

DATE: January 8, 2019

TO: Nevada Advisory Commission on the Administration of Justice

FROM: Anne Seymour, National Crime Victim Advocate Consultant,
Crime and Justice Institute

SUBJECT: Summary Report and Priorities of Victim/Survivor/Advocate Roundtables

Crime victims, survivors, and victim assistance professionals are important stakeholders in the work of the Nevada Advisory Commission on the Administration of Justice (ACAJ). The ACAJ sponsored two Victim, Survivor, and Victim Advocate Roundtables -- on November 8, 2018 in Reno and on November 9, 2018 in Las Vegas -- to provide survivors and advocates with an overview of its work to date, and to gather and synthesize the priorities of crime victims and survivors in Nevada.

Overview

Crime survivors' interests must be validated and heard in any criminal justice reform process. As the ACAJ's process advances, the voices of survivors should be central to policy development. In addition, their stated priority needs (as documented in this Summary Report) should be considered for support from Justice Reinvestment funds.

Thirty-seven crime survivors and victim assistance professionals attended the Roundtables held at the Mills B. Lane Justice Center in Reno and the Las Vegas Metropolitan Police Department in Las Vegas (see *Appendix A* for a list of Roundtable participants). The Roundtables were facilitated by national crime victim/survivor advocate Anne Seymour, who is a consultant to the Crime and Justice Institute (CJI), the technical assistance provider to the ACAJ.

At the start of the Roundtables, host Lori Fralick in Reno and host Elynne Greene in Las Vegas emphasized the interests of survivors and advocates in current justice reform efforts, and spoke of ongoing efforts to collaborate and address gaps in victim and survivor services in Nevada. Both also expressed gratitude to the ACAJ for ensuring that the voices of survivors, and those who serve them, are respected and reflected in its final policy and reinvestment recommendations.

An overview of the ACAJ process and the key data findings were presented at the Roundtables by Molly Robustelli and Sam Packard of CJI. These findings included:

- Nevada's prison population has grown 7 percent since 2009, impacted by a 6 percent increase in admissions and a 20 percent increase in the time offenders serve in custody since 2008;
- Non-person offenses accounted for 43 percent of Nevada's prison population in 2017, including drug or property crimes;

- Approximately 2,500 current prisoners entered prison for a parole or probation revocation that did not end up as a new felony conviction;
- The number of offenders admitted to prison with a mental health need has increased 35 percent since 2008;
- The female prison population has grown 29 percent since 2009, four times the rate of growth of the overall prison population; and
- More than half of women admitted to prison in 2017 have mental health needs.

Priorities Identified at the Roundtables

Victims, survivors, and victim assistance professionals who participated in the Roundtables identified ten priorities in the areas of Victims' Rights and Services, Justice-Involved Women, and Community Supervision:

1. There is a need to strengthen Nevada's Victim Information Notification Everyday (VINE) system or to create a new unified, "seamless" statewide victim information and notification system that interfaces with the same data systems utilized by law enforcement, jails, courts, the Nevada Department of Corrections (NDOC), the Board of Parole Commissioners, and the Division of Parole and Probation.
2. Nevada should review its criminal statutes to compare and clarify existing definitions of "crime victim."
3. Improvements are needed in Nevada's process of educating crime victims and survivors about their rights and services.
4. At the time of sentencing, victim impact statements should be provided to NDOC and the Board of Parole Commissioners.
5. ACAJ recommendations made to improve transportation and access to services and programs for defendants should also apply to crime victims and survivors.
6. Nevada needs a statewide crime lab to improve the consistency, quality, and timeliness of evidence testing and processing.
7. Partnerships between Nevada correctional professionals who serve justice-involved women and victim assistance professionals who have expertise or experience in trauma-informed assessments and services should be improved to help reduce the number of female crime survivors who become justice-involved, and to address recidivism among women who are supervised in the community.
8. Nevada should require misdemeanor domestic violence offenders to participate in treatment and services that can improve individual survivor safety.
9. Communication between law enforcement and probation officers needs significant improvement, as well as the technology that simplifies the documentation and sharing of defendant and probationer information.
10. Effective community supervision and offender programming strategies identified by both Roundtables need to be implemented to help rehabilitate defendants, reduce recidivism, and enhance victim/survivor safety.

VICTIMS' RIGHTS AND SERVICES

1. Strengthen Nevada's Victim Information Notification Everyday (VINE) System

The passage of Marsy's Law by the Nevada Legislature in its 2015 and 2017 sessions, and the subsequent approval of the Marsy's Law Crime Victims' Rights Amendment by over 61 percent of Nevada voters on November 6, 2018, significantly expanded and strengthened victims' rights to information and notification (in addition to other constitutional rights). There was strong consensus among both Roundtable participants about the need to strengthen Nevada's VINE system to create a more unified, "seamless" statewide victim information and notification system that interfaces with the data systems utilized by law enforcement, jails, courts, NDOC, the Board of Parole Commissioners, and Division of Parole and Probation.

The two discussions helped frame the types of information and notifications that should be included in an enhanced statewide system, including notifications to *all* victims and survivors (regardless of the county in which they reside) about the following information related to their case(s):

- Bail hearings;
- Defendant's release from jail;
- Court hearings;
- Sentencing hearings;
- Defendant's commitment to house arrest;
- Status and county-of-residence when defendants are sentenced to probation;
- Defendant's custody transfer between jails and/or prisons;
- Convicted inmate's location and status within the Department of Corrections;
- Holds placed on inmates by the Immigration and Customs Enforcement (ICE);
- Parole hearings;
- The status and location of adjudicated juveniles who are convicted as adults;
- Service of temporary protective orders (TPOs) to defendants, including cases involving domestic violence, stalking, and harassment (which are handled by different courts); and
- When TPOs have elapsed and any related hearings or actions.

NDOC recently added inmate photos to its public information portal, and can notify registered victims about the status of inmates via victims' cell phones. However, the NDOC often doesn't know who the victim is and can provide information and services *only* if the victim has registered with them. (*NOTE:* This challenge would be solved by the creation of a unified, seamless statewide victim information and notification system, described on page 5).

There were also discussions about registering *all* victims into the VINE system with a clear option for them to "opt out" of information and notification services. If the ACAJ reinvests savings into a statewide unified VINE system, this is an important consideration for further discussion.

2. Clarify Definition of “Crime Victim”

Similar to many states, the statutory definitions of “crime victim” in Nevada’s laws are not always clear, and vary depending on the type of crime that is committed: whether it is violent or non-violent, and whether witnesses were involved and considered as “victims.” Nevada should review its criminal statutes to compare and clarify existing “crime victim” definitions.

3. Strengthen Education on Victims’ and Survivors’ Rights

Improvements are needed to educate crime victims and survivors about their rights and services. Survivors are often confused about who is responsible for implementing different rights, issues related to victim safety and protection, and whether their expectations about sentencing are accurate. Only three counties in Nevada have system-based victim advocates.

Specific recommendations for strengthening education include:

- Providing clear information about the following:
 - What a plea bargain is and how it affects sentencing;
 - Nevada’s sentencing structure, including sentence minimums, sentence maximums, inmate credits, and any NDOC policies or programs that result in reduction in time served;
 - How the VINE system works and how to register for VINE services;
 - How to document financial losses for the purpose of restitution, and how to obtain restitution that is ordered by the court;
 - What happens at parole hearings, and how the Board of Parole Commissioners make their decisions;
- Clear explanations from victim advocates about the differences between no-contact orders and TPOs, and how they are enforced;
- Multi-lingual staff who can provide services and support to diverse victims; and
- Increased cultural education and awareness about LGBTQ issues.

4. Better Utilize Victim Impact Statements

Victim impact statements (VIS) at the time of sentencing should be provided to NDOC and Board of Parole Commissioners. Information included in VIS is very useful for inmate case planning within the DOC. The VIS from the time of sentencing can also help Parole Commissioners understand how the crime affected the survivors at the time it occurred, provide comparative information to how the survivor is doing at the time of parole consideration, and offer helpful insights for community supervision in cases where parole release is recommended. If the VIS is only included in the pre-sentence investigation (PSI) report, then documentation of the VIS should still be provided separately to NDOC and the Board of Parole Commissioners.

5. Address Transportation Barriers

Transportation is a huge barrier to victims and survivors who want to access services and/or participate in criminal justice proceedings. Any recommendations that the ACAJ makes to improve transportation and access to services and programs for defendants should also apply to crime victims and survivors.

6. Create a Statewide Crime Lab

There is a significant backlog in testing for the various substances involved in DUI cases. The lack of a statewide crime lab also negatively affects sexual assault cases and the preservation of evidence. Nevada needs a statewide crime lab to improve the consistency, quality, and timeliness of evidence processing in criminal cases.

JUSTICE-INVOLVED WOMEN

Nevada's female imprisonment rate is 43 percent higher than the national average, and growing, with female prison admissions up 39 percent over the past decade. It is well-documented that women's most significant pathways to the juvenile and criminal justice system are chronic trauma, abuse, and victimization often spanning from early childhood into adulthood (National Resource Center on Justice-involved Women, <https://cjinvolvedwomen.org/>).

7. Build Collaborative Partnerships

Improved partnerships between Nevada correctional professionals who serve justice-involved women and victim assistance professionals who have expertise or experience in trauma-informed assessments and services can help reduce the number of female crime survivors who become justice-involved, and address recidivism among women who are supervised in the community.

Recommendations for collaborative services include:

- Cross-training among criminal justice, corrections and victim service professionals about girls' and women's pathways to prison, which could also lead to greater public education on this subject;
- Consistent use of the evidence-based Women's Risk Needs Assessment (WRNA) instrument by the NDOC and the Division of Parole and Probation (the WRNA was co-developed by Dr. Emily Salisbury, who is a professor at the University of Nevada, Las Vegas);
- Trauma-informed counseling;
- Trauma-informed programming for women in custody and under community supervision that addresses the root of their trauma, the cycle of domestic violence (and

how to break it), healthy coping skills, and supportive services to help them successfully reintegrate into the community; and

- Programming that unites incarcerated women with their children in a structured and safe environment to enhance their personal bonds.

COMMUNITY SUPERVISION

8. Improve Treatment and Services for Misdemeanor Domestic Violence Offenders

Concerns were expressed about the lack of community supervision for misdemeanor domestic violence offenders. Due to a lack of misdemeanor probation in Nevada, there is often no avenue for misdemeanor offenders to receive the treatment and services they need to rehabilitate themselves, no quality surveillance of their behavior, and increased challenges to survivor safety. Community supervision for misdemeanor domestic violence offenders can improve individual survivor safety.

9. Improve Cross-Agency Communication

Communication between law enforcement and probation officers needs significant improvement, especially with communications technology that simplifies the documentation and sharing of defendant/probationer information. If a suspect is involved in a crime but not arrested, the probation officer often doesn't hear about it, despite the fact that it should be entered into the Dangerous Offender Notification System (DONS). This leads to great frustration for victims and survivors.

10. Expand Reach of Treatment and Programming

Appreciation was expressed for counties where the Division of Parole and Probation has good relationships with treatment providers, and for counties that have specialty courts (for example, Washoe County alone has 13 specialty courts). However, there is a lack of consistency statewide, particularly in rural jurisdictions that lack the resources of larger counties.

Effective community supervision and offender programming strategies to help rehabilitate defendants, reduce recidivism, and enhance victim/survivor safety were identified by both Roundtables for consideration by the ACAJ in its policy and programmatic recommendations. These include the following:

- Use of a needs assessment that examines inmates' underlying criminogenic needs and risk of recidivism, and not just the crime of conviction;
- Mental and behavioral health treatment (including for substance use disorders);
- Use of telemedicine to provide treatment services;
- Batterers intervention programs that are consistent in overall management, program quality, and length of client involvement;

- Housing (including reentry transitional homes and halfway houses);
- Victim-centered restorative justice programming, i.e., victim/offender dialogue, conferencing, and victim awareness classes; and
- A “continuum of care” in programming across probation, prison, and parole.

ROUNDTABLE FOLLOW-UP ACTIVITIES

Anne provided additional information requested by Roundtable participants on the following topics:

- Implementation of Marsy’s Law
- Restorative justice
- Human trafficking
- Programs and services for justice-involved women

Roundtable Participants

Washoe County November 8, 2018

Lori Fralick (host)
Washoe County District Attorney
Victim/Witness

Megan Baldwin
Washoe County School Police Victim
Advocate

Brie Bertges
Reno Police Department Victim Services
Unit

Marilee Cate
Washoe County District Attorney's Office

Susan Connolly
Reno Police Department Victim Services
Unit

Heather Dreiling
Washoe County Sheriff's Office

Karlie Callahan
Washoe County District Attorney
Victim/Witness

Tracy Geraghty
Domestic Violence Resource Center

Monica Howk
Board of Parole Commissioners

Melissa Holland
Awaken

Sue Meuschke
NV Coalition to End Domestic and Sexual
Violence

Nicole O'Banion
Office of the Attorney General, Domestic
Violence Ombudsman

Sandra Quiroz
Tu Casa Latina

Vanessa Rios
Sexual Assault Support Services, Crisis
Support Services of Nevada

Suzanne Ramos
Reno City Attorney's Office – Victim
Advocate

Jennifer Rey
NDOC, Victim Services Office

Stephanie Shuman
Washoe County District Attorney

Jill Tolles
Nevada Assembly, District 25

Debbie Zelinski
Mothers Against Drunk Driving

Las Vegas
November 9, 2018

Elynne Greene (host)
Las Vegas Metropolitan Police Department

Amber Batchelor
Safe Nest

Esther Brown
Embracing Project

Ron Cornell
Survivor, Parents of Murdered Children

Abbie Frierson
Department of Family Services/Southern
Nevada Children's Advocacy Center

Chelsea Garvin
Clark County District Attorney

Brittany Hopballe
Salvation Army

Magann Jordan
Clark County District Attorney

Sonia Lucero
Clark County District Attorney

Sara Owen
Henderson Police Department Victim
Service

Regina Porter
Las Vegas Metropolitan Police Department

Shanta Ragoonanan
Safe House

Holly Reese
The Center (LGBTQ)

Jessica Saldana
Nellis Air Force Base

Dana Seidlinger
Nellis Air Force Base

Maureen Seitz
Federal Bureau of Investigation

Debbie Tanaka
Office of the Attorney General

Laura Wiggins
North Las Vegas Police Department