

Victims of Crime Sub-committee

Minutes of Meeting

Wednesday, January 28, 2009
2:00 p.m.

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

Committee Members Present in Carson City

Traci Dory, Christina Conti, Sue Meuschke, Julianna Ormsby

Committee Members Present in Las Vegas – Video Conferenced

Elynn Green, Barbara Aupperle

Committee Members Present by Phone

Suzanne Ramos, Kathy Jacobs, Julie Proctor

Committee Members Absent

Annie Holmes, Jim Holmes, Maria Outcalt, Emilio Pargo, Betty Sealy,
Sandy Sharp, Laurel Stadler, Lori Fralick, Maxine Lantz, Andrea Sundberg,
Chris Lovass-Nagy, Gayle Farley, Debbie Tanaka

Public Present

Attorney General's Office Staff Present

Attorney General Catherine Cortez Masto, Chair
Kareen Prentice, Domestic Violence Ombudsman
Dorene Whitworth, Grants and Projects Analyst
Heather Chapman, Legal Secretary II

1. Call to order, roll call of members, and introduction.

Attorney General Masto called the meeting to order at 2:00 p.m. and roll call was performed.

2. Review and approve minutes from October 15, 2008.

Approved with the exception that Sue Meuschke was not absent from the October 15, 2009 meeting.

Discussion of VOC draft policy.

3. Discussion of BDR ____. Andrea Sundberg's written statement distributed to committee members.

General Masto suggests opening the floor to public comment now and then closing the floor to public comment and have further discussion.

Testimony by: Clark County Chief Deputy D.A. Jim Sweeten assigned to the Special Victims Unit to prosecute sexual offenses stated that it is inappropriate for the courts to require victims of sexual crimes to undergo psychological evaluation, whether child or adult, particularly as victims of other types of crimes do not face the same requirement. Further testimony that the Legislature has stated they have a compelling need to provide a frame work for victims to come forward. There are other avenues available to the Defense to ferret out any issues concerning the veracity of the victim.

Testimony by Clark County DA Lisa Luzaich: There are no parameters to the evaluation. Statute provides that a witness cannot testify to the veracity of another witness. A doctor therefore should not be able to testify to the veracity of the victim (witness). Additionally the victim is not a party to the action. The court therefore has no jurisdiction to order the victim to submit to a psychological evaluation.

Public Comments closed for this item.

Committee determines that the court ordering the psychological evaluation of victims of sexual assault is a violation of the Violence Against Women Act and that this Legislation would be necessary to ensure our courts do not order further evaluations.

There was a motion and second and it was unanimously approved to support the BDR and submit it to the full commission.

- 4. Discussion of “Contributory Conduct”** Continued from October 15, 2008 meeting. Computer and web related offenses of a sexual nature would be determined on a case by case basis.

Suggestion that the language in the Request for Medical Records be modified to ensure that counseling files are not disclosed.

Discussion of contributory conduct issues in domestic violence matters, particularly familial relationship assault and battery charged as domestic violence. Decision that contributory conduct does not apply to domestic violence.

Any further comments for further clarification of these guidelines should be submitted in writing to Bryan Nix.

- 5. Discussion of “Contributory Conduct” language in Crime Victim Compensation Statutes.**

Proposed a BDR to the advisory board to not include contributory conduct language in the crime victim compensation statute with regard to domestic violence and/or sexual assault. The advisory board voted in support of the BDR and submitted same to the Legislature. It is now AB 116. Until AB 116 becomes law the current statute must be complied with.

6.

A. Review of Victims of Crime Compensation Failure to Cooperate Statistics

Bryan Nix stated that failure to cooperate is essentially a failure to complete the application process so no decision could be made on their claim. He presented a chart showing October 30, 2007 through January 28, 2008 and a chart illustrating the last 90 days illustrating that the average time for a decision is currently 8.5 days as opposed to 99 days a year ago. He cites a new application, changed policy, eliminating backlogs, and minimizing case load. Failure to Cooperate has been virtually eliminated as a basis for denial. He believes there will be a significant increase in the number of approvals. A request was made that statistics of approval and denial be made available to the committee at future meetings. Final Victims of Crime Compensation Application will be translated into Spanish.

B. Business Plan Development

Justice Hardesty suggested the development of a business plan in order to determine how much it would cost to adequately fund victims services in the State of Nevada. Suggestion to bring in a professional to discuss the options

for development of the plan. Elynne will speak with her co-worker at Metro who teaches strategic planning.

SB113 is asking to make this sub-committee a permanent committee.

7. How often should the Sub-Committee meet.

Question as to whether the committee will be required to testify, introducing numerous bills that are being introduced at our request. Attorney General Masto to discuss the issue with Justice Hardesty.

Motion and second and unanimously approved to meet quarterly with interim Meetings.

8. No Public comments.

9. No Comments from the Board. Attorney General Masto will send an email to the Board requesting items for the next agenda.

Adjourned