how is worked or didn't work. I do believe many counties are interested in a few statutory changes. Many opinions on what that may look like, Repeal 2015 statue. Adding statutory jurisdiction to munucial courts. Worthwile discussion for committee. Don't want to take away from effectiveness with past legislation.
- n. AG Ford – Nothing wrong with doing a review and bring it back. May determination. Agree or disagree. We can voice our opinion for or against something. Definitely an overlap. Review red flag laws. How effective or ineffective been.
- o. Ortenburger- Safe Nest has engaged Speaker Friersons office and the LCB to do research what has happened in other states and speciality courtrs. Pushing this in all three major cities in southern NV.
- p. 46 states have jury trials for misdemeanor DV when there is a gun involved.
- q. Judge Lynch Lots of states have jury trials for misdemeanor DUIs and some don't. Glad this is being addressed. Adair wanted to review what she just said. She agrees that we cannot review past legislation in a vacuum without taking into account the Supreme Court Opinion.
- r. We wont be able 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 statute. Generally, she will accept we will pass lots of legislation and next year the rate of DV will plummet. There is a correlation vs causation.
- s. Adair would love to include some info on the biennial report for the CDV.
- t. Judge Jones referred to the interplay between different committees. She is unclear on what the deadline is?
- u. Bradley stated that normally legislative proposals are due in May of the even numbered year. The NV AGO has a process to windel down the bills. May 30<sup>th</sup>, 2020
- v. There is a September deadline. What is the deadline for the subcommittee to submit to the committee. Lets say May 15<sup>th</sup>. Recommendations not mandates.'

- w. Sometimes recommendations can go into other things and review with legislature would be presenting their own BDRs. We might recognize someone proposing a similar bill.
- x. Judge Jones on the issue of looking at implementation of prior legislation. I would also recommend not just looking at 2019. Struggling with batterers' treatment program offered.
- y. O'Banion stated that issue was solved. Sending letter to you and AOC. They sent out a letter two years ago. DPBH opened up their regulations. It was originally a pilot project in White Pine County and it proved to be successful as an online option and it is video conferencing in a group setting. Great program. We did identify some issues and talking about addressing the issues. Originally you could only participate in the online option if you more than 70 miles from a provider. That doesn't make sense to people who don't have transportation in Fernly although their 35 miles out from Reno. Still not able to require them to do batterers invention because these people cannot travel to Reno. Next time they open regulations they will adjust the language on the distance requirement.
- z. Judge Jones asked if there are other providers through the State. Only one online provider. There intervention courses advertised online but those are actual PPTs. Not the actual in-person sessions. They get one individual session prior. Has a letter that identifies the exact process and get that to the AOC to spread across the State.
- aa. Meuschke stated we would start with 2019 and hopes there is an opportunity to have a conversation about the changes to the regulation around batterers intervention programs. At least know when that workshop is available. She wants a conversation around expanding online counseling. How that is regulated. Doesn't need to take place now and many folks may want to engage in this conversation. Convo about expanding the online counseling and regulations. O'Banion suggested putting those regulations as an agenda item topic for one of the next committee meetings. Ask other folks about DV legislation and possibly take a position on it.
- bb. Ford requested Nicole or Jessica to find out LCB deadlines for BDR requests.
- cc. Judge Lynch asked if we still have the battereres treatment subcommittee. That might be the appropriate vehicle to look at the changes when it comes to making recommendatins.
- dd. O'Banion stated that it is a small subcommittee. Judge Jones stated that the court subcommittee will be reviewing diversion court which results in a treatment discussion.
- ee. Judge Lynch stated the NV AGO delegated the responsibility of approval to DBPH although she was against this change. They basically

can hold own hearings. You have to go separately. We no longer have authority.

ff. O'Banion had a question for Judge James. Have you utilized the program yet. Not yet.

11. **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.
- b. Many changes in the court system recently and reviewed issue with trials. Maybe not right place for our subcommittee to discuss this as several of us are judges and do not get to speak whether should or should not happen and what legislative changes should be. So instead how should we implement laws. Office of the Admin Courts and the NV Supreme Court implmented a pre-trial risk assessment, Prat, that shows the likily hood of an offender to appear and are they likely to be risk to the community based on their criminal history. 'has to be implemented by Jan 1<sup>st</sup>
- c. Several jurisdictions have been the guine pigs of trying this initiative.
- d. What the pre-trial risk assessment fails to show us is the risk to the specific victim in the case. As far as she knows...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 probably cause review is happening daily or twice daily depending on your jurisdiction. The 72 hrs often less than that time and victim does not receive an opportunity to participate in this process. Need information from the victims and we want to examine victim risk assessment tools. We want to examine what type of tools are available and how would they be implemented and reasonable used. Quite frankly the officer will be the one asking the questions. Are there any rule or legislative changes need to implement it. Justice Harvesty is on our side. We do not want to step on the Supreme Court toes. We need to coordinate and cooperate with them to have it implemented across the State.
- e. O'Banion stated that on Jan 28<sup>th</sup> the webinar with the JGC will review the DA-LE risk assessment. 30 min discussion and questions after.
- f. Ford appreciate the target. Ford can facilitate the conversation with Justice Harvesty.
- g. If we want to talk about the courts response to Anderson in the rurals.
- h. Judge Jones asked about opinion of LE.
  - How long assessment.

- i. Do you currently use a DV victim risk assessment tool. There is a long and short version. One sheeter 11 questions. Theoretically be taken by the deputy on scene.
- j. Greene stated we have been doing the lethality assessment at the time of a report. Two fold concern: training for officers and tool is only valid if used properly. Large jurisdictions (show effectiveness to officers) otherwise just another piece of paper
- k. O'Banion stated JGC offers that training to officers. There is a reason they are doing it. Prat...no avail. Someone is getting released without the actual risk to victims.
- l. Ortenburger state defer to them. Not getting in Judges report. Can release info. We need with TPO and family court. Logistical issues in Clark County.

*Chairman Ford suggested members take a five-minute recess. @12:45 pm*

- m. Judge Jones stated we took the approach what individual courts around the country are doing. We knew that this is not a project we can fully vet before the 2021 session. What models exist and what are we currently doing. Many recognize substance issue has been added as part of treatment plans. IT is wonderful to have sealing record or differed prosecution but need to have to have reasonable models that account for due process. Rural vs metropolitan jurisdictions.
- n. The NAC only requires providers of the diversion programs do 5 percent for scholarships and indigent populations. For profit they reach their cap...what happens if they are for-profit and your only option. What happens?
- o. Judge Jones stated providers are swelling bill and care for people in the community. In terms of treatment for the domestic batterer, they incur those cost on top of the fines and community service providers. Substantial legal and finance requirements and cannot convert to community service. Cannot bill outstanding to service provider. We have substantial financial hurdles. This needs to be considered.
- p. Ford stated the state was sued for bad lawyers.
- q. Pending lawsuit that will overlap with DV offenders.
- r. Judge lynch stated she has situations where providers wont graduate offenders or give them completion. She would graduate them. They want the courts to become a collection agency. Make them somehow pay the bill. That is punishing someone for being poor.
- s. Perpetrators are about power and control. Some are manipulative and we need to acknowledge that.
- t. Keep deadlines and maintain stakeholder meetings.



- u. Judge Lynch emphasized not talking about diversion in sense and no conviction or I meant treatment. We are not just gonna divert people away but something of a specialized court.
12. **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 OML. The CDV is subject to OML per statute. If you have things to share, send it to AG staff . O'Banion asked for specifics. Bradley stated basically cannot communicate about committee business outside the committee meeting with another member. It is easy to create a quorum or accident. If you are working on anything but send it to Jason and Nicole. No talking with committee business with each other. We do not want anyone to get in trouble and if we have things to share send it to staff. Social gathering or training and quorum s may get together just do not talk about committee business. OML is part of democracy. We do not do things behind closed doors. The public not to be surprised when we make a decision. May slow things down a bit but helps the public to participate. If there is anytime a conflict, please recuse yourself. Let us know about these conflicts in advance.
  - b. O'Banion thanked Bradley that it is her last meeting. Thanked her for her service #avenger
  - c. Ford talked to Spratley – extend help
    - He made offer to add a subcommittee if they will actually do something...the underserved community subcommittee
13. **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 the take away from the Think Session DCFS put together to analyze intersection between child welfare and domestic violence. Thorough discussion between lots of things that need some solving. 1 in 5 kids in the foster care system had a parent arrested in the household during that same year...since 2013, DV top 3 type of arrest for children who come into the system. Training for agencies. How can we as a system support our victim advocates to understand the system. Hoping for the opening of more federal funds. A kid exposed to DV in the household would be a candidate for the foster care system.
  - b. Ortenburger SB 80 pop let school know...can we intersect those two things to help...they receive those reports. Make sure CW is responding correctly.

14. **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 explained a request was made to get info on recidivism on DV in NV...she contact Appriss running VINE and did a fairly comprehensive report based on all the charge codes received from the majority of jurisdictions. Carson City does not provide info to properly incorporate into the data. Key findings of the analysis. DV is incredibly under-reported along with recidivism. These numbers for what they are not hard facts. In addition, analyze the effective of batterers intervention program. Rural had difficulty with batterers intervention. It was at least a starting point to provide information. We might be able to find a way and somehow find out if someone had recidivised.
- b. Ortenburger stated one of the ways to track recidivism is through running background checks. Metro can.
- c. O'Banion stated we need to work out those kinks and review the effectiveness of the programs are...socio education model not effective vs CVT model. Some programs in NV have switched.
- d. Recidivism rate in urban counties vs rural counties. People are so well know they are not getting charged.
- e. Adair → difficult to pull apart the causation factors difficult to determine but the stats. Has it been tested for validity. Adair this is not a study just a report.
- f. Cannot ensure reliability...conviction rates. Ford concerned. Demographic information. May not account for other societal issues. Be very careful in supporting anything. Should be treated for reliability.
- g. This report will assist in developing questions for future reports.
- h. Meuschke – NDOC sample space...it is very unclear about what the sample is. Concerned about conclusions that were drawn. Specifically around substance abuse. Treatment should include substance abuse data. Very confusing.
- i. Adair → what is the sample...of people who committed a 1<sup>st</sup> time DV offense. Not just recidivators. Does not give us all information. Don't want to give official approval and make some edits to report.
- j. People do not commit DV because drug and alcohol abuse. Give them a call from O'Banion. Might be able to get this info from DPS as well. Pre-trial assessment too. Should not use statistical model to assess punishment for an individual. Interesting piece for us to consider.
- k. Ortenburger not about if they will offend but rather if they will actually get caught.
- l. Meuschke → risk analysis is not clear in this report by Appriss.
- m. Harig stated this is just a descriptive study to look at data...not draw conclusions. #s not for drawing conclusions.

- n. DF requested a recidivism report people need to track offenders in DV programs.
  - o. First-time for our state.
  - p. Analyze each individual jurisdiction. Some data better than no data at all. Define all the data very clearly.
  - q. Adair → based on what we know of arrests and convictions
  - r. Judge Jones → it's a second conviction of DV
  - s. There are issues with Figure 10 and missing critical information.
  - t. Send questions to O'Banion about report.
  - u. Look at a revised version of the report.
15. **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. Reviewed the whole things. Independent of the committee. Small budget.

*Sergeant John Riley arrived at 9:23 AM.*

*Chairman Ford suggested members take a five-minute recess.*

16. **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.
17. Public Comment.
- a. Mouannes – comment travel forms statement.
18. **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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