



NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON THE JUDICIARY

(Nevada Revised Statutes [NRS] 218E.320)

DRAFT MINUTES

April 26, 2024

The third meeting of the Joint Interim Standing Committee on the Judiciary for the 2023–2024 Interim was held on Friday, April 26, 2024, at 9 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's meeting page. The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Brittney Miller, Chair
Senator Melanie Scheible, Vice Chair
Senator Dallas Harris
Assemblywoman Cecelia González
Assemblywoman Elaine Marzola

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblyman Ken Gray (Remote After Recess)

COMMITTEE MEMBERS ATTENDING REMOTELY:

Senator Lisa Krasner
Assemblywoman Danielle Gallant

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Diane C. Thornton, Deputy Research Director, Research Division

Patrick Guinan, Chief Principal Policy Analyst, Research Division

Jen Jacobsen, Research Policy Assistant, Research Division

Karly O’Krent, Senior Principal Deputy Legislative Counsel, Legal Division

Michel Viets, Principal Deputy Legislative Counsel, Legal Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—CALL TO ORDER AND OPENING REMARKS

Chair Miller:

Good morning, everyone. I would like to call this meeting to order. This is our third meeting of the Joint Interim Standing Committee on the Judiciary (JISCJ). I would like to acknowledge that we have members here in Las Vegas as well as Assemblyman Gray in Carson City, and Senator Krasner and Assemblywoman Gallant via Zoom. [Chair Miller reviewed meeting guidelines.]

Agenda items may be taken out of order. We will start with Agenda Items II and III and then will jump to Item XII and then from that point, we will be back to Item IV and continue in a sequential order from there.

As a reminder, members will be looking at laptops and devices doing research and accessing meeting materials. Please do know that we are still engaged and please do not take that as a form of disrespect because we have a lot of things that we are reviewing up here.

[Chair Miller reviewed testimony guidelines.]

AGENDA ITEM II—PUBLIC COMMENT

Chair Miller:

We will go ahead and start public comment. We will ask that you state your name and spell it for the record, and then you will have two minutes to make comments on anything you would like to share with us.

Danna Hagenburger, Resident, Las Vegas, Nevada:

I am here today in light of the recent events with Dennis and Ashley Prince and several experiences of my own and others. I was referred by somebody to come here and speak. I am here today to collaborate and make some much-needed changes to our family court system for the greater good, safety, and health of all people involved in the court system. Every family law attorney I have talked to in town—and I have talked to a lot of them recently—all said the same thing, the system is broken, and we need to fix it. I have a few quick personal experiences to share. With my divorce case, I had a judge who was retiring and made a lot of decisions that did not follow Nevada law. There was fraud in my case where the math was not done correctly. I am going to just say this quickly since I have two minutes. A lot of things went wrong in that situation. A couple years later, I talked to another attorney who said, "No way you spend \$150,000 on that case between your custody battle and your divorce." He then asked me who the judge was and said, "Of course you spent that much because she did not want to work for the last two to three years of her career."

The next issue is the abuse my children went through. A retired captain of Las Vegas Metropolitan Police Department (LVMPD). My son reached out to him about the abuse and that Captain said "This is how murder suicides happen." He reached out to me and said, "You need to get a restraining order," which I did. They would not allow him to testify in the case and 30 days later, they removed it. For the long court battle we had excruciating experiences. My three amazing sons had six hours of testimony about their father and everything that was happening with him including doors being kicked in, thrown across the

room, and abuses on the legs. My son was thrown in the shower and almost hit his head. There was verbal abuse and a lot more. The judge was in tears listening to the child's testimony and ultimately kept my kids in that environment and said, "Let us do therapy." There was a point that my kids did not deserve this. This environment was not safe. We had 100 pages of documentation showing the abuse and manipulation. For two years this continued. My ex sent me several threats that he was going to hurt me and that he was going to do all kinds of things to me. It went on and on and on. My ex had Stalkerware on my phone, which at the time I was not aware of. I told somebody that my fear was that he was going to kill me and then my kids would be left without a mom. About three hours later, I received an email stating, "Over my dead body would I kill you and ruin my life." I found out two years later that there was Stalkerware on my phone, so he heard and listened to everything that I had said. As illegal, wrong, and abusive as that is, it probably saved my life.

The reason I am passionate about this is that I have known Ashley Prince since her case started, and she went through many of the same things—so we bonded talking about it. The short version of this is that there are a lot of things that happened in the case that I feel could have been handled differently. I understand that being a judge is part of interpretation but when there are facts in a case and there are things that have happened wrong continually over and over and over again, something needs to happen in that case and things need to change for the family's sake. The abuse is permanent, and it can end up in several different avenues. My kids still have permanent repercussions. I got lucky my kids still have a mom, but I think this case is an example of how we need to make a difference in the system. I think there are a lot of options. When you have facts that somebody is drinking, and they do not pass their breathalyzer, but nothing happens. Several people have said that the case was not addressed, it was carried on too long, and was not handled and the judge even admitted that. There have been comments that it has been let down. I am shortening this because I have two minutes. It is probably done. I have a lot of comments from others: "This tragedy is monumental portions," "I have a sad feeling nothing is going to change," "The family court is irretrievably broken." "What happened is not a surprise for a long time, family practitioners." "It was never a matter of if, but when." "Family court is full of judges who reward bad behavior of certain attorneys." Some possible solutions are that judges should not be elected; they should be recommended.

Chair Miller:

What would be more helpful for us is if you have those suggestions, please submit those to us, because we would be very interested in hearing the suggestions.

Ms. Hagenburger:

I have a lot of suggestions because I have experienced it, and I just want good change for everybody that gets involved in the Family Court System in Nevada.

Chair Miller:

If you could email those comments with the suggestions to the Committee, that would be very helpful and appreciate it. It goes without saying that the recent tragedy and loss that happened, it really did shake the legal community. Thank you for sharing your comments and your experience, and please submit your suggestions.

Ms. Hagenburger:

I will and thank you for your time.

Chair Miller:

Is there anyone else here in Las Vegas? Not seeing anyone, we will move up to Carson City. Do you have public comment?

Edward T. Reed, Vice President, Advocates for the Inmates and the Innocent:

Yes, good morning. I am a retired Nevada attorney, and Member and Vice President of the organization, Advocates for the Inmates and the Innocent; and my President is sitting right next to me here on behalf of the Advocates. I would like to express the Advocates for the Inmates and Innocent's full endorsement of the second look sentencing agenda, which was presented at your last meeting in February by a representative of Families Against Mandatory Minimums (FAMM). We are particularly interested in crafting laws and supporting possible legislation that will allow a second look for individuals sentenced to "life" or "life without" for crimes that were committed when they were emerging adults, or between the ages of 18 and 25. Some relatively recent United States Supreme Court decisions, in particular *Miller v. Alabama* from 2012 and *Montgomery v. Louisiana* from 2016, both "recognize that the brains of young people do not fully develop until they are around the age of 25, which makes them, quoting from the *Montgomery* case, "more impulsive to peer influence than older adults and thus able to inhibit inappropriate behavior, manage intense emotions, and fully consider consequences of their behavior" in view of those considerations and to its great credit, in 2015, this Legislature enacted NRS 213.12135 which allowed for a shortened eligibility for parole of individuals convicted of serious crimes for acts committed when they were under the age of 18. We, Advocates for the Inmates and the Innocent, as a stakeholder, hope to work with the upcoming Legislature and FAMM to enact second look legislation in the State of Nevada. Thank you.

Tonya Brown, President, Advocates for the Inmates and the Innocent:

Good morning, Chair Miller and Members of the Committee, I just want to bring to your attention. In January of this year, at the first meeting, we asked to give a presentation; we submitted an email to Ms. Jacobson and Ms. Thornton along with Senator Scheible asking to be on the agenda for April. Unbeknownst to us, FAMM would be giving a presentation in February. We also had submitted in January, what we were asking for, which was to have a discussion about getting laws created on emerging adults. I recently have spoken with Mr. Daniel Landsman with FAMM—we had a great conversation—and I just wanted to let you know that he and our organization would like to work together moving forward with this legislation for 2025. Hopefully you will take this recommendation that we brought to you in January. (Agenda Item II). In fact, I even brought it to the Sentencing Commission back in November because of what had happened with the Pardons Board. The Pardons Board's hands were tied, and they could not release or pardon a certain individual; an inmate by the name of Sally Villaverde. They brought him back to the Pardons Board twice, and because of the laws they could not let him go, so that became an issue as well. We ask that moving forward, laws be created to help those between the ages of 18 and 25 giving them a second look. Looking at these sentences, people should not be in prison for 20, 30, 40, or 50 years longer because their brain had not matured and we are sentencing them prior to that. We should go by what the study shows and what the research shows at age 25 years old, and those should be the cases that we also look at. Thank you.

Chair Miller:

Is there anyone else there in Carson City, which would like to make a public comment. Not seeing anyone. Broadcasting, is there anyone on the line?

Broadcast and Production Services (BPS):

If you would like to provide public comment, please press *9 now to take your place in the queue. Again, if you have recently joined and you would like to provide public comment. Please press *9.

AnneMarie Grant, Advocates for the Inmates and the Innocent:

I just want to echo my colleague's sentiments and reiterate a vested interest in participating in second look sentencing reform. Thank you.

Chair Miller:

Thank you. I will go ahead and close public comment. There will be another opportunity for public comment at the end of today's meeting.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON FEBRUARY 23, 2024

Chair Miller:

We will move on to the next agenda item, which is the approval of the minutes for the meeting that occurred on February 23, 2024. Members of the Committee have all been sent those minutes and had an opportunity to review. Are there any questions regarding the minutes? Not seeing any, I will entertain motion to approve the minutes of the Committee meeting from February 23, 2024.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON FEBRUARY 23, 2024.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Miller:

Thank you. As you notice, we have a very robust agenda for today, so I ask that the presentation for each agenda item, be kept to around 15 minutes. I would also, as a point of privilege, like to dedicate today's Committee meeting in honor of Sharon's memory.

AGENDA ITEM IV—PRESENTATION FROM THE OFFICE OF THE ATTORNEY GENERAL ON DOMESTIC VIOLENCE, HUMAN TRAFFICKING, AND SEXUAL ASSAULT IN NEVADA

Chair Miller:

We will move to our next Item, which is a presentation from the Office of the Attorney General (OAG) on domestic violence, human trafficking, and sexual assault in Nevada. (Agenda Item IV).

Nicole E. Reilly, Ombudsman, Office of Ombudsman for Domestic Violence, Sexual Assault, and Human Trafficking, OAG:

Good morning, Chair, Vice Chair, and Committee Members. I am here to update everyone on what is happening with the Committee on Domestic Violence (CDV) that the OAG facilitates. The mission of the CDV is to encourage the elimination of domestic violence and to help break the cycle of violence in Nevada. The purpose of the CDV is to prevent and eliminate domestic violence through increased awareness of the existence and unacceptability of domestic violence in our State, review the death of a victim of domestic violence, and recommend legislation. The membership is made up of a variety of professionals which include law enforcement, judiciary, prosecution, Division of Public and Behavioral Health, victim services, a batter's treatment provider, a mental health care provider, and domestic violence survivors. One additional member that we are so pleased to have is Dr. Tracy Harig, she is a nurse practitioner who previously worked in the trauma unit with an obstetric/gynecologic office. She has been really integral in providing training to the nursing school up north and creating domestic violence protocols for the medical community including going ahead and doing the assessments or being aware of red flags in any sort of medical setting. We are thrilled to have her, and she is a huge benefit. The CDV meets at least three times each calendar year, which includes one of those meetings located in a rural district. The entire CDV travels to that district, and we invite as many stakeholders from that community to participate in the meeting as well. We also have created two subcommittees with one as a rotating one. Once we complete that action plan or find that we are at a dead end with that action plan, for the time being, we will sunset that Committee, and then we will recreate other committees based on what has been identified as gaps and challenges.

At this time, we have the Data Subcommittee which is identifying data points across the system needed to clearly understand the full severity of domestic violence and sexual assault in Nevada. A good example of this where we have a huge disparity and we really need to understand is with domestic violence homicides when the perpetrator is getting charged with open murder, and there is no domestic violence flag. If we lose the domestic violence flag, we do not have a full understanding of how many domestic violence homicides have actually occurred in the State of Nevada. The numbers that we do have on those are fairly high, and we can only imagine how much higher it would be if we had that domestic violence designation. We are working on finding the best place—I think it is the prosecutor's office—where we are going to have meetings with all of the stakeholders to find out how to have a designation, even a check box, that says this is domestic violence related. Then we need to figure out where we are going to be housing that data so that it is accessible to the public, for example, the Nevada Crime Statistics website or something like that—that makes it more clear on what is happening in the State. Another data point is on Temporary Protective Orders (TPO) and how many were submitted, how many we are rejected, and why they were rejected. If it was because the application was not completed correctly the first time around, are they being provided with that information, and then resubmitting the TPOs or are they just giving up on the system and not even bothering doing that. We have created an action plan that is very detailed, so far, as we are still working on it. It is a draft action plan that is very detailed on what data is really pertinent to domestic violence and sexual assault, and where that data would be coming from. We have looked at the courts, the judiciary, law enforcement, prosecution, parole, and the Division of Child and Family Services (DCFS). With DCFS we do not have a designation because they are dealing with the children regarding abuse and neglect, but we are going to be asking if they can now start tracking cases where they identified domestic violence as well. Those are big gaps and are big numbers that were missing and would help clarify what is happening in the State with domestic violence. It would also help the service providers in attaining funding for their

services because our numbers would be exponentially higher than they are now. Typically based on the numbers we have, which are the cases that were identified in the media as domestic violence homicide. That is the only place we are getting data from. We are consistently rated as one in the top ten in severity of domestic violence in the nation. We have been number two, three, or five, and I think this year we are at number seven. Again, we do not have the full picture of what is happening, and that is what we are trying to put together so that it can be provided, and we can increase funding to our service providers in the State.

The next committee, which is a permanent standing committee is the Statewide Domestic Violence Fatality Review Team. The purpose is to gather information about fatalities related to domestic violence, and then it is a multidisciplinary team that are members of the full CDV that have volunteered and want to be a part of the fatality review. In this process, we identify opportunities for improvement and make recommendations for prevention of future deaths related to domestic violence. We take a specific case and get all of the discovery, comb through it, and look for any places where intervention was missed. We have also had a case where luckily, we had a bunch of data from the medical side, so we were able to identify all of the intersections where she crossed with mental health providers and emergency rooms. She had a lot of visits to emergency rooms, and no one ever tagged her as being a victim of domestic violence, as well as, being trafficked by her significant other. In the end, he took her out to the desert and set her on fire next to the road to make a point. That was a really very sad case. There was an infant left behind without a mother and then a father who was eventually caught and incarcerated. If I could quickly read, I received this email from Tyler Ingram, the Elko County District Attorney. He said:

The only reason I am bringing this to your attention is to highlight an issue that we constantly have to face and perhaps it will start a discussion in our committee. The Committee Against Domestic Violence (CADV) is about the truth in sentencing in Nevada, especially as it relates to the actual prison time that abusers do when they are convicted of felony domestic violence. Recognizing that the guy below was not imprisoned for domestic violence. This certain individual was sentenced on December 20, 2018, for resisting a public officer with the use of a firearm, eluding a police officer in a manner posing danger to a person, and possessing a firearm for a prohibited person. He was sentenced to an aggregated 48 to 120 months, which is 4 to 10 years with his credit for time served in jail. He began his prison sentence on July 28, 2021. He was released from prison in 2022. He was supervised on parole for less than one year and was honorably discharged. So, when a judge says the maximum sentence is ten years, what that actually means in Nevada, in way too many cases, is that you are free from prison and free from supervision in less than half of the time you were actually sentenced to. Now this guy is back on the streets of Elko live streaming videos of our CADV Harbor House, which is the confidential secure shelter in Elko, which is garnering comments such as, and he is posting these on social media: "Now, I know where those [unfavorable word starts with B] are, so now I know where they are so I can go beat them again." Now the security and confidentiality of the shelter in Elko is no longer secure and safe and has been completely compromised. Law enforcement is very aware of the situation, and they are doing what they can, but this is a disturbing situation that has the potential to become dangerous. Best case scenario would be that this guy would still be in prison for shooting at cops. At minimum, this guy would still be supervised on parole so that the State would at least have an easier remedy to address the situation. Of course, there are examples which are far

more egregious than this. But the connection to CADV and the shelter in this situation puts this squarely in our wheelhouse as a statewide group.

That concludes my presentation with a couple of emphasis points from District Attorney Tyler Ingram as well. I would open it up to any questions if you have any.

Chair Miller:

Thank you for your presentation. I will go ahead and close this agenda item.

AGENDA ITEM V—PRESENTATION FROM ADVOCACY ORGANIZATIONS ON THE SERVICES AVAILABLE FOR VICTIMS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND HUMAN TRAFFICKING IN NEVADA

Chair Miller:

Our next agenda item is a presentation from advocacy organizations on the services available for victims of sexual assault, domestic violence, and human trafficking in Nevada. At the table, we will have a few different presenters. We have Ms. Riley, Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking from the OAG. We have Ms. Serena Evans, Policy Director for Nevada Coalition to End Domestic and Sexual Violence (NCEDSV). We have Liz Ortenburger, Chief Executive Officer from SafeNest, and we have Lauren Boitel, Cofounder of the Nevada Policy Council on Human Trafficking. Just one note for the materials from Ms. Boitel, those were just submitted this morning. Members, you were emailed those revised materials if you have not had a chance to view them yet. We are asking that everyone keep their presentations as concise as possible, because we do have a robust agenda. With that, we are ready whenever you are ready to proceed.

Elizabeth Abdur-Raheem, Executive Director, NCEDSV:

Good morning. I want to thank Chair Miller and the entire Committee for taking time for these most important issues that are facing the victim survivors across Nevada today, and especially in April as we come to the end of recognizing Sexual Assault Awareness Month and all of the amazing work that has been done in Nevada, but has yet to be done in Nevada as well. (Agenda Item V A-1). The NCEDSV has been supporting the front lines of domestic violence and sexual assault agencies in Nevada since 1980. We are one of the 56 statewide coalitions around the country that supports the front line work that happens every day, keeping people alive and safe. We are a statewide coalition and have members that are direct service providers, as well as collaborators, other stakeholders, and individual members including victim survivors. We work for the prevention and the elimination of power-based violence across our State.

Our Coalition has three main pillars of work that we do. The first one is support for all of our front lines agencies which includes technical assistance to help with program building up our best practices across the State, making sure that we are providing the best and most current evidence-based services to everybody in the State. We fund interpretation services for our direct service programs. We also come together with the Weaving Communities Group, which supports our tribal victim services agencies and advocates who are working out in some of the most remote areas and challenging communities to make sure they have support that is culturally appropriate. We also have a strong training department—we provide training not only to advocates, but also to community members and community partners. Then we have our strong advocacy department, our policy department, this does the systemic advocacy that comes here and meets with you and that goes through all of our

legislative sessions making sure that Nevada is legislatively and politically becoming a safer place every day for victim survivors here.

We do a small amount of direct service and provide financial support directly to victim survivors. One way is through microloans so that we are rebuilding people's credit, making sure that the financial abuse that happened can be reversed so that people will be better able to move forward. The other is our Jan Evans Fund, which is direct grants up to \$500 to help people make some of those real quick financial gains that they need to move out of the situation they are currently in.

This slide is a map of the domestic violence and sexual assault service providers across Nevada (Agenda Item V A-2). Fourteen of them are currently full program members of the Coalition and we also have 21 affiliate members. All of the program members, their main mission is directly violence and sexual assault related, and many of our affiliate members' main missions are or they intersect with domestic violence and sexual assault. You can see that we cover the whole State, but then as we know, Nevada is a frontier state and people still often have to travel a long way to get services. Our programs are always working at how we can best collaborate, and how we can best coordinate to make sure that wherever a survivor is they can get the support and the resources they need.

We have heard so many times about the statistics here in Nevada, and they are grave statistics—I know that you are aware of them, but we will highlight them again. We currently rank fifth in the country for rapes per capita at 67 per 100,000 residents. We are second in the country currently for rates of domestic violence with 44 percent of women, and 33 percent of men experiencing intimate partner violence in their lifetime. Recently, the Violence Policy Center put out their most recent report on women being killed by men and for the last 23 of 25 years, Nevada continues to be on the top ten list. We know this is home, it is in Nevada, and we have to keep talking about it. We have to make sure that people are aware. The first part in a victim coming forward is knowing that people will believe them. If we are too afraid to talk about this, if this is too much of a taboo—if it lives too much in the shadows in our communities, in our law centers, and in all of those places—victims will not feel safe to come forward.

If we look at our crime statistics, we have seen this and we have talked about it at other times. In 2023, law enforcement across the State responded to over 28,000 domestic violence reports, and they responded to over 1,600 rape reports. We know that sexual assault continues to be the least reported crime—we estimate that only about a third of people who have actually experienced rape report. We also know that the definition of rape is very, very limited—it is not the definition of sexual assault, it is not the definition of sexual violence. When we look at this number, we have to understand the vast underrepresentation of actual sexual violence that is occurring in our State.

What is happening? We have good news about things that are happening. Our direct service providers work incredibly hard 24-7, 365 days a year. Nicole talked to us about what is happening in Elko where their services and their confidentiality is being compromised every day, yet those advocates go to work every day. I think that is an important thing for us to remember that it is not only our victim survivors who are in danger, it is also the people who choose to do this work who get put in danger, and yet they show up every single day for their community. The National Network to End Domestic Violence, does the domestic violence count every year which is a point in time count that says who is being served in one day. It is a snapshot. Most recently it was done on September 6, 2023, and in that 24-hour period, our providers reported they saw 692 victims. That was a 21 percent increase from the year before. They answered 292 hotline calls, that was a 150 percent

increase from the year before. It is important that we recognize that a 150 percent increase does not necessarily mean that domestic violence went up 150 percent, it means that people were more willing to reach out for help. It means that we were better able to connect with them, and we need to know that when these numbers go up, it does not mean that our providers are not doing their job. It actually means they have done their job so much better that people are trusting them in their most vulnerable moments. Still, our providers saw 40 people that they could not meet their needs of that day and 85 percent of those needs were for housing. We know that when people do not have safe places to go, they will not leave, or they will continue to return. When the choice is to live on the street or to live with your abuser, many people will choose to live with their abusers. We also know that housing is a violence prevention tool that we have to pay attention to along with economic justice and poverty—all of these are violence prevention tools. In 2022, our program members served over 46,000 individuals in that year. I am now going to turn it over to our Policy Director, Serena Evans.

Serena Evans, Policy Director, NCEDSV:

Good morning, Chair and Members of the Committee. I know later on in the agenda; the Administrative Office of the Courts (AOC) is going to present on protection orders, so I do not want to spend too much time looking at these numbers. I do want to highlight that we are hearing from our direct service providers and victim survivors daily about the astronomical rate of denials of protection orders. We are hearing that victim survivors, when they are going forward for an Extended Protection Order (EPO) hearing, judges are flat out saying “I do not believe you; you are lying.” We are also seeing issues with service. Since the Coronavirus Disease of 2019 (COVID-19), a lot of the protection order hearings have moved to Zoom and have stayed on Zoom, which is great for many purposes, but courts are not able to serve the adverse party directly there. They are also not clearly communicating with victim survivors that the protection order has not been served, so victim survivors are leaving their protection order hearings thinking a protection order is in place when in fact it has not been served, so it is not in place and a lot of times they expire before they actually get served to the adverse party.

Another issue we have been hearing is that in extended protection order hearings, judges as well as defense attorneys are often doing criminal questioning of the victim survivor. There needs to be clear guidelines of what can be asked and not asked during a civil protection order hearing because the lines seem to be getting a little blurred there. We tell survivors to seek a protection order for safety, we often put that into part of their safety plan, so when we cannot count on a protection order, victim survivors may be less likely to leave, or they may have a false sense of safety. This is an issue that we really need to look at as a State, and how can we resolve these issues.

I want to talk about the 2023 Domestic Violence Homicide Report. (Agenda Item V A-3). This is the first year that NCEDSV has put out the report in this way. We used to do a report, I think the last report we did was in 2017, and that was done vastly different. This is the first year in which we collected instances of domestic violence homicides through public records as well as the gun violence archive. Public records and things like Google alerts—anytime there is a news report stating there is a domestic violence homicide, we counted it. In 2023, there was a total of 72 lives lost due to domestic violence homicide resulting from 50 incidences. Of those incidences, 16 were murder suicides. What we are seeing across the State is that domestic violence does not discriminate by age or gender. Just reading these stories, day in and day out, is gut wrenching. To put this in context, Nevada has roughly about one-quarter of the population of Ohio, and in 2023 we had comparable rates of domestic violence homicides. In the statistic that we rank second in the nation for domestic

violence, this is how we can quantify it. We are going to continue this report annually, and we are looking to build our partnerships with law enforcement and the OAG to make sure we are getting all of the data. We know we are probably missing a handful of domestic violence homicides and as Nicole spoke to earlier, a lot of times they do not label it a domestic violence homicide. We are trying to figure out how can we collect that data to get a full picture.

Sexual Assault Nurse Examiner (SANE) exams in Nevada—I have sat before you all and talked about this issue. There are currently only six locations in Nevada to receive a SANE forensic medical exam. However, in Elko, we did launch a mobile SANE unit. Norah Lusk with the Nevada Institute of Forensic Nursing is doing amazing work in the rurals. She is taking a mobile home to go and meet victim survivors where they are at to provide a forensic medical exam. Depending on their location, some victim survivors are still driving upwards of four plus hours to receive the SANE exam. I know here in Clark County there is only one location and one nurse that is providing the SANE exams. Last legislative session we did pass AB 276 (2023) that allowed for SANE to be conducted via telehealth. However, it was an unfunded mandate, so we have not seen that come to fruition yet, because we are lacking the technology across the State.

I want to talk about the most pressing challenges. I know you are not a funding committee, but I would be remiss if I did not state that funding is crucial in terms of prevention and intervention services. We are seeing funding decrease everywhere, and our programs are doing the best that they can to serve victim survivors. We know they are not meeting the need and the capacity. Scarcity of services in our rurals in particular—we have amazing service providers that do advocacy and will go out to the rurals, as well as, through virtual capacity but there is not enough services. In terms of services and resources—we also know going back to housing and fair wages—there are not enough supports to allow victim survivors to leave these horrific situations. Distrust in the system—victim survivors do not have a lot of trust with the criminal justice system. They go to get a protection order, it gets denied, they get called a liar, so they are not likely to return, and they are not likely to call law enforcement again. We need to figure out how to build trust in our system to keep folks safe. Protection order denials—I think that speaks for itself as well as community education and prevention. We tend to be very reactive instead of proactive when it comes to domestic and sexual violence. I think there is a great opportunity to do statewide prevention programming and statewide prevention education—we are really missing an opportunity by not doing that. With that, we will open it up to any questions you may have.

Vice Chair Scheible:

Thank you for your presentation. I have a couple of questions. The first one, I want to go to your comments about the definitions of rape and our data collection process. I was hoping you could clarify a little bit for us the differences between the statistics that we are able to gather versus the statistics we are not able to gather.

Ms. Evans:

The NRS definition of rape is penetration, whether that be with a penis, a finger, or anything of that sort; but we know that does not include all instances of sexual assault such as groping, voyeurism, and so many other things. Sexual assault is so personal to each victim survivor, so it is really hard to state exactly. The numbers that we have in the State are collected by law enforcement, and law enforcement only reports on rape and what meets the definition of rape. The other instances of unwanted touching—there is an NRS for it, and

I cannot remember it off the top of my head—but it is not collected in data by law enforcement of when that is reported on.

Vice Chair Scheible:

What we are collecting is what is defined in NRS as sexual assault, but you are saying that there are other things you would define as sexual assault that are not being included. You did mention groping and touching, which I think would probably be instances of gross lewdness. Is there a reason that we cannot gather those statistics and report them along with this, the legal sexual assault statistics, to get to a more comprehensive sexual violence statistic?

Ms. Evans:

Yes, that is correct. I think that would have to be worked out with law enforcement on their collection process. It is probably something that is feasible but would require a little bit more coordination and collaboration because we get these numbers from the Nevada Crime Statistics web page. If we can get law enforcement to start collecting and reporting those numbers, that would be excellent because we do not have a whole lot of sustainable Nevada data.

Vice Chair Scheible:

Thank you. For your purposes in setting policies and providing services to victims, is it more helpful to have generalized statistical information between things like sexual assault, gross lewdness, revenge porn, and internet stalking, such as we received a total number of 5,000 inquiries, or is it more helpful to have them divided out and then you compile them yourselves? Which one is more helpful?

Ms. Evans:

I think the more specific we can be, the better. In order to actually address the problem and identify a solution, we need to have tighter data and more specific numbers. If we know there was, say 2,000 people, reaching out for revenge porn and 1,000 people for open and gross lewdness—we can then be able to navigate a solution a little bit more strategically.

Vice Chair Scheible:

Thank you. I have a question related to a different part of your presentation on the TPOs and EPOs being denied at a higher rate. I did see the statistics on there and it looks like, just numerically, we are seeing fewer being granted, but we are not seeing fewer applications. Those were statewide statistics, right? I can appreciate the sensitivity of pointing out particular judges, jurisdictions, or places where these are being denied at a higher rate. Are we seeing that there are particular cases or particular places where they are being denied a high rate, or is this across the board where we have seen a decrease? Let me clarify, I am not asking to name names, and I do not need to know what jurisdictions. I am asking if we can see that, or if it is inexplicable?

Ms. Abdur-Raheem:

I would say that rather than saying, are there places where it is particularly egregious? We can say there are a few places where people are doing it all right. Right. I think we want to be careful. Yes, we do hear from our members that say things like, "This judge we are having a really hard time with," so we go in and we try to do a lot of education and try to

see if we can make changes in that specific place. What we are seeing is across the State, we are having these egregious problems. Then we get communities that are able to make good connections with their judges and make progress. For example, it was a huge problem in Winnemucca and the advocates were getting virtually none of their orders granted. They went and sat with the one judge there and worked with that judge; and the judge said, "this is what I need to see," and they cleaned it up and now almost all of their orders are being granted right now. So instead of saying, "where is it particularly awful," I will say there are a few places where they have made a ton of progress, but I do not think we see a lot of places where it is awful all over.

Assemblywoman Gallant:

Ms. Evans, I am concerned about Nevada being ranked fifth in rapes and second for domestic violence in the country. Have we identified why Nevada is rated so high? If we have, whatever those factors are, is that being factored into the prevention programs that you guys are looking at? I would rather we not have it than to be dealing with it in the aftermath.

Ms. Evans:

Domestic and sexual violence is extremely complex and there is not one specific issue where we can target it to. Part of what we do at the Coalition is we have a statewide economic justice work group, and we are looking at community prevention and we are looking at community supports that we know lead to decrease in violence risk factors. We have narrowed it down into five umbrella buckets—so it is housing, access to mental health care and health care more broadly, funding and revenue, reproductive freedom, and then workers justice. When we talk about workers justice we are talking about fair and equitable wages, available childcare, and things like that because we know that the more economically and financially self-sufficient an individual is the less likely they are to be a victim or to be dependent on a perpetrator. We are looking very broadly at prevention efforts. I think one thing we also need to have a conversation about is that there is no mandatory prevention education in kindergarten through twelfth grade in schools. We know that abuse is a learned cycle. If they do not know how to name abuse and change their own learned behaviors, they are more likely to perpetrate it in the future. We need to have a conversation about how do we educate our young folks, and how do we get prevention in healthy education relationships into our schools?

Ms. Abdur-Raheem:

I would like to say again, we understand this is not a funding committee, but there is a direct correlation between states that are addressing domestic violence and sexual assault well and states that have line items in their budgets. We are one of the very small handful of states that continues not to have line items for domestic violence and sexual assault, and we continue to be on the top of the list. Those things are related and if we do not say that out loud, we are really missing a vital part of the formula.

Assemblywoman Gallant:

I appreciate the everyday living components that you are identifying, but as somebody who has worked with victims of domestic violence and there is the psychological and mental health component in this cycle. I have had plenty of tenants where we have got "Section 8" and the housing secured; and they are still ending up in these cycles of violence. Is there any component or any part of the prevention component in terms of the mental health component for the prevention programs?

Ms. Evans:

Yes, access to mental health for both victim survivors as well as perpetrators is one of our main components of our prevention work. We know that individuals who have unaddressed and undiagnosed mental health illnesses are more likely to be targeted by perpetrators because they are extremely vulnerable. Yes, access to mental health is definitely an area that we focus on in our prevention work.

Ms. Abdur-Raheem:

Also thinking about healthy relationship curriculums, it is something that has come up, it comes up across our State all the time. We are looking at it in the CDV at the OAG. Sex education is one thing, but healthy relationship education is something different. We know statistically that the first relationships that you are having in your adolescence often become the model for your relationships across your life. If we can get in and do that prevention work in the beginning, it will make a huge difference. Right now, we do not have that across Nevada as it is hard to get it into the schools.

Chair Miller:

Thank you. We are going to go ahead and switch presenters. We are still under the same agenda item. Ms. Riley, if you would like to approach as well. We are going to start with Ms. Ortenburger from SafeNest, then from Ms. Riley with the OAG. Please proceed.

Liz Ortenburger, Chief Executive Officer, SafeNest:

SafeNest is the largest provider of domestic and sexual violence services in Nevada focused primarily on Clark County (Agenda Item V B). I hope to get at more of the nuance and in particular, Assemblywoman Gallant's questions because what is happening in our State is massive—28,000 cases of domestic violence—second only to minor infractions for moving violations. That only represents the 15 percent that are actually arrested. We work in partnership with LVMPD for data, this is a fraction of the actual 911 calls that are happening in this space. Fifteen percent of the 911 calls are represented in the uniform crime statistics because 70 to 85 percent of those calls do not raise to the level of arrest. There were 73 homicides statewide, and 22,000 domestic violence calls in Clark County and 56 homicides in Clark County last year.

There are solutions in this space and there are some things that the Legislative Branch has already done, but they need to be enforced. When we look at domestic violence and prevention, it has to start with children, 76 percent of kids growing up in domestic violence households will repeat that cycle on both sides, as survivor or as perpetrator, and sometimes as both. This slide shows the numbers from the Uniform Crime Statistics about how many children were on scene of domestic violence 911 calls in our State last year. We passed SB 80 (2019) which dictates that if law enforcement responded to a case where school age children, we are on-site, they needed to call SafeVoice. This is simply just not happening. What this means is schools, school counselors, and the body that is there to support our children is unaware they are in homes where there is an arrest made. We can solve this by SafeVoice providing data to those of us in the field, who partner on this, and to the Legislature to ask what we are doing. Then we can work with law enforcement and the advocates to start ensuring that officers are doing this work in the field. The number one place for us to catch these kiddos is school. Imagine if your mom or dad was arrested Friday night and you are at school on Monday and there is a trained therapist there to talk to you about the domestic violence. Not only that, the therapist becomes an advocate for the family and connects them with additional services. This has got to be part of the safety

net in our school system. This can happen. We have worked extensively with the school system in this space, but until law enforcement plugs-in and all the pieces are working—the Legislative Branch is the right body to call and ask for those reports.

The other place our State has an incredible opportunity—and you heard me present on this in February, so I will be brief—the bottom line to domestic and sexual violence is it does not end until the abuse stops. The abuse does not stop until the abuser stops abusing. If we continue to have survivor-only services, we will continue to have a tidal wave of abuse because whether or not as a survivor, you are able to exit that circumstance, you have created a vacancy for a new survivor to be created. Until we start to take batterer's treatment seriously in the State of Nevada, we will continue to be second or fifth or whatever that looks like. The academic models and the evidence-based models around batterer's treatment show that it works, but it needs to have robust elements that are included alongside partner programs for the victim in the space. I will tell you at SafeNest, 50 percent of my residential survivors are going back and staying back. We have got to figure out how to make these households safe. There should be a committee on batterer's treatment that is robust, and there should be a certification program for those of us providing that can be run by one of the universities. We as providers should also have to pay a fee—so that our programs continue to be the highest level in the State and be accredited—so we can fund that as a State. The data needs to be pulled, tracked, and studied so that we can continue to improve these programs. The facilitators running these programs have got to be academically certified, the requirements now are very loose, and we will be bringing legislation forward this next session to fix this.

We also need to create using the Risk-Need-Responsivity framework, which is out of the prisons, but is incredibly effective in batterer's treatment. This is being piloted in Australia and England with phenomenal results. As you have heard in family court, but I will tell you the same is true in criminal court, we absolutely have to hold judges accountable for the decisions they are making around domestic and sexual violence. When we talk to survivors and we ask survivors, on average, to do 63 individual steps to flee their abuser. This is an overview of what that process can look like for a survivor. We ask survivors regularly to do all of these things—if any of these fall through the cracks, you are losing your children potentially to Child Protective Services. Maybe that TPO is not approved. I will say Barbara Buckley's team at the Legal Aid Center of Southern Nevada does a phenomenal job with this data. The number one reason EPOs are denied is because the survivor does not show up. When we poll those survivors, the number one reason they do not show up is financial because they need the abuser to help fund the household. When we start to look at those complexities and we say, "why does she or he not leave," we start to understand it a little better. This is an overview of the steps survivors have to take.

Speaking on a SafeNest specific level, we denied shelter to 5,030 survivors last year. That includes 1,863 primary survivors and 3,167 children. So, when we ask, why is domestic violence bad here—I could not help 3,167 children exit their domestic violence circumstances last year because I simply do not have the resources. These are survivors that have at least one lethality marker. We use an evidence-based 0 to 11 point scale—you have to have an 8 or a 9 to get a bed with me. When we talk about trafficking in its intersectionality with domestic violence and sexual assault, SafeNest spent over \$346,000 on hotel rooms from Formula One to the Super Bowl this year.

When we talk about sexual violence and sex trafficking, it does not look like what we think it does. It looks like a 16- or 17-year-old calling me, who has been trafficked here from Los Angeles, came here in a big rig, severely abused, has been stabbed three times, and they are calling our hotline for help and support. We continue to believe these things stand

alone but they do not. Ninety percent of sex trafficking overlaps with domestic violence because there is a relationship with the trafficker and sexual assault falls into a similar profile.

There are solutions. We have been working closely with the Governor's Office and the State to build a facility, or acquire a facility, here in Clark County that would function as "One Safe Place" for all interpersonal violence survivors to come and get services in one place. Why do we do this? Last October we had a survivor call, get an Emergency Temporary Protection Order (ETPO) from us, my staff did all the things they are supposed to and offered shelter, offered follow-up—she denied everything. We gave her the ETPO, her abuser was arrested at that point on strangulation charges but with no exam, he was released because she did not want to press charges. Why? Because she had a 3-year-old and two 6-year-old twins. What happened in February when she finally ran out of money and needed to leave the Airbnb where she had been. She called him and asked him for help. He came home and stabbed her in front of the children. The next morning, the 6-year-old figured out how to call grandma on Facetime, showed grandma the dead body, and police responded. He was arrested three weeks later in Kentucky. This is what is happening here in Clark County because we do not have the resources to house people with dignity so that they can escape their domestic violence circumstances in a way that does not lead them to homelessness. This space, this "One Safe Place" provides an opportunity for that. The change is that a survivor walks in and is wrapped around with services. We can pull all the collaborative services together with the Hope Campus, which we are working closely with that team, we can find housing for folks differently. We can at a minimum let folks know what services are available, and they have a place to come to and find safety.

Finally, I want to thank you all for passing the strangulation bills that we did last session. We will be working this session, and we have been working, with University Medical Center (UMC) through partnership with county to fix the nuances of that legislation. First, I would like to share that Dignity Health provided publicly on television, they do not want to have a forensic nurse because that is too much of a liability. What we are comfortable doing is putting sexual assault survivors and strangulation victims in Ubers and sending them to UMC where they are waiting 8 to 23 hours for exams. I have 24-7 advocates at UMC there to help and support, but I cannot speed up how long one forensic nurse is able to do these exams though. Moving forward, what do we need to do? Any hospital or clinic that is receiving funding from the State in the form of Medicaid or any other funding, should be required to have a 24-7 forensic nurse response. We also have to remove the mechanism where billing for this has to go through the county. Providers need to be able to directly bill the State. Positive steps that are happening is that the University of Nevada, Las Vegas (UNLV) has a forensic nurse training program starting up, and the International Association of Forensic Nurses is heavily engaged with the work here now. It is now simply opening the floodgates and requiring the hospitals to do their portion of this work. Thank you. Happy to take any questions if there are any.

Lauren Boitel, Co-Founder, Nevada Policy Council on Human Trafficking (NPCHT):

Good morning, Chair Miller, Vice Chair, and Members of the Committee. I am here speaking today on behalf of the NPCHT (Agenda Item V C). An overview on the NPCHT, we are the only permanent statewide policy council for human trafficking in Nevada. We were founded just ahead of the 2021 Legislative Session in 2020. Our mission is to advocate for just and equitable policy solutions through education, collaboration, and coalition building that improve the State and federal anti-trafficking systems. The purpose is to convene community stakeholders to develop and identify policy solutions to sex trafficking and labor trafficking in the Silver State that can be implemented through legislative action and

business investments. Our membership is very diverse—we have survivors, service providers, law enforcement, gaming, health care, attorneys, legal system, and lobbyists sometimes. It is a very diverse group of people, and our Steering Committee represents that with myself, a board member, a survivor leader, some service providers, and the largest service providers in the State.

I want to talk about the statewide impact over the past two sessions. I know most of you are familiar with this, some of you intimately familiar. I want to really make the point that human trafficking has only existed as a crime in Nevada since 2013—we have made significant strides in a decade. I wanted to point out specifically in 2021 extending criminal responsibility to businesses who facilitate sex trafficking, increasing the statute of limitations for victims from four years to six years, and then licensing and certifying the receiving centers. That is important because of a policy agenda item I will bring up quickly. In 2023 again, three bills that we supported were passed and signed by the Governor including introducing early screening to better identify at-risk youth. Prohibiting the courts from imposing fees on victims for things related to the crime—such as record sealing, fingerprints and fees such as that, and reducing that financial burden on victim survivors. Then mandating the creation of a biennial report and most significantly, allocating \$1 million from the General Fund to support victims specifically for housing and extending the statute of limitations for access to that funding.

We wanted to point out there has been a significant strengthening of our human trafficking policies in the State, but there is still a lot of work to do. We have developed a policy agenda, as a policy Council, and this agenda is a three-pronged approach. It is focused on victim survivor resources and support, demand reduction, and then strengthening the system. The policy agenda has been developed so far through strategic planning of our Council members, as well as focus groups with State leaders. The first prong is the increasing support and resources for victims and survivors. We have made significant strides increasing resources and protections, but there is still a lot of work to be done specifically around housing, as we have heard so much today. Housing and shelter is the biggest need for adults and children, as well as those wraparound services that are so important for their continuing that journey. I want to point out on this piece, the victim survivor support that I do think there has been a change in the understanding and education of our State lawmakers in recognizing that trafficked persons are not criminals, and they are victims. I want to thank you for that, and I think that is shown through how our policies have been strengthened this far.

We have four main policy recommendations under victim survivor support and resources. The first one is creation of a mechanism to allow minor victims to be held securely for at least 72 hours without a mental health hold. This comes specifically from law enforcement because they feel that the 72-hour period is that threshold where they are able to see a change in that relationship with the victims, they start to establish trust, they start to be willing to speak more. At least 72 hours is something we are looking at is something similar to the Child in Need of Supervision hold, which is a hold that law enforcement is able to use for out-of-state minors until their parent or guardian can get into the State. If we could look at expanding something like that for child victims, to allow that relationship to be built between law enforcement and that trust to be established in some safe way that does not have implications of a mental health hold.

Our second policy priority under victim survivor support and resources is funding the receiving centers. Again, housing and shelter being the biggest need here. All of the protocols, processes, and security procedures were set up in that legislation passed in 2021. We need to fund them and there is a huge need. Another thing we would like to see is

required curriculum in the schools that has been brought up a couple of times today as well. We thought we could start with funding a pilot program, possibly with education funding and choosing one school in the North and the South to start with that are the schools with the highest number of identified victims, and do a pilot program to see how the education from elementary school through high school; how that sort of changes the outcomes. Then possibly a State-funded scholarship program for survivors of human trafficking, something that helps them continue along their survivor journey. We thought we could look at something akin to the Millennium Scholarship.

Our second prong is decreasing demand through harsher penalties for buyers and traffickers. This piece is important because we think the best way to decrease demand for purchased sex in the State is to increase the penalties on buyers. Buyers create the sex trafficking and sex purchasing market, and they are the best intervention opportunity for decreasing trafficking and victim exploitation. We have two main policy priorities under this prong and that includes a passable demand reduction policy focused on increasing the level of the penalty and the fines for buyers. I know there was a lot of work done on this last session, but I really think we need to move that forward, especially for repeat offenses. We are always going to get a kind of pushback from folks who use ignorance as a defense or those that say we do not want to ruin someone's life for one mistake. I think we can especially look at those repeat offenses and definitely increase the levels of the penalties and fines there. Related to that is increasing the length of time for buyers to seal their records. Right now, buyers can seal their records after one year, so a lot of people who are coming into this community for annual conventions can purchase sex and seal the records within a year and come back and do the same thing. If we at least increase that, then we could charge those increased penalties and fines for those repeat offenses.

The third piece is strengthening the system, the human trafficking response system here, as noted, is still young, small, and is underdeveloped. It does not meet the needs of victims, survivors, the service providers, law enforcement, lawmakers, and other stakeholders. We want to support strengthening that system with funding, with increased capacity, and with data. There are four main policy priorities under strengthening the system, which includes permanent increased funding for victim survivor, housing, and wraparound services. Sorry to be a broken record here, but that is the biggest need. Funding for data collection via a State Human Trafficking Management Information System. We have one for homelessness with more than one in the State with Homeless Management Information System which is very robust with queues of identified people and all of the wraparound services including inventories for beds and services and where they are at in a pipeline. I think that would be useful for our State to truly start to grapple with these numbers that we all get from various sources to try to put together. It would allow us to integrate that System with other management information systems and other databases such as juvenile justice or the justice system in general. Then we could truly track the path of a victim survivor from say, starting out with childhood trauma of domestic abuse, to maybe being homeless, to being a trafficking victim, to the justice system, and then that continues. We could see where those intervention points could actually make a difference. I think truly being able to have good quality, accessible, transparent data would be the biggest thing to strengthen the System.

Required trainings for all mandated reporters, foster parents, judges, attorneys, teachers, law enforcement, first responders, nurses, mental health providers, it can go on and on—basically the point here is that at any point when a victim could be in touch with possibly the first trusted adult or a professional that has the power to change the course of their life. Those people should have some sort of foundational training in this issue and the traumas that this population experiences—some sort of required trainings for those professionals would at least provide a foundational understanding.

Then the final piece here is a broad swath NRS language change to remove references to child prostitute or children engaging in prostitution. We have research of every case in NRS where that exists and prostitution implies a choice and children are not at the age of consent and cannot make that choice. Children do not engage in prostitution. Children are victims. That is it for my presentation. I believe Nicole is going to go next.

Nicole E. Reilly, Previously Identified:

Good morning and thank you, Chair, Vice Chair, and the Committee Members. I am going to be presenting on behalf of the Washoe County District Attorney's Office (WCDA) and the Regional Human Exploitation and Trafficking (HEAT) Unit in Washoe County. I will start with the letter the WCDA sent to me on April 24, 2024:

When you think about sex trafficking, you probably picture a young woman walking home from school or work and being snatched off the street by several masked men and taken away in some nondescript van. Well, that certainly can and has happened. That is generally not how sex trafficking offenses occur in Nevada or what I have seen in Washoe County. [This is from their special prosecutor on sexual assault and human trafficking.] I have been the lead prosecutor on nearly all sex trafficking cases submitted to the WCDA for the last three and one half years and have come to realize that sex trafficking is far from what you see in the movies. It happens much more secretly and often evades detection for years. A trafficker or pimp generally targets someone with a vulnerability such as drug addiction, mental health issues, financial instability, lack of strong family ties or emotional support, and then exploits that vulnerability. The victim often has no idea that they are being exploited. Traffickers manipulate victims by providing them the drugs they want, the money they need, or the "love" that they have been searching for. As a result, they feel indebted to the trafficker and they end up doing whatever they are told or encouraged to do, including selling their bodies to strangers for sex. In my experience, many sex trafficking victims share a history of childhood trauma and sexual abuse. Survivors of childhood sexual abuse can lose their sense of bodily autonomy and may be persuaded by traffickers to sell a body they no longer feel like is even their own. Well, I cannot speak to the statistics relating to sex trafficking offenses in Clark County or statewide. I do know that in Washoe County, 100 percent of all juveniles contacted by detectives with the HEAT Unit, between 2020 and 2024, who were found to be engaging in prostitution were doing so under the control or supervision of a trafficker. This statistic is staggering and disturbing but unsurprising because children are especially vulnerable to the emotional and financial manipulation utilized by traffickers. So how do we break this cycle and work toward protecting our most vulnerable Nevadans? It comes down to economics, supply and demand. The sex trafficking economy is driven by the demand for sex workers. The greater the demand for paid sex, the greater the number of traffickers and the victims they exploit. The lower the demand for paid sexual transactions, the lower the number of traffickers. We can reduce demand by targeting "Johns" and sex purchasers. They must be held accountable for their role in further exploiting the vulnerable population of our communities with meaningful criminal penalties, but the scourge of sex trafficking would only be exasperated by decriminalization or unregulated prostitution, driving up demand by allowing traffickers to freely advertise their victims' bodies without fear or threat of arrest or prosecution.

That is from Darcy Cameron, Deputy District Attorney for Sexual Assault and Human Trafficking, prosecutor with the WCDA.

The next bit of information that I have is from the HEAT Unit. They let us know that in 2023, the total arrests were 121, total arrest counts were 307, felonies were 286, misdemeanors were 21, and “no filed” cases were 2. This shows the severity that occurs when you look at the charges, 286 felonies as opposed to 21 misdemeanors, that shows the significance of the violence that is occurring in this space actually. It is not minimal, it is severe, and it is life-threatening. Those were the perpetrator statistics. The victims statistics in 2023 were: victims referred/tips were 419, adult victims served 337—that is Washoe County on the ones they are catching. Juvenile victims served were 79, homeless were 62, and mental health were 27. The statistics for victim recovery options for 2023: victim recoveries were 83, juvenile recoveries were 31, adult recoveries were 52. The ethnicity statistics are Caucasian is 260, African American is 65, Hispanic is 76, American Indian or Alaskan Native is 2, Asian is 7, and Native Hawaiian or Pacific Islanders is 5.

The new in custody program they created in the Washoe County jails. On their first part, which is all of their operations for human trafficking and exploitation, I am working with that team, plus a researcher from UNLV, and a researcher from the University of Nevada, Reno to track this data and try to put it, like Lauren was saying, into a understandable and concise evidence-based report. What the conversation we had was, “Do you have sex workers that identify as independent free from a trafficker?” Their response was, “oh yeah, we definitely do,” but they are not keeping track and have not kept track of that number. They are currently going to start keeping track of that number. Another question they are asking is, “Even though you are independent now, have you ever been trafficked in the past?” We are going to get that number, which is almost 100 percent of them that we come into contact with. For those that are identifying as trafficked, they are going to be asking the question, “At any point in time, have you been an independent sex worker?” Followed with, “What occurred from you going from independent to being trafficked?” They are also going to dig in deeper and find out if they were trafficked, then went independent, and then trafficked again. We are going to be able to show the pattern of violence and abuse that occurs within this industry and the grave misconceptions that people have around “Johns” and sex work itself.

Another disturbing case that we became aware of was regarding OnlyFans, and they discovered there was a couple who had promised tons of money and they would help the women out with developing their OnlyFans and marketing it for a very small fee. Several of these women finally came forward. These traffickers set up their accounts, kept all of their passwords, so they actually could not do anything on their accounts, set up the funding to go straight to the trafficker's account and not to the victims that were being exploited. They took over \$1.4 million from two victims they were trafficking on OnlyFans. This is not just physical trafficking that is occurring in person, it is occurring online on websites like OnlyFans and those are identifying as independent workers. Then when we dig into the background, because they do not know they are being trafficked, they have a different understanding of what trafficking is. When we dig in and we educate them on what actual trafficking is, they are suddenly stunned to find they actually are victims and have to start dealing with the issues from the exploitation and the impact it has had on them. We are looking forward to getting all of that data put together so that we can see what the picture is of a person that is working in sex work and the reality of their life. They are also going to be tracking when their first violence occurred and what type of violence that was. We are finding that in our service providers, they do track that data—96 percent of the victims they serve, their first sexual assault occurred around three or four years old. Then they continue

to have violence, after violence, after violence through their entire life, as they go into adulthood, they have no skills; no social skills; no work skills; so they resort to survival sex and that is what this is. I have never gotten the response from someone when I asked, "If you had a choice to go and get an education and have a job, let us say be an attorney, would you choose to do sex work over that?" Not one single one of them said they wanted to sell their bodies to strangers instead of having a great education and legitimate work that could provide for their home.

That being said, we are moving on to the Advocate Program that the HEAT Unit started in the Washoe County Sheriff's office on September 1, 2023. Since that time, 298 victims in custody have disclosed being trafficked since the program started. The HEAT advocate provides services in custody and support when they are out of custody. These 298 victims were in custody under what was considered unrelated charges and then when they were interviewed, it was discovered they committed those crimes because the trafficker was forcing them to—either through threatening their life or their children's lives. One hundred percent of the victims who have disclosed being trafficked, every single one of them had a past sexual assault, 100 percent of the 298 victims. Those are the only ones we have access to. The last point was 90 percent have disclosed being in a domestic relationship with their trafficker which adds to the point that Liz made. Back to Lauren's policy agenda of the data collection, we will be adding that if it was a domestic relationship as well so we can show the intersectionality of sexual assault, domestic violence, and trafficking.

One thing that I am going to be suggesting to Attorney General Ford—which I know he will immediately say absolutely yes to—is to do a Fatality Review Team around a trafficking fatality. We do that for domestic violence already. We look at their lifespan, find those intersections, that Lauren was talking about, where we could prevent or intervene. We will be doing the same thing with the trafficking data and then show the intersectionality of that and the severity and why we need to stop siloing each one of these experiences and see that they cross altogether. That is, it for the presentation from the WCDA and the Heat Unit, if you have any questions.

Chair Miller:

Thank you. I would like to suggest that when it comes to those fatality reports, something I just experienced, is the fatality is not always necessarily as direct as we assume like a shooting or strangulation, there are actually chronic conditions that can come from chronic abuse that also cause a fatality. Let us just not look at the most obvious.

Ms. Reilly:

The problem is we do not know, and there is no tag on those that are in a domestic violence relationship. We do not have access to their info and discovery, because specifically in statute it is "identified" cases of domestic violence. If we had access to medical records, like we did on that one review case and they were being tagged as domestic violence—like in the review case, we actually did see some hospitals had tagged her as domestic violence and some mental health providers tagged her as domestic violence, but no one gave her resources. That was super helpful seeing all the opportunities for intervention that occurred in the medical realm, not even in the criminal justice realm. We will be looking at expanding that statute so we can work with Department of Health and Human Services (DHHS) to get that data as well.

Chair Miller:

Thank you, because I know they see it in the medical profession as well as we see it in the schools. It is pretty well known and well documented—whether it ever becomes part of the investigation or never makes it to the criminal justice system—but we, medical and educational practitioners, know these things are going on. Again, the record of all of that would help support that. It is the same thing we look at, and there may never be an arrest, but how many 911 phone calls were made?

Ms. Reilly:

Exactly, or were they identified in the health care setting, never made a 911 call, but they had all the medical conditions which this particular victim had, diabetes, heart condition, obesity, all of that, and she was marked as domestic violence through all of them. She never got services, and then we would not have had access to her medical records that gave us all that extra information. That is a great idea. Thank you.

Assemblywoman González:

Good morning. Thank you for your presentation and for being here today. I had two quick questions. You started off the presentation talking about how law enforcement was not making a call or tagging a statistic, or something of that nature, with children. What is the barrier to that—it seems you have a working partnership because you talked about working together with data and things like that—what is preventing this specific issue?

Ms. Ortenburger:

I will say again on the record, we have a phenomenal working relationship with LVMPD, and we are very proud of that. The issue is more about in 2019 it passed and then COVID-19, and it is not being enforced, so it is more of an issue of that. Yes, I can certainly go and meet with the Sheriff and we can have these conversations, but what we need to know is from SafeVoice, what is happening, and then how do we target and train to have it happen? The other corollary concern that folks have is that it will crash SafeVoice. To which I answer, "Great, let us break it, so that we can fix it," because that is the first line of defense for our kiddos. We need the data from SafeVoice and then we need that to be brought to the sheriffs and chiefs, and through the committees like yourselves—this is a mandate from the Legislature, and we want reporting on it.

Assemblywoman González:

Thank you. My second question in your presentation under the policy agenda number three, it talked about funding a pilot program in schools with the highest number of identified victims in the north and south. Do you know what those areas are already like? Do you have data on? For example, in this zip code, we have the highest number of victims. Does that already exist?

Ms. Boitel:

Yes, that is being tracked by school.

Chair Miller:

I am not seeing any additional questions. Thank you all for your presentation. This was a lot under Item V. Thank you to everyone who presented with this.

We will move on to our next agenda item, which is an update on the reporting requirement in Senate Bill 389 from last session and it is a comprehensive biennial report on human trafficking in the state.

AGENDA ITEM VI—UPDATE ON THE REPORTING REQUIREMENT IN SENATE BILL 389 (2023), WHICH REQUIRES CERTAIN ENTITIES AND AGENCIES TO SUBMIT INFORMATION BIENNIALY TO THE CENTER FOR THE ANALYSIS OF CRIME STATISTICS WITHIN THE DEPARTMENT OF CRIMINAL JUSTICE AT THE UNIVERSITY OF NEVADA, LAS VEGAS (NRS 396.792), AND REQUIRES THE CENTER TO PREPARE AND SUBMIT A COMPREHENSIVE BIENNIAL REPORT ON HUMAN TRAFFICKING IN THIS STATE

M. Alexis Kennedy, Ph.D./J.D., Professor, Department of Criminal Justice, UNLV:

Thank you, Chair, Vice Chair, and Committee Members. Despite me being a professor and academic, I will be the shortest report today because we are looped in with SB 389 (2023) to do the biennial report, and we will be producing one in the summer. It has been a lot more challenging to get people to participate in this process than we realized. We went through the process of setting up the ability to share secure data; doing a Memorandum of Understanding (MOU); doing scope of work; and securing a computer in a dedicated office. The first group to participate was DCFS who arguably have some of the most sensitive data, but we got everything in place, and we have been receiving their data now for two years. I am not going to present that because Ms. Janos will be on the next agenda item, and she is going to present her results. We only have data on the children that are screened through DCFS. I came to this, being the data lead through the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition) Task Force. What SB 389 (2023) did was expanded it to children and adults as well as sex trafficking and labor trafficking, but there has not yet been any coordination with the other groups that might have this ability to access the data. We are now meeting with the OAG Ombudsman to help pull all the different diverse groups together so we are not all working at cross purposes. Speaking about failed initiatives over the past year, we did meet repeatedly with law enforcement groups and invited them to share their data. They politely declined because they felt they can meet the letter of SB 389 (2023) by generating their own reports. The trouble is if we have law enforcement saying, "Here is our rough estimate of what we are seeing," we cannot match that against what the other agencies are doing. With SB 389 (2023), I am sure there is going to be policies that will come to talk about how do we encourage agencies and nongovernmental agencies to participate in sharing the data. The system is there, it will be a very thin report—the first one, but we look forward to helping in any way that we can to increase the participation of agencies in sharing their information with the Statistical Analysis Center.

Chair Miller:

Thank you for that. When you are saying that law enforcement is not sharing the data, and I am looking up the requirements of Section 4 of SB 389 (2023); these are the people in paragraph 3: the State of Nevada Human Trafficking Coalition; the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children; the Nevada Policy Council on Human Trafficking, or its successor organization; each local human trafficking task force; and each recipient of an allocation of money, shall submit by July 1. Then about law enforcement in paragraph 4, it states:

On or before July 1 of each even-numbered year, each law enforcement agency in this State shall submit to the Center the number of arrests made or

citations issued by the agency for a violation of NRS 201.353 or 201.354 or conduct related human trafficking during the immediate preceding biennium and the disposition of those cases.

Are you saying that law enforcement has informed you they are going to do their own report and not submit the data to you?

Ms. Kennedy:

What they are going to do, I think, is say we had 50 kids and 49 were female. They do not feel that the wording represents they have to actually share the client information, the names, birth dates, identifying information—so that we can do the purpose of a comprehensive database.

Chair Miller:

You are saying they are going to provide you the data, the numbers, just not very personal information?

Ms. Kennedy:

That is my understanding, yes. They would generate their own summary report they could present to the Committee or I can forward it to you, but it is not going to be integrated because it is going to be a numbers count.

Chair Miller:

I see what you are saying, they are not going to match the same categories that you are.

Ms. Kennedy:

Correct.

Chair Miller:

We will talk about that because that was the whole intention of what is stated clearly in the bill for them to provide that information.

Ms. Kennedy:

Yes, because it is difficult—we now have the structure to receive the secure data, and the idea that we would receive it with personally identifying information so that we can check who these people are getting services from. Yes, it is a leap of faith to share that level of information, but DCFS has been able to do it, and we have the database created now.

Chair Miller:

Thank you for that. Vice Chair Scheible, because this is your bill, would you like to have any comments?

Vice Chair Scheible:

I would love to jump in. I appreciate you coming and presenting, and I think we will have follow-up questions for the law enforcement agencies that are frankly not complying with the letter of the law and the intent of the legislation. I can see some of them are hiding

behind the column back there. When they are ready, we will make sure to address our questions to the proper people to answer them. It sounds like what you have said so diplomatically is that the system is set up, and all of the necessary technological features are there to preserve the integrity of the confidential data and that you have the staff, the support system, the resources, whatever is necessary to receive all of the data, and to produce a comprehensive report. What you do not have is the data input from the law enforcement agencies. The bill is, of course, very broad and says every law enforcement agency which is intended to cover all of the county sheriffs, as well as the municipal marshals, and at the State level, if there are any State police officers who are involved in this kind of work. I am understanding that you have open lines of communication with all of the law enforcement agencies and they are simply not providing the data, even though you are willing and have created a platform where they can input that data. I think when we worked on this bill, it took a while to identify an agency or an organization that could house such a sensitive database, and I appreciate UNLV stepping up to the plate to do that. I think that you have done a fantastic job on your part, and we will follow up with those organizations that are not doing this.

Chair Miller:

Yes, because the bill does specify the specific information that is to be submitted, not just general numbers.

Ms. Kennedy:

Thank you and to clarify, there is sort of a little bit of a lack of leadership of who is supposed to be the stick that goes and shows up and knocks on the door. Working with the CSEC group when we hit the wall with our first law enforcement agency, I do not know if other agencies have then been contacted. When you go to the first door knocking and it gets shut, we sort of stopped at that point.

Chair Miller:

I think this is a good opportunity to share this is the intent of the interim committees, to see the progress on implementation with bills. There is always an opportunity—this is one thing that is shocking that we tell first-time legislators is that just passing the bill does not stop there, and you are still working throughout the interim to work with different agencies and stakeholders. You have the bill sponsor right here who can speak the best to legislative intent and LCB is always available when we come into those challenges in the interim, that way we can help and add support in any way we can. I am saying this for everyone listening today as well, not just directed to this situation. I think it is important for us to understand that is what the intention of something that we can offer during the interim as well. With that, Members do you have any questions? We did not even get to the questions yet. Any questions members? Senator Krasner, go ahead, please.

Senator Krasner:

Thank you, Chair Miller. I appreciate you giving me this opportunity to ask a question. I have two questions. The first one is a statement on behalf of our law enforcement. They are doing a great job actually with identifying human trafficking and sex trafficking victims and arresting the "Johns." I think we would need to give them credit for the great work they are doing and in the North and in the South. That is for starters and number two, I have privacy concerns for minors, specific names being put into some database. I do not have the bill in front of me from the last session, but I do not remember it saying the specific name of the minor has to be shared, and it is a minor. Why is it not good enough to

do exactly what law enforcement is currently doing and sharing the statistics and the data. If we are weighing out the importance of having data and the importance of privacy concerns of a minor and not sharing their name and then putting them on some list and then immediately putting them in a database where their name is identified, and they are just a minor. I have real concerns with that. I think there really needs to be a balance there. Thoughts on that or not, it was just a comment.

Ms. Kennedy:

Obviously, there is going to be concerns which is why the Statistical Analysis Center became the receptacle for that sensitive data. The Statistical Analysis Center for the State of Nevada, there is only one of them, they exist in all states, and they get federal funds all the time to do sensitive research. We were able to meet all of those requirements to keep it secure, sensitive, and private—to meet DCFS expectations and they probably have one of the highest benchmarks. Once you have those policies in place, this is the only way to look at and track children that are being served by multiple systems is to have some central place to pull down the information from juvenile justice, from child welfare, from law enforcement. It has been done before and the policies are in place to do it successfully and confidentially.

Senator Krasner:

A follow up Chair, please. I certainly understand the importance of tracking anonymously child victims. However, I really do not like to see this, where we are now making the victim have the same record as the criminal perpetrator. It is a real problem, because a lot of times child victims get labeled so if that data is shared and there is specific names in there and then they have a record. I know that we have somewhere in NRS that say something about the victims are placed in the same group with children in need of services and children that have been arrested and prosecuted. Then that data is shared with colleges and universities with the kids trying to get into college because the college has a right to see if there is going to be anybody that falls under the statute who might be dangerous on their premises. Because it is a broad paragraph, the victim is not differentiated from a perpetrator. It is very concerning for me, for juveniles that you are sharing their specific name. I do not like that. There is privacy concerns there. That is my comment.

Ms. Kennedy:

If I might clarify; the data comes into the Center with the names assigned an identifier that is in a secure database and then the names are removed. At no point will any names come back out of the data center or the database. There is no way that those names would ever be shared in this context. They are only used to create that identifying number so that we can compare the same data point across different systems. We are under Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g and Health Insurance Portability and Accountability Act of 1996 (HIPPA), Pub. L. 104-191, 110 Stat. 1936 (1996), requirements, we would never share a name and that would never come from our database, ever.

Chair Miller:

Thank you for clarifying that. For the edification of the public that is listening, we know that this bill passed unanimously out of both houses, so for the edification of people listening now because of course, we did have hearings and went through these details. I appreciate that. Are there any additional questions for Members?

Vice Chair Scheible:

Yes, on this privacy issue there is, a follow up that I want to clarify. I am understanding that this is the way the database is set up and hopefully you are going to confirm that it will achieve its purpose, which is—we have so many organizations and so many agencies in the State that do work with survivors of human trafficking and who address human trafficking prevention. The idea here is to say, for example if Senator Harris runs a safe house, and I am a detective, and Chair Miller is a service provider, then Senator Harris says, you know, I had five kids in my safe house this year and I say, I had five reports from kids this year and Chair Miller says I served five kids in my organization as well. The data center becomes the one statistical holder of information to say either we had 15 children who reported incidents of trafficking this year, or we had 10 children who reported incidents of trafficking this year and half of them went to the safe house and half of them went to Chair Miller's outpatient program or 7 of them did both, 3 of them did 1, and 5 of them received no services whatsoever. The only way that we can catch those 5 people who are falling through the cracks, who received no services whatsoever, is through the statistical database that matches up these points of comparison to say, we had a child who reported being exploited, who reported being trafficked; and that child never received services; or they were never directed to somewhere to live; or there was never a DCFS follow up; or that child fell through the cracks. The only way to know that is with your data. Is that correct?

Ms. Kennedy:

Yes, thank you. That is an excellent explanation.

Chair Miller:

Thank you for that. Not seeing any other questions, we will go ahead and close the agenda item.

AGENDA ITEM VII—PRESENTATION CONCERNING ORDERS FOR PROTECTION AGAINST DOMESTIC VIOLENCE, STALKING, HARASSMENT, AND SEXUAL ASSAULT IN NEVADA

Chair Miller:

Moving on to our next agenda item, which is presentation concerning orders for protection against domestic violence, stalking, harassment, and sexual assault in Nevada.

John McCormick, Assistant Court Administrator, AOC, Supreme Court of Nevada:

Thank you, Chair Miller. I have some data to go over briefly here on protection orders picked up from Fiscal Years (FY) 2019 through 2023. A little background here on protection orders, there are several types of protection orders in Nevada that you can see listed on this slide with their statutory sites. We do have domestic violence, harassment in the workplace, protection of children, high risk behavior which are the red flag orders, sexual assault, stalking and harassment. All of these orders may be issued temporary so the ex parte order—and I put that there because the initial high risk behavior statute referred to it as that—or an extended order. There are two types of orders here that do not have a statutory requirement to be reported to the Nevada Criminal History Repository at the Department of Public Safety (DPS). Protection order jurisdiction in the State is confusing at times and can be found in Paragraph 1(m-o) of NRS 4.370; and it is a bifurcated jurisdiction. Family courts have jurisdiction for domestic violence and high risk protection orders in Washoe and Clark Counties, except in Clark County townships under 100,000—so that would be Searchlight,

Moapa Valley, Overton, et cetera. Outside of those two urban counties that have an established family court pursuant to Chapter 3 ("District Courts") of NRS, justice courts have jurisdiction to issue all these types of orders absent the family court jurisdictions. District courts do have the ability to take jurisdiction over a protection order proceeding via written order to a justice court. Generally, that is done in cases such as divorce or custody situation where the district court would take jurisdiction over that protection order case going forward. It is important to note if the adverse party against whom an order is sought is a juvenile, then district court has jurisdiction in all counties, because pursuant to Title 5 ("Juvenile Justice") of NRS because district court is the juvenile court for the State, in the State of Nevada. That is from 2021, where we worked together with all stakeholders here to get that bill passed to put that jurisdiction in the correct place. A note about that on my initial slide, the protection orders for protection of children, that is an order that has to be applied for by someone over 18, against someone over 18 to protect a minor, so those are pretty uncommon along with harassment in the workplace as an order type which is extraordinarily rare. (Agenda Item VII).

You can see here in this graphical representation of domestic violence temporary protection order requests that the vast majority of those requests occur in district court, meaning that the vast majority of protection or requests come from our urban jurisdictions in Clark and Washoe Counties, outside of those rural exceptions. Down at the bottom you can see justice court and the balance of the State, there are fewer requests for those type of things. In justice court you can see here, this is a representation of disposition in FY 2018–2019, the orange being granted, yellow being denied, and green being other—I will talk about the limitations on the statistic a little bit, but basically it means that at the justice court level in the State of Nevada, we have a 65.5 percent "grant rate" for lack of a better term for domestic violence protection orders. During this time, we also had 3,229 extended order requests and actually, people are able to request that hearing for the extended order when they file for the initial protection order on the form.

High-risk protection orders are the "red flag" orders and are also fairly rare in the State currently. You can see here, that in urban jurisdictions, the most requests we had was in FY 2020–2021 with 15 requests for those high-risk protection orders. Those are the orders to remove firearms from an individual who is posing a threat. You can also see at the justice courts, there have been very few of those requested since the inception of that statute. Non-domestic violence orders would be sexual assault, stalking and harassment, harassment in the workplace, et cetera. You can see that representation here. What is pretty interesting about that is the grant rate for those non-domestic violence order types is significantly lower at 36.7 percent and those generally would include stalking and harassment, which anecdotally is probably the most misunderstood order type that gets requested in situations that are not potentially meritorious, but again, that is anecdotal.

There are obvious limitations on my data here. First, there were 347 total sexual assault protection orders requested over the five-year period we are looking at this morning, and we track this as an extra statistic. We do have data limitations and obviously we are not going to be able to satisfy the need for data, which we will talk about a little bit later. We do not have enough information regarding disposition types or extended order dispositions because of the implementation of our statistical collection model and phases. Rather than belabor that and go back to the early 2000s to talk about data collection, just acknowledging there are limitations on that, we would like to know more, and we are in fact working that way.

I would like to mention our litigant self-help portal—this is pretty cool. We just launched it at the beginning of April, and this allows people to go on—there are a number of videos and

a chatbot to help complete what we call a guided interview. By completing that process, at the end of it, they will have a legally sufficient pleading to file in court. A person goes on here, files for say a protection order against domestic violence, then it guides them through the process to make sure all the information that is required on the application is there and necessary, and then it generates that pleading to go to the court. We are pretty excited about this. The chatbot feature is really cool, and we have been playing with it to teach the chatbot what it is doing. It did know that Duckwater was in Nye County, but it did not know if you needed to go to Tonopah or Pahrump to file the protection order, it is Tonopah, so it is learning. People will also be able to work on divorce petitions and all those self-help things; so, we are pretty excited about that. Since we have not even had it up for a month the use statistics are not necessarily readily available. We are hoping that this does expand access to justice and allows more people in more jurisdictions to apply for orders from their home, from their computers, but it is designed to work on mobile devices as well. We saw with other states, Kansas for example, they found the vast majority of people who are accessing their litigant self-help portal actually were doing it on their telephones, so we made sure it worked that way.

With data I have acknowledge that our data is not necessarily great in some of these areas, so we are working on a data repository. The best way for me to explain this, and how we are moving forward is that currently we have a statistical reporting model that has what people have to report, a data dictionary, and then the individual courts fill out that form or their case management system generates the report; and then that is submitted to the Research and Statistics Unit at the AOC. They go through the data and that is how we end up publishing the annual report, which we send all of you. That model has inefficiencies and while we have been recognized by the National Center for State Courts for our reporting and the improvements we have made in reporting over the last couple of decades, it is still not necessarily there. How the data repository will work is a different approach. It is an electronic database, obviously, that will go out and interface with court systems to pull the data. Then on our end, we will be able to do data visualization and all sorts of stuff to pull better data and get more case level information rather than just the aggregate data we get now. It is something we are excited about, but obviously it is going to take a while to implement and then get all Nevada courts on there. That hopefully will allow us to get better data to satisfy the questions that have come up during this hearing. With that, I am happy to answer questions, and I hope that was not too quick.

Vice Chair Scheible:

I want to go back to your non-domestic violence TPO dispositions slide because I think this is really informative. I do not know how you would do this, but do you have a sense either anecdotally or from the data about what the majority of those applications are for? Are they people? I will leave it with that. Do you have an idea of what the majority of those applications are for?

Mr. McCormick:

It is my anecdotal sense that a lot of them would be stalking and harassment. Stalking and harassment is a different order type because a lot of times people try to—this is somewhat inelegant way to say it—shoehorn it into another type of dispute, like a civil dispute or neighbors with barking dogs, then one of the parties may apply for a protection order in that case. Barking dogs are not necessarily stalking and harassment so that would then probably be denied. I think it is mostly stalking and harassment, but again that is anecdotal and that is obviously one of the limitations of our current data system that we are hoping to correct. We could potentially poll some courts to get a sense from them what exactly is

going on there. Again anecdotally, domestic violence, and stalking and harassment, are the two highest with the most applications for those particular orders. We do not get a ton for the protection of children, now with the jurisdictional situation, since minor adverse parties has been cleaned up statutorily. Then harassment in the workplace—I cannot remember the last time I talked to a judge who said they had ever had one of those because it is a very different kind of order. What it does is, if I have a member of my team experiencing a situation where a protection order is necessary, but for whatever reason that individual cannot get it, or it does not apply, or whatever—and this allows the employer to apply for a protection order but it also requires a deposit and a number of other things. It is a very odd order. The same with protection of children, now as we have fix that, but that was a long and belabored way of saying I think it is stalking and harassment, but I am not really sure because it is all anecdotal.

Vice Chair Scheible:

I also want to clarify for all of our edification, we would expect even in the best of circumstances that there would still be a significant portion of denied petitions simply because there are situations that do not meet any of the criteria. What I am trying to get at is, there will always be people who come to court and ask for this remedy and say, “I want this person to stay away from me because they smell bad, and I do not like them.” That is simply not a legal reason that a court can impose on that other person, a requirement that you are no longer allowed to be within 100 feet of Melanie just because she does not like you, and she says you smell bad. We would expect to see at least some portion of those applications being denied because they do not meet any legal reason for implementing a protective order, right?

Mr. McCormick:

Yes, that is absolutely correct. In order to get these orders, you have to meet the statutory qualifications, for example, harassment in the workplace describes those conditions, and sexual assault again has conditions upon which an order can be issued. Say a person in the example you provided applied for stalking harassment because they thought some individual was not the most odoriferously pleasant, that obviously does not meet the statutory qualifications in Chapter 200 (“Crimes Against the Person”) of NRS for a crime against a person and then would be denied. You are 100 percent correct.

Chair Miller:

Thank you. Not seeing any additional questions. We will go ahead and close this agenda item. We will move on to the next agenda item.

AGENDA ITEM VIII—PRESENTATION FROM LAW ENFORCEMENT ON HUMAN TRAFFICKING, DOMESTIC VIOLENCE, AND SEXUAL VIOLENCE IN NEVADA

Chair Miller:

We have a presentation from law enforcement on human trafficking, domestic violence and sexual violence, and sexual violence in Nevada by LVMPD.

Greg Flores, Sergeant, LVMPD:

I would like to thank the Chair and the Committee for giving us a few minutes today. We appreciate it. Also with me is Lieutenant Brian Boxler.

Brian Boxler, Lieutenant, LVMPD:

Thank you. I have the privilege of serving with Sergeant Flores on our Vice Human Trafficking Section here with LVMPD.

Sergeant Flores:

We are going to give a presentation (Agenda Item VIII) of what we are seeing in Southern Nevada with reference to human trafficking, specifically with our Vice section and our Southern Nevada Human Trafficking Task Force (SNHTTF), as well as our FBI-led Child Exploitation Task Force (CETF). This is a heat map of the demand side of prostitution, it should be known that human trafficking right now is the second largest criminal industry in the world right behind drug trafficking. According to the United States DHHS, it is the fastest growing criminal industry in the United States. Our Vice section, is comprised of 1 lieutenant, 4 sergeants, 26 detectives, 1 law enforcement investigative specialist, and 2 law enforcement technicians. Recently we have added a full-time sex trafficking task force coordinator and one part-time coordinator. We also have recently added a financial analyst. We are part of the SNHTTF which is partnered with the FBI as well as with Homeland Security Investigations (HSI) and we are part of CETF. In addition to the metro detectives, the HSI, and FBI agents, we also have a full-time Clark County School District (CCSD) police detective that is assigned with us, and one part-time Henderson detective as well. Also, we have a partnership and an MOU with advocate services, and our number one advocate that we use on a daily basis is Signs of Hope-Resources and Integration for Survivor Empowerment (RISE) Program. Anytime we come in contact with a victim or a potential victim of trafficking, we have that nongovernmental resource available, and they will speak with everybody that we contact and that is 24-7. Myself and my detectives will respond 24-7 to a victim or a reported victim along with those RISE advocates who will respond with us. In addition to the Task Force, we are also part of a Department of Justice (DOJ) task force which is the Office for Victims of Crime (OVC) Task Force. It gives us access to other task forces throughout the country and as we see, this is not a crime that just takes place in one state as many traffickers are savvy, and they move victims from state to state. Being part of a of a regional nationwide task force helps with our investigations and helps with federal prosecutions.

Our squad structure includes CETF and its four detectives that exclusively investigate anything related to the exploitation of a child. It is not just sex trafficking events, if a child was sexually assaulted but we believe it may have been at the hand of a trafficker, our team will respond to that; if there are buyers of children that may have committed offense. We had one recently in Henderson where a stranger was trying to solicit a child on their way to school. Our team responds to that 24-hours a day.

In addition to the child team, my other team is the SNHTTF that has five detectives. We investigate any crimes linked to trafficking that have identified an adult as the victim. Again, it is the same thing; in a later slide it has some of the investigations that we will conduct. This team also will investigate any Vice related death, so if there is a death that we believe may have been caused by a trafficker or someone being trafficked, we will respond to that. We do not investigate them exclusively. Our Homicide section will handle some of them and we will handle some of them, but both of us are responding to those.

Our enforcement squad is a squad that conducts all of our undercover operations. They conduct joint operations with our Special Investigation section. It should be noted that human trafficking is broken up into two categories, sex trafficking and labor trafficking. As currently composed, the Vice section handles all the sex trafficking investigations, our

Special Investigation section handles all our labor trafficking investigations, and our enforcement teams will assist with labor trafficking investigations.

Then one thing that we have done, and this has been going on now for approximately two to three years, we stood up two squads that are Victimless Proactive Trafficking Investigation Squads. These are squads that will go after people that have a history of trafficking, that we are receiving information of trafficking on, as well as victims who have given us information on who their traffickers are but are not willing to come forward, provide a statement to us, or are not willing to testify. We will never force a victim to provide a statement or to go on the stand and be traumatized. If they are willing to do that then we support that. Obviously, we want to arrest bad people for putting people in bad situations, but we will never re-traumatize a victim to do that. On a lot of the cases and a lot of the information they are getting actually comes directly from victims of trafficking that are not ready to take that next step and testify against their trafficker.

These teams work on intel-gathered investigations. Some of their investigations do involve undercover operations and they use a five-prong approach. They go after people that do have a history of sex trafficking, violent criminal history to include those violent domestic violence history, gang nexuses, firearms, and financials. The interesting part about the financials and the reason why we are investigating those who have financials, as ADA Duffy had said earlier, those monies that we seize are able to go back and help the victims of these crimes. One of the largest issues we see—this is me speaking for the Department and me as an individual who has been a detective on this team for 12 years, and I have been a sergeant now for another four years—one of the largest problems we have with getting our victims out of the lifestyle is housing. Many of the victims are women—we do have male victims, but the majority of our victims are women who find it difficult to leave the situation that they are in because they have nowhere to go. Sometimes putting someone who—even though the conditions may be terrible and there may be violence, there may be sexual violence—may be living in what appears to be a nice lifestyle, in a nice house, driving a nice car, and for them to say they are ready to get out, but we have to put them in a shelter. It is a very difficult transition for them to make. Financially seizing those assets and being able to put that into resources, specifically housing, it is really important, and it is one of the things that we focus on.

Our second proactive team focuses on the “Johns” and the buyers as their main focus. They will do street level “John” operations. They will also do other investigations including computer base operations where “Johns” are specifically out looking to purchase sex from children. In addition, they will proactively go after traffickers in the tourist corridor, and they will assist with unlawful brothels. These are the main type of investigations that we investigate. We do sex trafficking of a child, sex trafficking of an adult, pandering, kidnapping, sexual assaults, child luring/child pornography, shootings/battery with deadly weapons/prohibited persons in possession of firearm, domestic batteries, extortions, death investigations, and theft investigations that have a sex trafficking nexus. With all of those crimes there are other units in the Department that will investigate those as well. If there is a sex trafficking nexus, though we will take primary on that. Kidnapping is generally handled by a robbery section, so if someone is kidnapped, normally robbery is going to respond to that. If the person that is being kidnapped has a history of being trafficked or related to sex trafficking, robbery will not respond, and our section will.

Our mission and goals is a victim-centered approach. That is our number one priority. We understand that the people that we come in contact with are victims. They are being victimized often by their traffickers or often by the buyers, and as many of the people that spoke before me have said, they have also had prior bad experiences in their life, whether it

had been as a child with their family, they have high instances of sexual assault. We understand the people that we are dealing with have a lot of trauma they have dealt with, and we need to recognize that and not add to their trauma as law enforcement. Myself and another detective teach every academy, and this is something that we focus on and harp on. We have spent a lot of time talking with survivors. A lot of the feedback we get from our survivors is that, yes, it was terrible having a trafficker and, yes, it was terrible being bought by individuals coming out thinking they were having good time but some of the worst trauma they experienced was from the uniformed law enforcement who showed up—and instead of listening to their story and taking their story, they were treated poorly all over again. We make it a point to our officers that you have to be a professional regardless of the context that you are coming into contact with these individuals, understand the victimization that they are in—be a lifeline for them and maybe you will be the first person in their life that they are like, ok, they treated me decently and maybe I am now willing to give my statement. It is something we really focus on in our section.

As I mentioned before, we work with our advocate partners to assist victims of sex trafficking. Signs of Hope-RISE come out with us 24-hours a day. As I mentioned, we also have 15 additional non-governmental organizations (NGO) that partner with us. They include a gamut of things including the Embracing Project, Be A SHERO Foundation, Hookers for Jesus, Pink Chair, and tons of community support that really make a difference in getting our victims the help they need. What we always hope is that it hopefully leads to a successful prosecution but number one, it is getting the victim the services that they need. Services are immediately offered 24-hours a day. We have an alert system in place for identified victims. Along with the alert system, and I know one of the other presenters talked about the SafeVoice, so any child that we come into contact with that is in a Clark County public school, we do a “Handle With Care” notification that is reported that this child will need, or potentially could need, additional services at the school. Again, we respond 24-hours a day, 7-days a week. Our goal is to identify, arrest, and prosecute sex traffickers. We also, like I mentioned, proactively target sex traffickers when victims are unable to testify or have not been identified. We proactively target sex buyers and also, which is not listed there, is training and the education piece. We feel training and education is extremely important. Last year leading up to Formula One, we were able to train and teach over 2,000 individuals in the community on sex trafficking, what it looks like, and the signs. A lot of those 2,000 people were members of hotel staff, the airport, and the buses—some of the people that come into contact with this and may not even know what they are looking at. Year-to-date, we have trained an additional 2,000, so we are really ramping up the amount of training that we are doing during the year.

This study I added in here is a little bit about our Victimless Proactive Trafficker Intervention. We partnered up with Arizona State University. They came in and looked at all of our proactive investigations over a defined period of time. The defined time period that they looked at was from 2021 to 2022. There were 191 investigations that resulted in 188 arrests for pandering. They broke down where most of the investigations or the arrest occurred. The bulk of it as we would expect in southern Nevada was on Las Vegas Boulevard and some of it was on Tropicana and Boulder Highway, which unfortunately are hubs of where prostitution and sex trafficking occur. The other one was the transportation hubs—the airports and the bars. Then the last one was restaurants. The data they collected, what it showed is that the people that we proactively arrested, 94.2 percent of them had prior arrest history, 50 percent of them had arrest history through multiple states. They then broke down what the offenses were that their prior arrest history was for—one-in-four of the individuals had prior sex trafficking arrests either from our State or another state, over 68.6 percent had drug-related offenses, 52.4 percent gun related offenses, 41.4 percent domestic violence offenses, 16.8 pimping or pandering charges, 14.1 percent child abuse,

11 percent sex trafficking, and 4.7 percent prior homicide/murder history. They also took a look at gang history, and 25 percent of those proactive arrests had prior gang history. The study showed that someone, at the time of arrest, with gang history was 3.5 times more likely to have a firearm with them and the gang members or associates were 5.1 times more likely to be local offenders. There is a full study if anybody wants to actually read it, we can provide the whole report, but that was a little summary of what they found.

The SNHTTF has been around since 2006. The stats that I am going to show on the following page are strictly stats collected by LVMPD—it is not all encompassing for southern Nevada but does compass a lot. These are our LVMPD stats for 2023; we arrested 287 individuals for sex trafficking and/or pandering which included 47 specifically for sex trafficking a child, 72 for sex trafficking an adult, and 168 for pandering. In addition to that, we arrested 248 other felonies. Now these stats are not double dipped, so in a lot of instances, if we arrest a sex trafficker for sex trafficking, they may also be arrested for domestic battery/strangulation. If it was sex trafficking and another offense, it gets listed as sex trafficking. The other 248 do not have a sex trafficking charge attached to it but were sex trafficking related. These include kidnapping, battery with a deadly weapon, possession of child pornography, or sexual assaults. To clarify the difference between sex trafficking and pandering, I am sure most of the panel knows, but sex trafficking requires fear, force, or coercion to be present unless the victim is a child. Pandering does not require the fear, force, or coercion. Those are the two distinctions with sex trafficking and pandering. Of those who were arrested for trafficking, 98 of them had documented gang affiliation, we arrested and/or cited 127 buyers of prostitution, 22 of the buyers were trying to purchase sex from a child. Those 22 arrests were felony arrests, and the other 105 arrests were misdemeanors, if they do not have a prior history of it, unfortunately, a first offense is a citation. We investigated six Vice related death investigations as part of our investigations. We served 292 search warrants and recovered 85 illegal firearms.

For Formula One and the Super Bowl, we took a holistic community approach. We brought in the FBI, the HIS, U.S. Border Patrol, Henderson Police Department, CCSD Police Department, North Las Vegas Police Department, the OAG, Nevada Parole and Probation, and Nevada Highway Patrol. We also brought in a ton of outside advocacy groups that we partnered up with, "It's A Penalty," which helped with our campaign and getting the word out as well as getting billboards out on the street. During Formula One, we were able to recover 5 juveniles, made 36 pandering arrests, made 31 buyer citations or arrests, and then an additional 7 felony buyer arrests. Those are again buyers that were trying to purchase children. During that operation, we recovered five firearms. For the Super Bowl, we recovered 13 juveniles, made 39 pandering arrests, 10 sex trafficking of an adult arrests, 2 sex trafficking of a child arrests, 21 buyer citations or arrests, and then an additional 26 of the felony buyer arrests that were attempting to purchase sex from children. One of those buyers came from out of state with the intent to pay for sex with an eight-year-old child. We also recovered nine firearms.

These are our child sex trafficking statistics. I will not go down everything a basic breakdown of our victims; 54 percent of our child victims were African American, 22 percent Hispanic, 20 percent Caucasian, 2 percent Asian, and 2 percent American Indian. [Breakdown on the slide is 67 percent African American, 26 percent Caucasian, 27 percent Hispanic, Native American 2 percent, and Asian 2 percent]. As far as our adult victims, the numbers are fairly similar with 51 percent African American, 28 percent Caucasian, 8 percent Asian, 7 percent Hispanic, 5 percent unknown race, a 1/2 of a percent American Indian, and 1/2 of a percent Hawaiian.

That is our basic presentation. We are open for any questions.

Vice Chair Scheible:

You knew I had questions, but I will try to keep it brief. I will start with maybe an easy one. I was really encouraged to see that you are working with those advocacy organizations 24-7. I could be mistaken, but I do not think that was the case when I was first elected in 2018. I was hoping that you could give us a brief history with when were you able to ramp up to 24-7? How much have you expanded the partnerships, and how many more victim advocates do you have now?

Sergeant Flores:

I can answer part of that. You are correct, initially it was not 24-7 response. It is one of the things that we learned that we get a lot of buy-in from the community that they want to help and our victims are asking for that. Resources and Integration for Survivor Empowerment (RISE), I believe it was right around 2019, when it went into full fruition where they began responding with us 24-7. We had been working towards that and had groups that had helped with us, but it was never a fulltime 24-7. It was normally during business hours, but right around 2019 is when it switched over—they understood that it really made a difference if they were responding with us right from the beginning.

Lieutenant Boxler:

I have got to give credit where credit is due to. I think a large change in how our concerted effort really got a lot of speed with our advocate groups was when we hired on our Task Force Coordinator, Jenna Strasser. She is basically like the bridge between the law enforcement facet of what we are doing here at LVMPD and those 16 NGOs. She is with us in the office and has done a tremendous job of streamlining and identifying gaps in what those 16 NGOs were doing. She works at bringing people in and finding organizations that would be able to help us fill those gaps just to ensure that we are being as effective and as efficient as possible with that outreach, with that maintenance, with those recoveries, with services to those in need.

Vice Chair Scheible:

Again, great to hear, and I know that we are not a money committee but I am interested in not how much is invested in this, although I am interested in that as well, but my question is more about the structure of the funding and whether LVMPD is footing part of the bill for those 16 NGOs or whether you are depending on private donations to those organizations in order for those organizations to be able to provide so much support to your larger, overarching goals.

Sergeant Flores:

Our main advocate partner, which is Signs of Hope-RISE, they are part of that OVC grant with DOJ. Most of their funding comes from that, but they do get additional funding from other places. The other partnerships are basically self-funded, and they work on donations and getting community support. I think the only stuff that LVMPD is actually funding is that coordinator position and the assistant coordinator.

Vice Chair Scheible:

Thank you. All right, now the question you have all been anticipating. Could you tell us a little bit about why you are not providing statistical information to the UNLV Center for the Analysis of Crime Statistics?

Lieutenant Boxler:

Not a problem. Do we have an opportunity to bring up that Senate Bill on our screens where we are all able to reference it or read it off, please?

Chair Miller:

Actually, what I think would be better at this point because that is a separate and not necessarily specific to this agenda item. Maybe we could have that conversation offline if that works for you, Senator. I want to make sure that we keep flowing with the agenda. This topic has been brought up so we know that there will be a further discussion. If we could keep questions specific to this presentation. Members any other questions? I do not see any additional questions, I will go ahead and close this agenda item.

AGENDA ITEM IX—PRESENTATION ON PAST INITIATIVES AND FUTURE GOALS OF THE NEVADA COALITION TO PREVENT THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Chair Miller:

Our next agenda item is a presentation on past initiatives and future goals of the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC).

Maria Janos, Social Services Chief III, Family Programs Office, DCFS, DHHS:

I am here to present on the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children, otherwise known as the CSEC Coalition, reporting on activities that occurred last calendar year in 2023 and then what is planned for 2024. An overview of what I will be going over today is an overview of the CSEC Coalition itself, Coalition meetings that were held in 2023, challenges, and barriers that were encountered last year. I will then talk about some of the data collected that Dr. Kennedy alluded to, then what our plan is for the rest of this calendar year. Then we will have an opportunity for questions. (Agenda Item IX).

To give a quick overview of the CSEC Coalition. It was first established by State of Nevada Executive Order 2016-14 on May 31, 2016. In 2020, Governor Sisolak directed the DCFS to establish a statewide coalition going forward. The focus of the CSEC Coalition is to ensure, implement, and develop recommendations for services, legislation, and best practices for CSEC in the State of Nevada, and NRS 424.273 created the position of the CSEC Coordinator of Services. The CSEC Coordinator of Services assists in the coordination and facilitation of those Coalition meetings. The meetings that were in 2023 were typically scheduled to be held quarterly. One Coalition meeting was held on March 21, 2023, three other meetings were scheduled; however, they did not move forward over the past year. Some of the challenges was the creation of the State of Nevada Human Trafficking Coalition that came out of the last legislative session. It was formed and consisted of similar membership of the CSEC Coalition. The feedback the Division received was that there was a desire to look at aligning the two Coalitions to ensure there was no duplication in the work that was being done. The Division of Child and Family Services has been working on this internally to accomplish that, and then we will return to the work this year. Last year, DCFS administered a survey to the membership of the CSEC Coalition to collect additional feedback and to regain Members' commitment to the group. Our next meeting is scheduled for May, next month, and then every other month through the end of the year, as long as that is agreed upon by the group.

I spoke a little bit about the challenges and barriers that we encountered last year. We had several staff transitions internally within the Division, people moving out of positions, new people coming on, and rotating out. This created difficulty with new staff learning the program, role, and really what the purpose of the Coalition was, as well as, learning group dynamics for the different groups. There were also challenges with obtaining quorum for the Coalition itself and some of the subcommittees. As I spoke previously, the creation of the Human Trafficking Coalition created some duplicativeness in the composition of the two groups. The feedback that we received was that there was a desire to not duplicate the work being done in each of the Coalitions. There was some difficulty with getting engagement with the members, being able to reach quorum and have active participation in meetings.

I am going to go into sharing a little bit of data. On the next three slides is some of the data that comes from the Statistical Analysis Center at UNLV, which Dr. Kennedy heads and leads. This first slide talks about the screenings that were conducted in 2023. In 2023, there were 7,593 children screened for potential CSEC involvement. This is lower than the 10,955 screens done in 2022. However, Dr. Kennedy let me know they also had pulled in data from previous years and that is why that number might be that high. We do plan on diving into that a little deeper just to ensure that is the reason. The average age in the population was 13.5 years old and more girls were screened at 4,043 than boys at 3,500. The graph itself is the breakdown between male and female and is specific to the 7,593 children that we are screened in 2023.

Then the screenings by region section, with a text, just reflects the breakdown by jurisdiction of where the screenings occurred. Eighty-five percent of the 7,593 screenings that were conducted last year occurred in Clark County, 10 percent occurred in Washoe County, and then 4 percent in the rural region. Then the gender ratios were the same from the previous year. This next slide reflects the racial and ethnic breakdown in the percentages by each of the child welfare agencies; of those 7,593 youth that were screened last year.

In years moving forward, we should be able to report out on SOGI information, which is sexual orientation and gender identity and expression. That is something that our child welfare agencies have begun to collect, and these data elements are now embedded and are being captured within our case management system. This next slide talks about the actual identified victims that were found from the 7,593 screenings that were conducted last year. In 2003, there were 58 children identified as CSEC victims and this is lower than the 115 victims identified in 2022. The graph on the right is a breakdown of those 58 victims by race. Then the regional breakdown reflects the number of victims identified in each region and their genders.

Our plan for 2024 is that we are reconvening the CSEC Coalition. Our next meeting is next month, and we plan to process new membership applications and calendar meetings for the rest of the year. The CSEC program itself was absorbed internally within DCFS, and we now have a dedicated employee in the coordinator role, rather than a contracted position that was only temporarily funded. It allows for developing expertise to be created internally within the State and within the division. It creates more sustainability moving forward for both the program itself and the work of the Coalition. It also allows us the opportunity to infuse continuous quality improvement activities in everything that we do. We also plan to coordinate and collaborate with the Nevada Human Trafficking Coalition to ensure that there is no duplication of efforts—that collaboration has already begun. We look forward to continuing to do that the rest of this year.

We plan on updating Nevada's CSEC Strategic Plan and working towards improving the quality of data that is being reported to the Statistical Analysis Center at UNLV. We plan on conducting a comprehensive inventory and assessment of current CSEC programs—what available training there is, services, and then initiatives currently active in the State. Again, trying to make sure there is no duplication of the work that is being done for this population. We want to integrate CSEC objectives into our DCFS Plan, which is Nevada's Five-year Federal Strategic Plan for Child Welfare. That does conclude my presentation, but I am definitely open to questions.

Vice Chair Scheible:

Thank you for your presentation. I think you have escaped the hot seat without any questions for today. We really do appreciate you being here, and we look forward to getting those updates when the CSEC Coalition is reconvening and having more meetings. Thank you.

That will close this agenda item. We will go to the next agenda item.

AGENDA ITEM X—OVERVIEW OF THE STATEWIDE JUVENILE JUSTICE PROGRAMS AND PRIORITIES, AND UPDATES ON IMPLEMENTATION OF LEGISLATION ENACTED DURING THE 2023 LEGISLATIVE SESSION

Vice Chair Scheible:

We will have a presentation from DCFS with an overview of statewide juvenile justice programs.

Tiffany Greenameyer, Deputy Administrator, Administrative Services, DCFS, DHHS:

Good afternoon, Chair Miller and Members of the Committee. I do want to say that Administrator Marla McDade Williams sends her apologies as she was unable to be here today and Sharon Anderson, Deputy Administrator for Juvenile Justice Services wanted to be here today, but she is celebrating her daughter's graduation from college.

It is my pleasure to share our programs with you today. (Agenda Item X). This slide shows the areas to be covered throughout the presentation. This is our mission and vision. Chapter 62 of NRS governs the juvenile justice services for the State of Nevada and Chapter 63 ("State Facilities for Detention of Children") of NRS governs State facilities for the detention of children. The State operated facilities and the Youth Parole Division [Bureau] (YPB) are funded with the State General Fund. The State General Fund support a portion of the prevention services in the counties and the county camps. County-operated juvenile facilities and juvenile probation are funded by their respective county's general funds. Counties also support a portion of the YPB through assessments. Federal grant funds support specific programs and services statewide through sub grants and supports compliance with the Juvenile Justice Delinquency Prevention Act of 1974 (JJDP), Pub. L. 93-415, 88 Stat. 1109 (2018), which includes one full-time employee in the Juvenile Justice Program's Office (JJPO) and the Evidence-Based Program Resource Center.

Nevada has always believed that youth and adults should be treated differently and in different systems, which is why Nevada's juvenile justice system is the DCFS. I would like to share with you key differences between the adult justice system and the juvenile justice system. In the adult system, the person is referred to as the defendant. The defendant is found guilty or convicted by a judge or jury and then they are sentenced. The judge

determines what the sentence is based on the minimum and maximum terms as prescribed by NRS. In the juvenile justice system, the person is referred to as the youth or child interchangeably. Rather than a conviction, there is an adjudication—judges adjudicate the youth as delinquent and the judge can choose to keep the youth in their county under their local county probation department supervision or commit them to DCFS. There is no determinant sentencing for juveniles in the State of Nevada. The length of stay in the facility is determined by the youth's progress in the program, and the average length of stay in our juvenile justice facilities is about six to nine months.

This slide outlines county versus State roles. The counties are usually the youth's first contact with the juvenile justice system. Counties try to intervene at the lowest level possible, this is considered "front end" interventions. For the typical teenager, if they get involved with any part of the front-end interventions, this would deter them from getting into more trouble and going through the process again. Others may continue to engage in delinquent behavior and face more county level interventions, but at a certain point, judges will make a decision to commit a youth to the State. State roles include newly committed youth, as well as youth who continue to commit delinquent acts and their parole status is revoked. This slide shows the juvenile justice funnel. Our counties do a great job at diverting and keeping youth in their communities with their prevention services, which can be seen by the narrowing of the funnel. Their work keeps many youths out of the state custody. This slide shows the grants received by the Nevada Juvenile Justice Services.

Before I get into what our Division does once a youth is committed to us, I want to point out that our work is in juvenile justice and is guided by federal standards of care and outlined by the JJDP. When a youth is committed to DCFS, we take into consideration that the majority have experienced some type of trauma in their lives, whether it is physical, emotional, or sexual abuse; they are coming from tough situations, and many were not set up for success. Our admissions team reviews the documents for each newly committed youth and makes a placement decision based on the youth's history and needs. Most youth that are appropriate for placement in one of our State facilities are the youth who have not been successful with the county level interventions, their delinquent behavior has escalated, or the nature of their crime causes the judge to bypass the county level altogether. Those youth are admitted to either Caliente Youth Center (CYC) or Nevada Youth Training Center (NYTC) which are both staff-secured facilities or to Summit View Youth Center (SVYC) which is the highest security facility. Some youths are determined as not appropriate for a juvenile justice facility. These youth are youth who need significant mental health services—this is a youth who has been actively suicidal within the last month or so with multiple co-occurring diagnoses or has a profound intellectual or developmental disability. These youth are typically diverted to the mental health facility in our State or to specialized treatment in other states. We also have unique challenges with youth who are in the child welfare system and in the custody of child welfare agencies who are also committed to the custody of DCFS. Finding an appropriate place upon their release can be a challenge. These youth do not have a family home to return to and foster care placements are scarce. Unfortunately, through no fault of their own, some remain in our facilities longer than necessary while placement is being sought. We have youth who have significant mental health needs and our team struggles with how to support these youth. There is a need for more community-based services and options to help with their needs. Specifically, partial hospitalization programs, outpatient programs, high fidelity wrap-around services, and targeted case management. With the statewide care management entity (CME) now underway, we are in the beginning stages of engaging them in support services for our youth, prior to them earning parole status and returning to their communities.

Lastly, I would be remiss if I did not share the staff vacancy rates at our juvenile justice facilities. Group Supervisors, also known as GS staff, are the identified direct care staff. Our entry level GS staff vacancy rate is 47 percent at SVYC, 54 percent at CYC, and 67 percent at the NYTC. These vacancies affect our operational capacities for the number of youths we can safely serve at any given time. We are working on a budget request to assist in addressing this challenge.

Once youth arrive at our facilities, it is not our job to punish them. We provide an array of services to address the needs identified. Each youth has a program that is developed specific to their individual needs. Remember, Nevada does not have determinants to sentencing for juveniles. The Division of Child and Family Services has programming that lasts on average about six to nine months. We do not want youth in our facilities longer because we know research says that keeping them longer is not helpful to them. In fact, it impacts their mental health and does not reduce delinquent behavior. This slide shows the variety of mental health and substance use services at each of the three facilities. Our mental health teams work hard to address the mental health needs of the youth in our care. We continue to see high levels of mental health challenges including youth with self-harm thoughts and actions. We serve pregnant youth through their second trimester—these youth receive prenatal care, are paroled, and returned to their community prior to their third trimester due to the prenatal care needs being more extensive so it is better for the youth committed to our care. Our facilities are in the process of being becoming certified as Substance Abuse Prevention and Treatment Agencies, known as SAPTA. The goal is to be able to provide more robust drug and alcohol abuse programming in all three facilities. The facility staff are an incredible group of people that care about these youth and work hard to ensure that youth remain connected to their families while in our facilities. Due to their diligence on the job, they have been successful at intervening and saving youth lives, specifically, when the youth have had intentions to take their own life. Our staff work endless hours of overtime to ensure youth supervision is covered 24-7.

The State's family engagement plan is designed to increase the youth's family contact with their child while they are placed in one of our facilities. We know youth do better in the juvenile justice system, when they maintain a strong relationship with their family and when the family can be involved in their treatment planning process. The Division of Child and Family Services has a statewide plan outlining the responsibilities of facilities and the YPB to engage families in their child's treatment throughout their commitment to DCFS. Since COVID-19, we have actually had more family engagement with the youth in our care as this is when we began using video conferencing for visits and meetings.

When youth are committed to DCFS, pursuant to NRS 62E.520 for correctional care or other facilities our YPB begins the intake process. The youth are assessed by the YPB mental health team, and the assessments are conducted at the local detention facilities. The screenings and assessments evaluate the youth's needs and drive recommendations for admission and placement. There are two primary outcomes of the screenings and assessments: (1) admission into one of our State facilities; or (2) placement in residential treatment center or other facility. I will pause here to share that the Division is working on a proposal to further streamline this process that will result in more efficiency for the counties, the courts, and be better for the youths committed to our care. When youth complete their programming at one of our facilities, they achieve parole status and are returned to their communities and are supervised by our YPB. Youth on parole receive individualized case plans and supervision based on their needs which might include a global positioning system (GPS) device, substance use treatment, psychosocial rehabilitation, basic skills training, or other services to assist them with safely transitioning back into the community. Parole counselors have the duty and the responsibility to hold youth

accountable should the youth continue to engage in delinquent activity. They also provide supervision to youth who are on parole from other states through the Interstate Compact for Juveniles.

For the sake of time, the remainder of the presentation slides are there for your review and questions. As we conclude our presentation, the Division would like to invite Members of this Committee to tour our juvenile justice facilities. Touring our facilities will give you first-hand knowledge and understanding of how our Division cares for the youth committed to our care. We look forward to having the ability to share our work with you. If you have any questions, I would be happy to answer them.

Vice Chair Scheible:

Thank you. I do not think we have any questions for you today, but we do appreciate you being here and presenting. That will close this agenda item, and we will move on to the next agenda item.

AGENDA ITEM XI—PRESENTATIONS ON CURRENT SERVICES AND FUTURE PLANS OF LOCAL JUVENILE JUSTICE SERVICE ENTITIES

Vice Chair Scheible:

Our next agenda item is a presentation on current services and future plans of local juvenile justice entities. It looks like we have one presenter here in Las Vegas and another presenter in Carson. We will start here in Las Vegas.

Michael Whelihan, Deputy Director, Department of Juvenile Justice Services, Clark County (CCDJJS):

I prepared this quick synopsis of what juvenile justice is in Southern Nevada. (Agenda Item XI A). ADA Bridget Duffy went over some of the statistics already with her presentation. If you have any questions after, I am happy to answer those. I am going to go over these slides really quick. Our mission at CCDJJS is to improve and strengthen youth and families through positive relationships and targeted programming. We have seven divisions within juvenile justice: Detention, Spring Mountain Youth Camp (SMYC), Probation Field Services, Health Care Services, Administrative Services, Harbor Juvenile Assessment Centers (Harbors), and the Truancy Prevention Outreach Program (TPOP). The CCDJJS operates a detention center of 192 beds. From the 2023 statistics, our average population was 167 youth. This last four months, we averaged 197 youth. The average length of stay is 29 days for those children that are detained in the detention facility. Over 4,113 kids were brought into detention and 50.5 percent were booked into detention where the other ones would be released home-based on the charges—they would not make the detainment point. We do assessments of the Massachusetts Youth Screening Instrument Two (MAYSI 2), which is a mental health screening for kids to see if they are actively suicidal and if they are having suicidal thoughts. We do the Detention Assessment Instrument (DAI) and the Youth Level of Service/Case Management Inventory 2.0 (YLS/CMI 2.0) for the kids at the adjudication per State law that was passed under AB 472 (2017). We also use the Nevada Rapid Indicator Tool (NRIT), which I believe was last session, so we are currently performing that on all the kids as well.

Our Probation Field Services' average caseload was 51 youth per officer back in 2023, but it is steadily climbing, and we are probably closer to 65 currently. We provide drug court, and we work with the judicial court to divert kids with the drug issues. We have our Sexual

Offense Assessment and Rehabilitative Service (SOARS) program for those kids with sexual offense charges. We have dually served youth or dually involved youth is what we call it now—we brought in the Robert F. Kennedy Foundation to serve our most difficult clients that are the kids that sit in both juvenile justice and in the child welfare systems. We are currently doing that.

One of our facilities is the SMYC, it is a 100-bed facility, and the average length to stay there is 163 days. It is similar to the CYC and the NYTC in Elko. It is staff secure—there is no fence, there are no cells, there is nowhere to lock a kid up—so staff have to be able to communicate with the children. We also have our Health Care Services, which provides all our medical services for both our institutions Detention and SMYC. We also have our Mental Health Treatment Team that provides assessment and like I said, we use MAYSI. If there is something that triggers in that, they would get them help to assist with the transition and while they are in detention. They would follow and give assessments when they get released as well. We follow Chapter 62C (“Procedures Before Adjudication”) of NRS for gun charges so we make sure the reports are done for those. Oftentimes the sex offenders have a lot of assessments they have to do, so our Mental Health Treatment Team contracts a lot of the reports out and then they are prepared and presented to the court. We have an Administrative Services Division where we house all our juvenile records, and our finance units sit inside.

We also have the Harbors, and there are five locations currently. In 2023, the Harbors served 5,817 youth. Those would be more of our diversion program for some of our misdemeanors. It is not just misdemeanors, youth can walk in as well and do not have to be on probation or be arrested to get services there. They do an assessment and then refer you out to the appropriate service for youth and their families—it is just not the youth and is the families as well—so that is open to the public. We also have our TPOP for chronic absenteeism, which is seven days, so they work with CCSD, who have seven unexcused absences. This past year, there was 3,572 youth in 2023 that we referred. The number will be higher this year as we just started the program—it was actually started during COVID-19, so it was hard to start a program when we had the all the COVID-19 protocols in place. I think now we are starting to get where we are getting into more of the schools and servicing a lot more children.

The trends, I wanted to use the 2019 data because using the 2020, 2021, and 2022 data does not seem to be as relevant to me because we were still coming out of COVID-19, and a lot of the crime rates and everything went down because there was no school. A lot of times if you look at data for criminal justice, at the summertime, crime rates go down often. When there is no school, the crime rates and referral rates will go down. In 2019, we received 11,733 referrals to juvenile justice and in 2023 there were 9,412. Part of the process too is that some of the diverted numbers of misdemeanors are not included in that 2023 data because we refer some to the Harbors. Moving forward, we are actually changing the way we collect our data so all those referrals will have a better number next year because they will start with our intake in our Probation Division and they will end in our Probation Intake Division. We will be able to track outcomes better and have more realistic data points to look at. Detention in 2019, we detained 2,533; and in 2023, it was 2,077. We are going to be higher than that this year. The breakdown for African American/Black is 45 percent in 2019, and in 2023 it was up to 52 percent. That is up so that is something we will be looking at. We do look at those data points. Our 2023 data book just came out, and I sent it to Diane Thornton if you would like to look at that later—I sent that website that has 65 pages of data, if anyone would like to look at. You can always reach out to Joanna Jacobs if you would like to have further conversations with me about any of the data that you review. Our average daily population went from 131 to 167 in 2023. This year for

the first four months, we are at 197, and I just checked it today. Our average length of stay has gone from 19 to 29 days. I think ADA Duffy showed you some of the data before, when you are looking at the gun charges they have doubled, and some of the car thefts have more than doubled so the detainments take a little bit longer, especially when Chapter 62C ("Procedures Before Adjudication") of NRS requires you to do the 62C evaluation, so it makes the length to stay longer and kids do not get out as fast based on some of those charges.

For the SMYC, when you look at the 2019 data for African American/Black was 46 percent and in 2023 it was up to 64 percent—it increased 8 percent over those 4 years. Youth placed on formal probation in 2019 was 1,880 compared to 1,426 last year. This year we are going to be well above that 2019 number by the way the trends are going we will be higher than that. Our average monthly caseload went from 1,797 in 2019 to 1,940 in 2023. For average length at a time on probation was 432 days in 2019, and it went up to 449 days in 2023. That is a deceiving statistics when you look at it, with some of the juvenile sex offender laws and some of the arrests; they usually stay on a little bit longer. A lot of the kids come off probation in six months, but the juvenile sex offenses actually sit on probation up until the age of 21. The ten top file defenses ADA Duffy went over, but if you have any questions on that feel free to ask.

Some of the biggest challenges we have is a nationwide problem with staffing. We were budgeted for 417 full-time positions, we have 98 total vacancies, and 54 juvenile probation officer vacancies. Currently, we have 3 probation officer academies this year; we have had one and the second one is going to start in two weeks with another one planned for September. We have 9 scheduled to start in two weeks that will go through the academy which are ten-week academies before they hit the floor. We were approved for Critical Labor Shortage Destination by the Clark County Board of County Commissioners, which means we can bring back retirees that want to come back, and they can collect PERS and work for us at the same time. We have some of those individuals lined up to start that pretty soon. We are working towards getting more people, but nationwide it is hard to get people in these positions as you see with fire—they are doing advertisements on television and commercials, which I never saw when I was a young man, which was quite some time ago. One of our other biggest challenges, as the State knows, is limited mental health providers and services for the kids with the deeper mental health issues. Any questions, feel free to ask.

Vice Chair Scheible:

I think we will go up to Carson City first and then do questions after that. Ms. Florez, please go ahead whenever you are ready.

Elizabeth B. Florez, Director, Juvenile Services, Washoe County:

Thank you to Vice Chair Scheible and the Committee for allowing me to make this presentation today. (Agenda Item XI B). We conduct our operations from the Jan Evans Juvenile Justice Center located in Reno, Nevada. For those who are not aware, Jan Evans was a former Assemblywoman who was an advocate for children in both the dependency and delinquency arenas, and we are very thankful to have her name on our building and she is an inspiration to us, and her work continues to guide us to this day. This particular slide reflects our philosophical underpinnings; however, it was already covered by our Chief Deputy District Attorney Shelly Scott earlier today. What we have incorporated with The Balanced Approach, as well as, we had been selected as a site of the Juvenile Detention Alternatives Initiative in the early 2000s, which was sponsored by the Annie E. Casey

Foundation. My only addition to this would be that during that era that is when we really shifted toward data-driven decision making and focusing on evaluating racial and ethnic disparities. We looked at our conditions of confinement in our detention centers and also explored deeply alternatives to detention, which have now resulted in a significant reduction in the number of children who are placed in our detention centers. You have also seen this juvenile justice funnel twice already today, so I will not go through it other than to highlight that we make an effort in juvenile justice through a series of evidence-based practices to divert as many children as we can who are entering our system in the hopes of narrowing and limiting the number of youth who are ultimately removed from their homes and placed into county camps, state corrections, or mental health treatment facilities. If we can prevent that and also avoid certifications to the best of our abilities. A lot of our efforts and resources go towards the diversionary part of the funnel.

This slide shows our Department. We operate under the authority of Title 5 or Chapter 62 in NRS, and we are also under the administrative oversight of the Second Judicial District Court. We have our Administration, our Detention Center which is called Wittenberg Hall, Probation, Community Services, Traffic, and Clinical Services Departments. Our Detention Center, Wittenberg Hall, is housed inside of the Jan Evans Juvenile Justice Center. It opened in 2004 and is named after Helen Whittenberg who was a champion for juvenile rights in the 1940s all the way through the 1960s. For that reason, our Detention Center within the facility bears her name. We have 108 beds, a medical clinic, Washoe County School District on site, food and nutrition services, mental health services, and we have recreational and educational activities for the youth in our care.

Our probation services are comprised of an Informal Supervision Unit, a Probation Assessment Unit, and Compliance Units. Our Informal Supervision Unit manages the vast number of referrals that come through our Agency which are misdemeanors and status offenses. Our Probation Assessment Unit assesses all felony and gross misdemeanor referrals that we receive. For those youth who do get court ordered to probation or court-ordered supervision, we assign them either to our Compliance Units or one of our specialized probation units that you see here. We have a Sexual Behavior Unit, a Gang Unit—our Gang Unit is part of the regional Gang Unit in the north—Behavioral Health Unit, the China Spring Youth Camp (CSYC) and Aurora Pines Girls Facility (APGF) Unit, and a Substance Abuse Caseload Unit.

We also have our Community Services that operate our youth development programs as well as an Evening Reporting Program that we have had for over 15 years in partnership with the Boys and Girls Club of Truckee Meadows. In that program, our staff picks up youth from school daily, delivers them to the Boys and Girls Club where they participate with them in pro-social activities, and then returns them home in the early evening hours. We also have a Work Crew and a Youth Development Program.

These next several slides that show statistics have a general theme that show that since the 1990s, there has been a significant decline across many measures nationally and locally related to juvenile justice. You can see here in 2009, we had over 7,000 referrals and if we are to go back further in previous years, they exceeded 10,000 referrals. You can see the decline in the number of referrals. It did dip during COVID-19, but you can see that those numbers are rising. Last year we had over 20,800 referrals. Our Whittenberg Hall statistics show that our average daily population, if you look in the left column at the bottom for 2019, prior to COVID-19, our average daily population was in the 40s then declined during the pandemic, but you can see in the last several years it has been increasing again. Our average length of stay when we look from the time of booking to the time they exit our Detention Center ranges between 14 and 19 days, but we also calculate the amount of time

that youth stay on average after their detention hearing and that number is nearly double so that range is between 30 to almost 40 days.

This next slide shows our placements, on the left side you will see our residential placements. The blue columns are the in-state residential treatment centers, and the purple are the out-of-state residential treatment placements for youth. I unfortunately do not have the totals here. If you were to look at the 2023 total residential placements compared to 2019, you will see that number is greater. In 2019, the total there is 52 youth were placed in residential treatment and in 2023 it is actually not surpassing it. It is a total of 46, however, you can see that we are increasing at a significant rate for the number of youths who are being placed in residential treatment centers. The next graph shows State and county commitments over the last five years. The blue line shows our State correctional placements, as ordered by our court, and that number is relatively static with the exception of the COVID-19 period. The purple lines are the county camp placements at the CSYC and the APGF, which has fluctuated over the years primarily due to a reduction of beds due to budget constraints. This next graph shows outcomes on the left and you will see a 2023 Case Status Snapshot to capture the percentage of diversion cases that we had 75 percent of all cases in 2023 were diverted from court or closed with informal sanctions. On the right, you will see our re-offense rate for felony and gross misdemeanor offenses when we tracked kids who were on probation for 24 months. From 2021 to 2023, 76 percent of the youth we supervised had no re-offenses, 19 percent had one re-offense, and then you can see the smaller numbers in the pie chart.

As we speak about challenges in the juvenile justice system that we are experiencing, it is known by most if not all, that the Centers for Disease Control and Prevention (CDC) has reported an increasing number of adolescents who are reporting struggling with mental health issues. In the juvenile justice population studies reflect that, specific to youth in our system, they experience far more adverse childhood experiences (ACEs) or traumatic events in their life than youth in the general population. The youth who are in most need of services are those who demonstrate high levels of aggression and noncompliance related to a mental health condition such as those with intellectual, neurological, and developmental disabilities; youth with mental health conditions or intellectual challenges who are found to be incompetent to stand trial; detained youth are at high risk for suicide attempts; and youth with mental health symptoms that lead to arrest. As such, in the juvenile justice system, we act as a mental health agency by navigating placements, brokering assessments, case managing treatment, and also housing youth who are awaiting treatment sometimes for extended periods of time. On any given day, in our Detention Center, 60 to 70 percent of our youth suffer from severe mental health diagnoses and many are prescribed psychotropic medications. The primary barriers we face include a lack of quality residential beds for both acute and long-term care, as well as challenges with Medicaid reimbursement rates.

However, we have a positive outlook. In 2022, Washoe County purchased the vacant West Hills property that will be developed as a multi-use mental health facility. Very recently, the Interim Finance Committee approved \$14.5 million in funding towards the facility upgrades of that property. Nevada Medicaid is addressing provider reimbursement rates and recently shared they are reviewing Medicaid expansion for incarcerated juveniles which would very much expand treatment opportunities and access for youth in our care. These coordinated local and State measures are promising steps towards providing a meaningful continuum of care for juveniles.

The next challenge I wanted to highlight is regarding concentrated cannabis. If you look to the graph on the left, you will see there was a significant spike in the number of unlawful

possession of controlled substance referrals that we received in Washoe County specific to concentrated cannabis. This is concurrent with the legalization of marijuana and the opening of dispensaries in our communities. Of all the female felony referrals that we received in 2023, 74 percent were for concentrated cannabis and almost half of the felony referrals we received for males, 47 percent, were for concentrated cannabis. We did a review over a 12-month span of time of the youth that were referred for specifically concentrated cannabis and found that 63 percent were determined to be low risk on our Youth Level of Service Inventory (YLS), which is a statewide risk assessment, 88 percent at the time did not have an open active case with us, and 60 percent had no prior involvement with our Agency. We are thankful that in January of this year, we entered into a MOU with the WCDA to address the significant increase in the number of referrals for these offenses and by doing so, we were able to expedite assessment, intervention, and accountability for these youth. I believe Chief Deputy District Attorney Shelley Scott already shared information related to this MOU. There is still a lot more work to be done in this arena, however, under this agreement we have already afforded diversion opportunities to a large number of youths who have been referred to us for these offenses. With that, I conclude my presentation, and I am happy to take questions. Thank you.

Vice Chair Scheible:

Thank you, Ms. Florez. Are there questions for either of our presenters from our colleagues here in Las Vegas? I do not see any. We will go to our colleagues online. Do you have any questions for our presenters? Go ahead Assemblyman Gray.

Assemblyman Gray:

I actually have a couple of questions. First of all, the slide you had up there that showed the decreasing referrals. That is inversely proportional to our population, how do you explain that? How do you explain the drastic decrease in referrals when our population here especially has skyrocketed? Then also on the race, is there a way to get that broken down to crimes by race also, for those detained?

Ms. Florez:

Are those questions for Clark County or for Washoe County?

Assemblyman Gray:

I am sorry, the breakdown by race is for Clark County and then for Washoe County it is the number of referrals question.

Ms. Florez:

I will make an effort to answer the question regarding what is driving the significant reduction in the number of referrals, not only locally but nationally. The answer is there are a lot of hypotheses related to that, that I could attempt to prepare and put into a report for this Committee's review. The theories are that it is related to changes in juvenile justice laws, it is related to changes in police practices, and the economy has an impact also on the rate of referrals. I recently read an article that the number of school age youth in Washoe County has been decreasing and there may be an impact as well in that regard. There is something I am sure related to the transitioning of people moving from community to community. That is about my best response right now at this time, but I would be happy to put together something for your review.

Mr. Whelihan:

To elaborate more on what Director Florez said, there has been some legislative changes, not just in Nevada, but even federally when you are looking at the status offenses that used to come to juvenile detentions and be referred to us. Then when you are talking curfew and runaways, things of that nature, and then you are also talking truancy traffic tickets, some of those things that have changed legislatively over the last 15 to 20 years. That is part of the JDAI that Director Florez referred to as one of the sites as well.

As far as the racial breakdown on your question by crime, I sent the data point to Diane Thornton with a breakdown where you can click on that link, and it has 65 pages which will break down that data for you.

Assemblyman Gray:

Thank you. I appreciate that. I have not seen, especially in Washoe County, populations going down. I know in Lyon County and the other surrounding counties it is going up, but it strikes me as odd that it is inversely proportional to the amount of referrals. I mean, we know crime is not going down and see it every day. It really makes me concerned as a society, not on law enforcement, but as a society, we are maybe turning a blind eye to some of these things now that should be addressed. Thank you for the presentation; very informative.

Vice Chair Scheible:

All right, agreed. Thank you. Anybody else have questions—I am not seeing any. We will close this agenda item and move on to the next item.

AGENDA ITEM XII—PRESENTATIONS BY DISTRICT ATTORNEY JUVENILE DIVISIONS: SYSTEM OVERVIEW, STATISTICS, AND LEGISLATIVE REVIEW AND PRIORITIES FOR 2025

[This item was taken out of order.]

Chair Miller:

The next agenda item is the presentations by the District Attorney of Juvenile Divisions. We are going to have systems overview, statistics, and legislative review and priorities for 2025. We have the Juvenile Division of the District Attorney's Office in Clark County, and we also have the Juvenile Division of the WCDA. When the two of you are ready, please proceed.

Brigid Duffy, Assistant District Attorney, Juvenile Division, District Attorney's Office, Clark County (CCDA):

Good morning, Chair Miller and Members of the JISCJ. I will run you through the Clark County slides, and then I will kick it up to my counterpart in Washoe County; and then we will answer any questions that you may have. This presentation (Agenda Item XII A) is a quick overview of the juvenile delinquency process. You can see how we run through cases, kids come in through arrest or citation. Those are tickets, misdemeanors by statute. They can all be diverted away from the eyes of the CCDA, so we do not see a lot of the misdemeanor citations or arrests that come through and gross misdemeanors or felonies are funneled a different way. All types of entry points, arrests, or citations are seen by probation officers. Those that can be handled informally under statute are handled

informally. Those that may not be seen by the CCDA, and then we will decide whether or not we would like them to be handled informally or if we will be filing the charges. That is the flow chart to help lay some foundations for the next few slides.

In my Division which I have proudly run on behalf of the CCDA for the last 12 years, I have approximately 63 employees when I am fully staffed and 29 of those are, are deputy district attorneys. Nine of them are assigned to the delinquency side, which is what I am presenting on today, and the other 20 are for the child dependency side which are those cases that come in through the child welfare system. The CCDA actively participates in five diversionary type programs. We have the Harbors and there are five of them in Clark County. We have the Detention Alternative for Autistic Youth (DAAY) Court, which is our Autism Services Court Program. A lot of our children that are on the autism spectrum as they grow through puberty may become more defiant and a little more violent, so we have a specialty court that provides services and assessments to those families to make sure that they are able to access appropriate services in the community. I am the Co-Chair of the School-Justice Partnership Program, which helps the school and justice partners come together to try to keep kids in school instead of using exclusionary practices for low-level offenses—we call them Focus Acts, which would be like a first time marijuana offense on a campus, maybe being disrespectful, and things that are low level and we have helped put school-based services in. I am also part of the Restorative Nevada the restorative justice diversion program with the OAG that is trying to connect some of our youth that are committing offenses with their victims to have these restorative circles and decide the outcomes for the perpetrators of those delinquent acts with the assistance of the victims themselves. We also have a court called Dually Involved Youth, which are kids that are crossing over from foster care into the juvenile justice system or kids that are entering the juvenile justice system whose families are rejecting them and then they end up in the foster care system. We have a team of created experts that handle those types of cases because what we know is that children in foster care with no family support last longer in our juvenile justice system—they stick to it faster because they lack the family support.

These are my five-year statistics. What I would like you to see here is the increase in the referrals between 2022 and 2023. A referral would be any case, either arrest or citation, that comes to the juvenile justice system. What you can see is there is approximately a 46 percent increase of charges being referred to the juvenile justice system. The next thing I want you to focus on is the number of petitions that the CCDA filed. Despite the increase from 5,000 to 9,000 or really close to 6,000 to 9,000, we have filed fewer petitions. That is the buildup of our diversionary programs in the system. We were able to divert more children out of the system and file only those that really need to be coming in. You can also see in 2023, we filed 200 petitions to certify youth to the adult system compared to the 230 in 2022, but what you will note is that we have certified is almost double the amount we certified, so 41 percent versus 24 percent in 2022. When I say certified, the CCDA does not certify them, it is the court that certifies them. The CCDA would file the motion to seek certification of the child to the adult system for trial and then the judge would review that. If the child has an attorney there are assessments involved and case law that applies, so the court then ultimately makes the decision of which child would stay in the juvenile system and which child would be certified to the adult system. You can see that increase in 2023.

Our top five offenses for 2023—I tried to compare them for you—include violation of probation that has been in our top one or two for the last three years. Of the charges that we file, this is usually coming with another substantive charge. It is not just that a probation officer saying the child is not reporting or the child is not doing classes, those are not the ones that are getting filed for the most part, unless it has really been a lot of work on that probation officer to get the child to comply. The charge is coming when they are committing another offense in the community—if they are on probation and they commit another battery, or they are on probation and they steal another car—we are filing both the substantive charge and the violation of probation, which is what is consistently keeping it in the top one and two on the list, in my opinion. Battery, unfortunately right now I get my statistics from the Juvenile Justice Department as I do not have my own case management system, so when I pull from them they do not separate felony batteries from misdemeanor batteries, so these could be battery with substantial bodily harm or a simple battery. Batteries have consistently been the top two or three. A minor in possession of firearms has been consistently our number three for the past three years, which is a huge increase of firearms with children in our system. Possession of stolen vehicles in 2023 was in the top five, where in 2021 it was not even in the top ten and then in 2022 it was number ten. This increase is based upon a social media post called the Kia Boys where they are showing children how easy it is to steal vehicles, certain Kia and Hyundai models using a charging cable. From January of 2023 to August of 2023, we filed 236 percent more possession of stolen vehicle cases than we filed in the same time period in 2022, all as a result of that social media post. Those stolen vehicle cases are very dangerous to our community because they are often being used in conjunction with those firearms and the robberies, which you see in number five in our top five offenses. They are stealing the vehicles, they are committing robberies with firearms, and then they are disposing of the stolen vehicle. A lot of kids will come in on a stolen vehicle offense the first time and they are released automatically from jail. They do not see a judge, but they get a return court date and by the time they are ready to come back to court, they have stolen two or three more vehicles. We have children as young as 12 stealing vehicles and wrecking them in communities; and we have had several cases, unfortunately, this last year where we have lost children that we have been working with because they were riding in stolen vehicles—high rates of speeds and killing not only themselves but their passengers. It has been a very difficult year in 2023 to deal with these stolen vehicles. I know law enforcement would tell you in Henderson, they had an increase of 7 stolen Kias and to 113 in 7 months and Metro is going from 260 to 1,258. These are by juveniles and does not include the ones that are over 18. North Las Vegas went from 63 to 334 in the same 6-month time period due to that social media post.

The impact of AB 230 (2021) is always of interest to this Committee because many of you were a part of it; in October of 2021 when it went into implementation. Children ages 16 and 17, before AB 230 (2021) was passed, were excluded from the juvenile justice system and went into the criminal system. Now they stay in the juvenile system for any firearms charges that would be robbery with use of firearms, discharging a firearm, and assaults with deadly weapons being the firearm. In 2022, after the passage of AB 230 (2021), 32 children were able to stay in the juvenile justice system and have a judge decide whether or not they should be certified under a motion to certify. In 2023, an increase to 36 children that stayed in the juvenile justice system with a judge that decided whether or not to certify them to the adult system. That leaves only children 16 to 17 years of age that can be directly filed into the adult system for murder and attempted murder—that is our only direct file charge we have left. You can see the numbers that we have had for murder and attempted murder, in 2023 we had 16, and in 2024, to date, we have had three, but now we are at four as another one came in last week. These are children

ages 16 or 17 for murder or attempted murder who were automatically sent to the criminal justice system.

I am going to talk a little bit on CSEC or child victims of sex trafficking because we had the passage of AB 412 (2021) that eliminated the use of secure detention for commercially sexually exploited youth. That bill went into effect for us in July of 2023. As of then, any child that is identified in the community by law enforcement as being a child that is commercially sexually exploited is not to be taken to juvenile detention, but instead is diverted to the child welfare agency under NRS 432C. From July of 2023 to March of 2024, we have had 105 reports from law enforcement that have identified child sex trafficking victims in the field that have entered into the child welfare system as a "432C" child. What do we do now is the question, when the legislative body said, "Ms. Duffy, you can no longer use secure detention when law enforcement finds a child in the street that is a victim of sex trafficking." We panicked because we did not know where they would go. When these are children who run away chronically from their own homes or from foster care, we were left without resources. No additional funding was provided to create the resources to protect these children. Law enforcement was communicating with me on a regular basis. What are we going to do? How are we going to keep these kids safe? We are advocates and did not want to lock them up, but we needed resources to do something because we know that if we do not secure them or get them to an appropriate place, they are just going to continue the cycle until they stop and hopefully not until we are no longer able to find them. What did we do? Now we have a system in place that we have created. I know you are going to hear from some of our great system partners later in the agenda. When law enforcement makes contact with a child that they have reason to believe is a CSEC victim. They contact local advocates who will meet at the scene to offer resources to that child and their family. Law enforcement will also contact the parent or guardian of the child and if the child is a Nevada child, law enforcement informs the parent or guardian that a report is being made to the child welfare agency and that a member of the child welfare agency will be reaching out to the family to provide services but not to remove the child, just provide services. Then the child is released to the parent or guardian. What if they do not have a parent or guardian to release to? I know that will be your next question. I am very, very proud of Clark County as they used forfeiture funds, which is a very little known, tucked away statute in Section 4 of NRS 201.351. This is a statute that dictates that a district attorney's office will have an account with the county treasurer where funds that are forfeited after the prosecution of the trafficker are deposited. After a trafficker is prosecuted, if any of the proceeds of this are available to liquidate as a forfeiture, then after other things are paid, that district attorney's office will get the rest in a fund kept by that county treasurer. Those funds, by statute, can only be used for the prevention of child sex trafficking or for services for victims. When I located this statute, I called around a lot and I said, how much money is in this fund? The OAG had just done a prosecution of a massage parlor in town that had several homes and businesses that were able to be liquidated and there was a few million dollars in this account that was just sitting there. I went to District Attorney Wolfson and said, may I use those funds to create housing for our victims? He said, "Yes, yes, yes, put me in charge of the funding." I connected with DCFS, who now is under NRS 432C, in charge of the children that we cannot use secure detention for. We have opened three homes in Clark County as safe houses for these victims. Two are run by Eagle Quest Foster Care Agency and one is out in Saint Jude's Ranch. There is a total of 23 beds and as of the time I created the slide show, there were 15 beds in use. They have beds for both boys and girls and emergency beds if needed, meaning short-term beds. They were designed to be long-term programmatic beds, but if in the middle of the night, we do not have a parent to release to, we have short-term emergency beds. This is not sustainable with forfeiture funds. I do need to let you all know this was a great thing to do, but it is not sustainable. Moving forward, what does the CCDA see as a priority? We need a

commitment to sustain the funding to provide safe houses for victims. I will tell you that it costs, from the forfeiture funds, \$1.492 million for one year to run those homes—that is with services and shelter for our victims. The great thing I love to say is that we are using the money from the people that traffic these children to house these children and provide them with services. That is great thing that Clark County is doing right now but if there is no forfeiture money, we cannot fund the houses. I am now able to come in when people ask how much would it cost to give the house? I can say it cost us \$1.492 million a year.

We need a blended sentencing model that includes developmentally appropriate program for violent offenders and listening to public comment—everybody knows it, and everybody hears it. I believe that our children are not fully developed in their brains until they are 25, at least. I have a 16-year-old boy and I see it every day. We need something that is more appropriate, and I am hoping that my message is being heard; and I have talked to two very amazing senators to hopefully come to an agreement to bring some legislation forward this session that will expand our Youthful Offender Program in Nevada's Department of Corrections (NDOC). If you have not had a chance to see it in the Northern Nevada Correctional Center (NNCC), I suggest you go and tour it before the session starts. It will give you a better understanding of how youthful offenders, those under the age of 18, are treated when they are committing these murders, attempt murders, or multiple armed robberies, and they are sent to the adult system. It is the best facility I have seen. I toured it myself in October of 2023, after it opened in May of 2023, and it is the best that I have seen that we can do for our children. I think there is room for expansion to start including upper ages for that, but I will continue those discussions with NDOC. We need improved mental health services in our schools and our community so that we can continue to divert children away from the juvenile justice system. Our mental health systems are broken. Our juvenile detention center is backed up with kids who really need mental health treatment and to not be locked up. Our schools are excluding kids from education because it is necessary due to the way they are behaving, but with the appropriate mental health services in place, I believe that we could get more inclusion of schools and children. That is my presentation. I will kick it up to Shelly, and then we will be happy to take questions if you have any.

Shelly Kay Scott, Chief Deputy District Attorney, Juvenile Division, WCDA:

Good morning, Chair Miller and Members of the Committee. I concentrate only on juvenile delinquency, and there is a separate Chief that handles dependency. My comments today will be addressing only the juvenile justice delinquency programs in Washoe County. As ADA Duffy has indicated the history of juvenile justice came about because our system recognized the need to incorporate rehabilitative services in dealing with juvenile offenders. That program initially back in the 1800s was punitive. They did not know how to deal with juveniles and were just small adults or young adults. As time progressed, education progressed, and as information on child brain development progressed; the juvenile justice system was created to identify and treat separately, juvenile offenders from adult offenders. By 1899, the first juvenile court was established and by 1925, all but 25 jurisdictions had a juvenile court. In the 1960s, due process came to juvenile justice in, *In re Gault* (387 U.S. 1 (1967)). That is where our juvenile justice system gets its constitutional protections and due process for youth. Juvenile justice is a statutorily created system. It operates only within the rules, statutes, and legislation that you legislators provide for us. With that, we began a system of reform to move kids out of detention facilities and into services on a quicker basis. We now use a balanced approach that came to us that deals with community protection, competency development, skills development, and yet holds the juvenile accountable in some manner to address the underlying behaviors in a teaching format. (Agenda Item XII B).

Juvenile Detention Alternatives Initiatives (JDAI) was implemented in Washoe County in 2004. I have been with the Department since early 2002, so I was here too able to see the changes that were implemented with the goal of reducing the time a youth spent in detention facilities—getting them access to services in their homes or in an alternative placement instead of locked up in a facility. What that did within the JDAI was to identify what can we do? How can we keep the community safe under this balanced approach but keep the kids out of detention and give them the services they need to not reoffend. We can always straight release them from detention because there is no bail system in the juvenile system. Most often we use conditional releases where the court can intervene initially to order evaluations for substance abuse, or mental health, and no contact orders can be imposed on a limited basis to keep perpetrators away from victims. We can monitor them with a house arrest or electronic monitoring so that probation services are overseeing the youth. Programming was put in place with evening reporting programs to fill that time gap between when school let out and when many parents returned home from work, we found that for several hours, between 2 p.m. and 6 p.m., the kids were left unattended. The evening reporting programming gave them a place to be with supervision, with education, with pro-social activities.

You have seen this overview of the process as ADA Duffy indicated, we get the kids into the system by arrest, citation, or referral. There are multiple points during the system where they can be diverted away from the formal court process. For misdemeanors, many are diverted before they even come to the WCDA. Juvenile services/juvenile probation is the top of the funnel and guides that system toward diversion to my office. For misdemeanors all can be handled legally by juvenile probation. After their assessment, some misdemeanors will be referred to my office for other reasons than the crime—usually because of family resources, ongoing family issues, ongoing misdemeanor offense where informal has not been successful in rehabilitating the child. If the case comes to my office and is referred by my deputy district attorneys, they then have the opportunity to decide whether to file charges or to refer back to juvenile services and divert back out of the juvenile justice system. What happens is this funnel effect, the number of cases that come into this system start getting weeded off so that services are being provided to youth—interventions are at the lowest level. As we work toward the bottom of the funnel, only then are we seeing placements out of the family home to boot camps such as CSYC and APGF, or correctional placements with the State at Caliente, Elko, and Summit View. Then ultimately, the very few that are diverted completely out of the juvenile justice system are taken to adult certification.

The detention criteria that the court must use to determine whether or not to issue or hold a child that is likely to commit an offense, threat of flight, fugitive from another jurisdiction, warrants, or a violation of a court order. If a child does not meet these criteria, they will be released home with services. We expedite the cases as much as possible in the juvenile justice system. Even for those that remain detained, our charging document must be filed within four days. If a youth is detained their trial must occur, unless there is a waiver, within 60 days. We recognize the need to move the children from the detention facility into their ultimate disposition at a rather rapid rate. The dispositional outcomes are what is referred to in the adult court as sentences. It is noted that unlike adult court, there are no mandatory incarcerations for juveniles that have been adjudicated. There are mandatory community service hours, mandatory evaluations, and there are some mandatory schoolings—but there is no mandatory incarceration, so that is one thing that really diverges from the criminal system in that respect. In trying to put the services in place to correct the underlying issues, Washoe County is a much, much smaller division than Clark County. My partner, ADA Duffy down in Clark County has a population of several million compared to several hundred thousand in Washoe County and the rural speak even

less and our resources are considerably less. Our staffing is considerably less but we are handling the same type of children just on a much smaller basis. I have four attorneys, myself, and three deputy district attorneys, two legal secretaries, and an office assistant to help process the referrals as they come in. We do not have any assigned advocates or district attorney investigators that are specific to the Juvenile Division. We are in a pool and whatever investigator, or advocate is available we petitioned to have it assigned. All of our sex offense cases as well as our serious violent offenses where substantial bodily harm has occurred will automatically get an advocate assigned at the front end. The advocates share responsibility with the regular criminal teams. In Washoe County, we saw a drop in referrals and charges submitted to our office during the 2020 to 2022 due to the COVID-19 effect, as everything has been termed. We are now back up to and even exceeding the number of charges and referrals received in my office from pre-2019 indications.

We have had almost 2,800 charges that got referred, and it is important to note that these charges come in multiples on a referral. Back down here, the referrals in green indicate that we have close to 1,400 referrals from juvenile services and youth parole. Those referrals can include multiple reports from multiple agencies because juvenile services especially tries to work with the youth before sending the case to us. The referrals can oftentimes have cases from Sparks Police Department, Washoe County Sheriff's Office, and Reno Police Department that are all combined on one referral. Of the referrals we issued, 400 have closed and the remaining were filed. This is a breakdown of the severity of the charges, whether we receive felonies, misdemeanors, or gross misdemeanors. This year of our total referrals in the green column, the referrals that were other than felony were just over 900, then the felony offenses were about 400 to 500. What this means is when it got put into the juvenile court system, those that we actually filed charges on, the juvenile court ran a 12-month rolling calendar of how many cases are submitted each month to the Juvenile Delinquency Department for filing cases. These were the raw numbers which total to 929 cases, in the last rolling 12 months, were actually issued and went before the Juvenile Justice Court in Washoe County.

Our top ten charges—as you see and just as ADA Duffy indicated—violation of probation or parole is our highest offense, like Clark County. That means they are often incorporated with other delinquent offenses that have come before the courts. What we see in Washoe County is without the resources of the Harbors, was a significant increase in vape cases, primarily at the school, that accounts for 377 charges in 2023. That being such a high number of Washoe County Juvenile Services (WCJS) and the WCDA work together to create a process of diversion, which I will touch on momentarily. We note that the battery charges and the firearm charges are part of our top offenses just as they are in Clark County. The firearm cases, the Washoe County Gang Unit removed 100 firearms from our gang offenders this year, which was great to get the guns off the street. We have kids that are holding, kids that are using the firearms, and creating many of the offenses that we see in our juvenile justice system.

When we addressed the concentrated cannabis or the vapes, we created a MOU using NRS 62C.200, which allows juvenile services to handle gross misdemeanors and felonies informally, with the consent of the juvenile district attorney's offices. What we did in order to divert the kids out of the juvenile justice system and get service immediately in place was create a MOU so that when these kids came in—that were assessed by probation as either first-time or low-risk kids, and they were determined to not have any prior felonies, gross misdemeanor offenses, or crimes of violence—they were given immediate access to case management services, rehabilitative programs to address their substance use, and accountability in the term of programming and community service without any formal court intervention. This year in the first quarter of 2024, after this program went into effect we

have received, at WCJS, 56 cases of concentrated cannabis vape pens—of those, 51 qualified for the MOU and were immediately diverted out of the delinquency system so the program seems to be working. We have monthly check-ins to see if the kids are completing their informal sanctions and at approximately 120-days, if sanctions have not been completed. In programming we are alerted and will make a decision on whether or not to file charges or to increase their time and ability to finish their informal supervision. It seems to have an immediate and a positive effect—instead of waiting for court dates to come up, which delays things several months, kids whose immediate consequences and immediate services are important, are now getting those instead of waiting and that cause, and effect is being addressed immediately instead of coming to court.

The effects of our recent legislative changes, I will touch on three different issues: the certification or transfer to adult court, record sealing, and the terms of juvenile probation. As ADA Duffy indicated, certification in AB 230 (2021) where recent changes that have had very large effects on how we do business as far as certifying or automatically direct filing cases into the adult system for kids under the age of 18 because now only murder and attempted murder at age 16 and older can occur. We have not seen as significant an impact in Washoe County as in Clark County. Our numbers are much different and the impact of AB 230 (2021) in the last year, we have filed only five motions for certification. They were for battery with a deadly weapon causing substantial bodily harm for two of them, murder and a challenge to fight was one, and then battery with a deadly weapon—all were serious violent offenses. When the offenses occurred the kids were 17 except for the murder and challenged a fight, that was a 14-year old female who stabbed her rival to death—because she was under the age of 16, it started in the juvenile justice system. Of the five that were filed last year; one was withdrawn; one was stipulated; and three we are moved to the adult system. Those three that were moved to the adult system, those would previously have been automatic, were now motioned and the judge made the determination on those three cases to go ahead and certify them. Traditionally, our numbers have run between five and eight certifications a year, and I have put the statistics for the last four years here for you to look at. In 2019, pre-COVID-19, that was the largest we had in quite a while. We had 11 that were filed, 9 where the kids stipulated; one that went to a hearing and the court granted the motion; one that we withdrew; and one of those cases that was processed in 2019, only one fell under the AB 230 (2021) numbers. We have been affected, but not tremendously. It looks like most of our offenders and the people that we are moving to certify are between 16 and 17 years of age.

Automatic sealing of records was modified from age 21 to 18. It has created some conflict with adult sentencing and pre-sentence investigations (PSI) where Parole and Probation does a background investigation onto the youthful offenders. It allows for records of youth that are up to age 21 to include their juvenile history in the PSI. With 18 being the time the juvenile records are now being sealed, the PSIs are not being able to capture the full information, so the courts in the adult system are not having the full information which may or may not be the intent of the legislation. We have not had a juvenile petition to have their misdemeanor record expunged since the operation of this. We have only had one that is pending a petition to have their record sealed that does not fall under this automatic sealing statute. The other unintended consequence is making it very difficult to pull good statistical information for you as the legislators on how the statutes have been operating in the public because we are losing a few years. We have also had children that are now age 21 that need some of their information on their prior offenses and have not been able to get it because the records have been sealed. I think it is something we probably need to take a look at in the future, and it is something at this point that we have noted, and this went into effect, as I indicated, the end of December of 2021.

The juvenile probation terms were limited with a period of probation imposed with a maximum of 18 months. We are now reaching that target date from last legislative session, so I think it is too early to tell how that is going to unfold. The legislation had some points that were unclear on how it applied for re-offenders, violations of probation, et cetera. It may need to have clarifications or modifications to the language as far as terms of probation, and how it is applicable because different jurisdictions seem to apply it differently at this point.

Lastly moving forward, ADA Duffy and myself have the same concerns. The juvenile justice system in Washoe County's mental health services are sorely limited. We have a total of four facilities that are available for our children here: (1) Reno Behavioral Center; (2) Sai Mental Health; (3) Willow Springs; and (4) the last one escapes me, I am sorry. Those facilities are overrun. We are having a difficult time getting placement as most of our kids in detention that are pending residential placements, because their mental health needs are not being met in the community. They need residential, non-intensive, or partial hospitalization and are waiting. That is where a lot of our bed-data is coming from in the detention facilities.

Competency development programs—we have a lack of providers who are willing to work with the juvenile justice system to undergo forensic competency evaluations of our youth. That is again creating delays because having only one or two evaluators trying to address the issue of competency in our courts before we can move forward has caused a delay in moving kids out of the system, even when they are out of custody through the system.

Lastly, the blended sentencing model—the State would be encouraged by increasing juvenile justice jurisdiction such that we touched those youthful offenders 18- to 25-years-of-age, who have entered the correctional system. The NNCC is now the local housing for youthful offenders. I was there last month, and I was very pleasantly surprised at how the facility is being run and the care that the staff have with the juveniles. They have not, as of last month, had to use any “use of force” on the juveniles in the system. The juveniles have a wide area of recreation, but they do not have the money or funding for the services and programming that is so important, and the facilities are old and need to be updated. The programming is key and is the education these kids were being provided is the one area where I think our correctional system was doing very well with our youthful offenders. I thank you Madam Chair and Committee Members. This concludes my presentation.

Chair Miller:

Thank you. Members, any questions? Assemblyman Gray.

Assemblyman Gray:

I have a question with the safe houses issues you are experiencing. I noticed it was a low utilization compared to the beds available, are you experiencing a lot of walkaways or runaways? We need to get these kids to help—I definitely do not like the idea of locking them in facilities, but we need to get them the help they need. I am wondering how you are enticing them to stay? What actually keeps them there, and if they are actually staying?

Ms. Duffy:

I could not give you a statistic, but I can give you what I have learned from touring the housing facility and talking with the providers. Of course, we get children that leave, but what is a great thing that happens is they stay connected to the staff. When asked how we

keep them from running, it is the connection they have with the staff. The staff that work in these houses, and it is 24-7 staff-run and they tell us, myself and my partners with other law enforcement agencies like our Vice unit, that the kids make contact while they are out on the run and say, "I am okay," and then they will come back. The vacancy in the beds right now has more to do with the staffing and needing to get a few staff into one of the homes, we have the beds that are vacant, but have some staffing ratios for the children that are going into the home. Yes, they leave, and they are allowed to leave, but the positive thing is that they have connected to staff members enough to want to come back, and when they are ready to come back the door is always opened.

Assemblyman Gray:

It is really good to hear the connections are being made—that foundation is very important. The other question is, who do we talk to about the tour you had mentioned earlier of the juvenile offender program or the facility up here in Northern Nevada?

Ms. Duffy:

I reached out to DCFS, one of their leads and they helped set it up with the Warden and the Assistant Warden for me to visit. Chief Scott, I am not sure how you set yours up, maybe that would be helpful to know as well.

Ms. Scott:

I have the contact information with the Assistant Warden, he was the one that coordinated the tour of the facility. I will be happy to provide his email to the Committee, so that he can work on coordinating a tour for anyone interested. Thank you.

Chair Miller:

Thank you. Members, any additional questions? Not seeing any, I will go ahead and close this agenda item. Thank you for your presentation.

AGENDA ITEM XIII—PRESENTATIONS BY PUBLIC DEFENDER JUVENILE DIVISIONS: SYSTEM OVERVIEW, STATISTICS, AND LEGISLATIVE REVIEW AND PRIORITIES FOR 2025

Vice Chair Scheible:

We will move to our presentation from our public defenders in Washoe and Clark Counties. I see our presenters at the tables in both Las Vegas and Carson City. This time we will change and start in Carson City and then come down to Las Vegas.

Stephanie Cook, Chief Deputy Public Defender, Juvenile Department, Public Defender's Office, Washoe County (WCPD)

Good afternoon, Vice Chair and Members of the Committee, I would first of all like to thank everyone on the Committee for inviting me to come to Carson City today and present (Agenda Item XIII A) in front of you all in regard to what we do in Washoe County at the WCPD on behalf of youth involved in the juvenile legal system. In our office, there are three attorneys who represent youth who are accused by way of a petition in the juvenile legal system. You heard from earlier presenters today about a lot of cases that are funneled and handled informally without the courts being involved. In our office we do not become involved in those cases unless and until the district attorney uses it is discretion to file

formal charges by way of a petition. So, there is myself, as the Chief, and then I have two deputies that work with me in our office. We also have two legal assistants that support us; however, they also support a Felony Criminal Chief, the Appeals Department, two Criminal Line Deputies, and our adult hospitalizations. We also share our Investigator with the Misdemeanor Team in our office—that Investigator is shared among approximately ten attorneys with full caseloads. You heard earlier, a little of the history of the juvenile justice system in the United States. I believe it was Chief Deputy District Attorney Scott who spoke about *In re Gault*, 387 U.S. 1 (1967), which was the United States Supreme Court decision that provided certain protections and due process rights to juveniles if they are accused of committing delinquent acts. Part of that decision is what ensures that any juvenile who is accused in court of committing any delinquent act is appointed an attorney. Children are presumed to be indigent and cannot afford to hire their own attorney so then our office is appointed on every single case that comes through. Obviously, parents may choose to hire private counsel, and then we do have conflict cases that must be distributed to the alternate public defenders or tertiary contract attorneys. As a starting point, every single petition that is filed does come through our office.

Our role in this system is to ensure that the young individuals who we are representing are receiving fair and appropriate representation. It is very important for us to make sure that we are specializing in those unique needs that children do have. We have heard a lot today about the different levels of developmental, maturity, and brain development. We are really making sure that as defenders of children that we take a lot of training and understanding of how that brain development may or may not affect their ability to participate in the legal process, as well as, understanding what is expected of them moving forward. You have also heard the overarching goals and principles of the juvenile system to rehabilitate youth, so having that understanding of how services can be accessed in our community in order to ensure those goals are met and ensuring that our system is not a punitive one.

Here is a quick snapshot of our caseload from 2023. We have our cases created; those are new cases that were opened in our office in 2023. The reopened cases are cases that were closed and then may have been reopened due to review hearings or different hearings that come up perhaps due to non-compliance with probation terms once the case has been disposed of, or things of that nature. You can see there, in the table, the breakdown of the number of cases that we handled last year. As of last week, we currently had 235 open juvenile cases in our office. They are split as you can see pretty much evenly among the three of us and that is the way that our office is currently operating—even as the Chief with obviously other supervisory and other duties within the office, I still assume a full caseload within the office due to what our staffing levels and needs are. In addition to our juvenile caseloads, we also handle and cover any discretionary and automatic certifications throughout the entire process. I know some offices, if a youth is certified whether that is through motion practice or if it is an automatic certification, that case is handed off to an adult criminal attorney; however, in our office, we keep those cases with the juvenile attorneys, because of what I mentioned earlier in terms of having that specialized knowledge and understanding and dealing with people who are under the age of 18. We also assist our office in covering parole revocation hearings here in Carson City in front of the Parole Board. Those hearings occur twice per month—but we handle half of them, and we split that duty in our office with one of the other departments. We also serve as backup coverage for our misdemeanor attorneys, so if they are short due to vacations, illness, or other responsibilities in the office such as trials, we provide coverage for them, and we also serve as backup coverage for the justice court specialty courts as well. Then we also have the more experienced attorneys in our office, so we do, from time to time, serve as co-counsel for adult criminal matters to assist our less experienced attorneys navigate the jury trial process.

As far as what we have determined to be our most important legislative priorities for this upcoming session. The first of which is ensuring that the juveniles' Miranda rights are fully protected in the best way possible. As the Committee is aware, anyone who is accused, whether it is an adult, or a child does have Fifth Amendment right to not incriminate themselves. I am sure we are all familiar with the Miranda Warning, and its basic concepts and contents to ensure that if someone is subjected to a custodial interrogation, that they are fully apprised and aware of what rights that they do have. This body, has over the past few sessions, taken steps to bolster the juvenile Miranda, first in 2021; the Legislature did codify specific language that must be used during a custodial interrogation of a juvenile. Then last session, a law that has not yet come into effect but will on July 1, prohibits the use of false statements or promises of leniency by law enforcement during those custodial interrogations, basically stating that if that conduct occurs, it is presumed the statement was not voluntary. Obviously, the Legislature has already recognized that young developing brains are different than adults are, and in contrast, in the adult world, there is not a specific warning that is required as long as all of the pieces are there, it is deemed to be constitutionally valid. However, as I mentioned, we do have codified specific language for juveniles. Because of all of the research that does exist in regards to developmental maturity, perhaps a lack of understanding of what the words are, a lack of understanding and appreciation for potentially the gravity of the situation that the youth is finding themselves in, or the potential consequences of any statements they do make again, not having that full ability to appreciate and understand and think of long-term consequences of their actions.

What we would propose is that youth who are under the age of 18 should have the ability to consult with legal counsel to assist in their understanding of their rights and consequences of waiving those rights. What that would look like would be before any custodial interrogation could take place, unless in specific situations of exigency or needing to get information specific to an immediate threat of harm or violence, the youth would have Counsel to communicate with prior to deciding whether to engage in that questioning by law enforcement. That consultation with the attorney would be required and could not be waived by the child or their parents.

The next issue, you heard a lot from both WCJS, from Director Florez, as well as from Chief Deputy District Attorney Scott from the WCDS. In regards to a felony possession of controlled substances charges for concentrated cannabis, most often, these are cases in which a child is caught in possession of a vape device containing concentrated cannabis—most often times on the campus of the school they are attending, and they are cited by school police and that referral makes its way to juvenile services. Prior to that MOU, that you have already heard about, because it was a felony charge juvenile services did not have discretion to handle those cases informally. They were always being filed on and the youth did have to go through the court process. While we definitely appreciate all of the hard work that WCJS and the WCDA has done in order to come to that MOU, to divert a large percentage of those cases from being formally within the court system. We propose to take that one step further to codify that in statute, so that if a child is deemed to be in possession of 1/8 of an ounce or less of concentrated cannabis—I got that weight from what is contained currently in Chapter 453 (Controlled Substances) in regards to what is a felony for an adult to possess. If an adult is in possession of more than 1/8 of an ounce, it is a Category E felony, so that is where I got that measurement from. If it is a first or second offense that it should be treated the same as a child who commits an alcohol or marijuana offense pursuant to NRS 62C.073 and 62E.173. What that would look like is that the child would be cited, and that referral would be processed. However, for a first or second offense, it would deem to be a child in need of supervision as opposed to a delinquent offense, and in that case, it is required to be handled informally. Again, taking

what has already been put into place with that MOU but making it statutorily required. Therefore, if sometimes we see situations where a youth will meet with juvenile services for that initial assessment and may have concerns about what is contained within the police report or about having "a felony on their record," and so they may not wish to move forward with an admission. Pursuant to that MOU where their case would be handled informally and then the petition might get filed and in those cases, they would still have to come to the office, their parents taking off of work, missing school, coming to the office, and meeting with us for an hour to review all the facts, circumstances, their rights, and their evidence and then potentially still having to go to court and going through that whole process when anecdotally—I apologize, I do not have the numbers since the January 1 MOU went into place—a large percentage of those cases do result in informal handling anyway. We are trying to cut out a lot of those extra steps, you saw the statistics from Director Florez about how a lot of these youth are a low level on the YLS, and how a lot of the time it is their first referral and they do not recidivate. The goal is rehabilitation and not punitive to try to take out as many steps in the process for the youth and get them those immediate consequences and learning how to make better and healthy choices to move forward. While a vast majority of youth are just cited for these types of cases—I did recently have a youth who was actually arrested by Washoe County Sheriff's deputies out of Incline High School and transported down Mt. Rose Highway to Jan Evans Juvenile Justice Center, even though he was cleared for a straight release because of the weather, his mother was not able to make it down Mt. Rose Highway to pick him up so he did have to spend the night in detention and attend a detention hearing for a case that is now going to be handled informally with him doing a substance abuse prevention class. That is an anomaly in these situations, but still, it shows the amount of time and effort that sometimes goes into the cases and the trauma that can happen for any youth who is charged with a felony and has to go to court and meet with an attorney, so we are trying to avoid that in these first or second time offenses.

Our next priority for the next session is to ensure that the juvenile court has discretion to refer a case for informal supervision regardless of the level of offense. The way that NRS is currently written and has very recently been affirmed by the Nevada Supreme Court is that if a youth admits to a gross misdemeanor or a felony offense in court, that the district attorney must give its consent in order for the judge to refer that case to be handled informally. What we are requesting is that because it is potentially a final disposition of the case that if—based off of information provided by juvenile services, the district attorney's office, the child's attorney, and the child's family—the court in its discretion, believes that there does not need to be a higher level of supervision or intervention for the child, that the court should be able to make that determination as the judicial officer overseeing the court and juvenile services to handle that case informally, instead of needing the permission or approval of the State to do so.

Another concern that we have is in relationship to Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248, 120 Stat. 587 (2006), requirements for youth who are adjudicated for sexualized behaviors or sexual offenses. Currently, certain youth depending on age and the nature of the offense, and the disposition are required to register as sex offenders. Just the same way that an adult who is convicted of a sex offense is required to register as a sex offender. There is significant research by treatment providers, specifically related to the treatment for sexual abusers by the Association of Treatment for Sexual Abusers (ATSA), has recommended that based off the nature of the differences between children and adults that policies that subject children or adolescents to sex offender registration, notification requirements, related resident education, and employment restrictions should be ended. That is based off of the fact that there is very low recidivism for children who are adjudicated for sex offenses. There is research regarding the fact that

interventions and sex specific treatment goes a long way to ensure rehabilitation and to reduce recidivism, prevent sexual abuse, and is sufficient to protect the community. What this particular document from that organization opines is that based off of all of the research that the sex offender registration and notification policies actually do more harm than good. Again, the goal of juvenile services is to provide rehabilitation not to be punitive. In recognition of that we would like to take steps forward in getting rid of the sex offender registration and community notification requirements.

Then finally, as everyone has said, even though this is not a Money Committee, the biggest issue for all of us stakeholders is the lack of funding, the lack of resources, the lack of behavioral health care, mental health care, educational services; it runs the gamut and especially when we are looking at the purpose of the juvenile legal system that without these services in place, what we are looking at is deeper and deeper penetration into the juvenile system. We have a very good working relationship here in Washoe County among all of the stakeholders, trying to work together to provide the treatment services and resources to children and families to ensure they get what they need in the least restrictive way possible. However, without adequate funding for evaluations, for services, and for treatment providers, especially here locally in Washoe County, we are wanting to look at how we provide the services necessary while keeping children at home, if possible. If it is not possible to keep them in their residence, at least keeping them in their communities, so they can continue to have their supportive relationships with their family and regular family visitation, things of that nature, so they are not removed from their community for significant periods of time by being placed out-of-state and having all of those added traumas in their lives, because we do not have the services available here. Not only do we have that issue with not having treatment here locally, and needing those, but it also leads to a lot of the times deeper penetration in the system because the system ends up at a loss. We do not have any way to treat the youth in the community and a lot of the times then we are looking at sending them to camp, or we are looking at sending them to a State commitment, because there are no other alternatives to treat what needs to be treated. That concludes my presentation. Thank you for your time.

Jennifer Fraser, Chief Deputy Public Defender, Juvenile Division, Public Defender's Office, Clark County:

Good afternoon, Vice Chair and the entire Committee. (Agenda Item XIII B-1) I am the Team Chief over at the Juvenile Public Defenders Office at Clark County Public Defender (CCPD). I supervise the entire office including the support staff. I have been with our Office for 17 years, primarily at the Juvenile Division. We are appointed to represent all children who have a petition filed in court, whether it is a misdemeanor, a gross misdemeanor, or felony offense. Unlike other jurisdictions in other states, our Office also remains as counsel for kids that remain on probation because issues like post-dispositional; so post-sentencing when issues come up, like placement issues, restitution issues—we remain on cases. As you saw in other presentations, some kids remain on probation for quite some time so our Office will remain with those clients. We are appointed in most cases in Clark County. However, there are often conflicts because kids get in trouble together; so, the Office of Appointed Counsel with the county has eight attorneys that have contracts who are appointed and also families occasionally hire a private counsel. We have 13 attorneys in our office including myself. We have three attorneys who are devoted solely to handling certifications and juvenile sex offenses that is a more specialized area of practice. We have a lot more of those down in Clark County than up north. We also have a dual involved youth calendar, so I have an attorney handling that specific milieu as well as helping out with certifications. I found that to be incredibly helpful to have one attorney assigned to those cases as those kids return to court often; it is good for them to see a familiar face. We have a regular

delinquencies team or attorneys on those teams including one of your own. Senator Ohrenschall is assigned to handle regular delinquency cases. With the teams, we rotate and handle different specialty court assignments. We have two investigators. We are lucky to have one social worker and six support staff.

This flowchart is a little different from the funnel that you have seen a few times today. To point out, it is the same information you have heard throughout the day. The points that are the dark red highlight, that is where we are present. I wanted to highlight the front end of the process. We are not around hopefully—if Washoe County's requests regarding counsel during the interrogation process, then we would be around earlier in the process—but for now, we are present at all of the hearings that are highlighted. Those do not mean that those are one hearing and done, oftentimes we are returning to court multiple times. We are in court when you are. Oftentimes when I have attorneys in our downtown adult office ask about the differences between adult and juvenile, and even over the years of my career, the numbers have gone down because of positive juvenile justice reforms and diversions, but we are in court a lot. You can see all these types of hearings and there are more reporting requirements and hearings that are set which are all positive things, but we are in court quite a bit.

Some specialty courts that our office handles include drug court that meets weekly. I handle that specific calendar. We have Juvenile Sex Offense (JSO) calendars, each district court judge has their own handling that. As mentioned, we have the Dual Calendar which are kids who are both in CCDJJS and Family Services. That is a really important calendar because those kids have both their Children's Attorney Project (CAP) attorney and their public defender present, and their whole team is present which is a way that we can get all of the information and the team approach. I feel like a lot of feedback since we have started this is that kids feel really empowered, and they feel they are part of this process so that is always a positive for us as their counsel. There is also a domestic violence program, but we do not appear in that because there is not any, it is like a check-in court but that is something that our courts in Clark County do. Then DAAY court, which we have an attorney present, and that court meets weekly as well.

I have presented two different times in front of the interim Committee, and I always present our statistics on certification cases and JSO cases which are significantly higher than what you have seen up North. The certification numbers have stayed relatively static and then JSO cases have decreased a bit over the last few years. When looking at the racial disproportionality of our certification cases. I know Assistant Director Whelihan had some breakdowns regarding overall cases. This is a breakdown based on my own record keeping of the cases, so this is not all of the certification cases but the certification cases that our Office is appointed to with the 2023 and 2022 data. If you look compared to what our Clark County population is, there is over proportionality for our Black youth and our Hispanic youth, 44 percent of all certifications in 2023 and then 50 percent in 2022, when the census data is about 13.8 percent. There is a huge issue with the disproportionality. Again, certifications are when the State is seeking to get kids escalated into the adult system so this is a serious issue, obviously.

Just to talk about the—I know other presenters have done so—reviews from 2023 as Washoe County as presented, we do not have any data or anything to discuss because the law that prohibits law enforcement from making false statements does not go into effect until July 2024; we are hoping to have more information on AB 193 (2023) in the future, Senate Bill 411 (2023) did create autism programs. I am not sure if any other programs have been developed in the State, but ours is still doing well, and we are offering services to kids and more importantly to their families. Then SB 415 (2023), this was the law that set

probation term maximums. This was something that I was proud of during the 2023 Session as our State did not have any set terms so kids as young as 10 and 11 could have been placed on probation until they were 21 for really minor offenses. That is such a positive change for us. Of course, I think the District Attorney from Washoe County said there might need to be things revisited with this, and I agree with that. Sometimes laws go into practice, then you see things that might need to be tinkered with, but overall, a net positive and looking forward to working with our justice partners on that.

Looking ahead in 2025, one request that our Office would have is to request legislation that limits unclothed searches or also known as "strip searches" of kids at local detention facilities, regional facilities for the treatment, and rehabilitation of children and State facilities. I put all three of those facilities, and I will get to that in my next session, but throughout NRS all the different facilities are defined very differently. Local detention facilities are like our juvenile detention or Jan Evans Juvenile Justice Center up north. Then regional facilities like SMYC and CSYC where kids are still on probation when they are at those facilities. Then you have the State facilities where kids are committed and ultimately when they finish the commitment, they are on State parole. Our Office would like to deal with this issue and provide for a law that affects all of the facilities, so there is consistency within our State. In researching for this, I did note there is a DCFS policy that is close to matching the American Bar Association (ABA) 2020 Resolution (Agenda Item XIII B-2), that urges local, state, and federal governments to prohibit strip searches. I did not see any such policy for any other facilities so I do think for consistency, I think that whatever county a kid is from and whatever facility he goes to, whether it is detention or a regional or State facility, I think he or she should have those protections. The ABA 2020 Resolution is included as a supplemental material for this presentation, so you can review that. I do not need to go over that in detail, but it does list some of the limitations, a last resort that a strip search should be used. One of the primary reasons is that obviously it is triggering for any kid, particularly kids that are in their adolescence and are particularly sensitive about their bodies and those issues. It is also an extra layer of trauma for kids who are victims of sexual abuse. Sadly, a lot of kids in our system are so that is another layer of trauma that we are adding on. If there is anything, I think we need a consistent law prohibiting or limiting what can be done in those circumstances.

Also, to tie a piggyback onto that and trying to focus on consistency within our NRS. The beginning years of my practice in delinquency court, we had one district court judge and with one district court judge it meant we all knew what to expect. We all knew what his interpretation of the laws were, and we had a way of doing things. Since his retirement, we have had different district court judges, we now have two district court judges that will be rotating out. New judges means new interpretations of the law, new policies, new procedures based on existing law and it has been a really good opportunity for us all, as part of the system, to take a look, go to NRS, and see what needs to be worked on because a lot of those statutes have not been amended since 2003. I think it is an excellent opportunity to take a look and focus on the consistency. For example, when looking at statutory and due process requirements for both commitments to State facilities and placements at regional facilities, the requirements for those two things are different, the effect on a child is the same. The child is removed from home and placed at a camp for six to nine months, which is a probation facility, or he or she is placed at a State commitment facility for six to nine months. The process to get that child the court process and the due process should remain the same. They should be entitled to a hearing, they should be entitled to having reports completed, but NRS is not consistent in that way. This is not a criticism of any department, probation facility, or State facility. It is us wanting to make sure that our clients, our kids, have the same process when they are getting removed from home and getting placed at a camp or a State facility.

Then lastly, this goes back to my data about the certifications. We would like to reduce the number of children certified to the adult system. There was testimony earlier today, or a presentation about the facility up north that houses kids under 18 and there is positive things about that facility. I do not doubt that there are, but I do not see that as a "net positive" and I still think we need to get kids out of those facilities, kids under 18, and I think that means taking a look at our certification statutes. Current law allows for certifications of 14-year-olds and 15-year-olds for most felony offenses so it can be something that is a nonviolent offense and theoretically the State could seek certification. Yes, it is true, the presentations earlier, that ultimately it is a court's decision to certify, but the discretion ultimately lies with the State. It is pretty unfettered discretion for them to be able to decide which cases to put in front of the court. If we could limit those age ranges and move it up to 16-years-old, and perhaps limit the type of offenses where the prosecutor's office can seek certification to violent offenses only including firearm offenses, and then also prohibit the State from seeking certification for first-time offenders. I did not include that as data, but I can provide it if needed. Looking at the past few years, there is a significant amount of the kids that are coming in on their first petition, their first touch with law enforcement, and the State is seeking certification. Those kids do not have any prior community services, and they do not have any prior probation services. I think that is an area where we can close the loophole and that hopefully in reducing these types of numbers that would also affect the disproportionality discussed before. I wanted to co-sign what all of the other partners have talked about needing more mental health services and community services and certainly support Washoe County defender priorities as well. Thank you.

Vice Chair Scheible:

Thank you both for your presentations. Are there questions here in Las Vegas?

Senator Harris:

Could you tell us a little bit about, I think you might have to speculate, but do you know what is causing the disparity in certifications? I know we may have a disparity in arrests and maybe a disparity in the offenses, but theoretically that disparity would not persist to certifications because we have already seen the disparity in the arrest, so we would expect at least a proportionality in the certifications there. Do you have any idea why there tends to be more certifications for certain children versus others?

Ms. Fraser:

Candidly, I anticipated this question. It is hard for me to really answer it knowing, as you said, it is speculative and looking at the data that Assistant Director Whelihan presented there is disproportionality from the get-go. Of course, to your point, there is going to then be disproportionality at every level. I do not know if it is because obviously there is implicit bias issues over policing in communities. I think it is probably not one issue. I think it would be interesting, and I did not get a chance to look at the data that was presented in that 65 page report about the different offenses and to see where that disproportionality is because to be fair, the majority of the certifications that the State is seeking are offenses that include firearms. It is usually robberies with firearms, that is the vast majority, so I would like to look at that data for robberies without firearms to see. I am not really answering the question because I do not know, that is frustrating for me because I presented this data the past three times, and it is the same data. I do not know how we get to that answer. So, I apologize.

Senator Harris:

No apologies needed; it is not a simple question. One thing I would like to possibly see is some understanding of what percentage of eligible certifications are certified by race. Then we can take out the disparity on the arrest side to say, you have got a pool of 100 people who are eligible for certification, and are we filing for certification on some more aggressively than others? Then that can give us a view into the area of the justice system in which you sit and not some of the others. That might be something you might want to look at, all of the eligible certification offenses regardless of what the composition of the mix is and then how that reflects, when the choice to certify is actually made. That might give you a bit of insight. I would love to see those numbers if you are able to find them.

Ms. Fraser:

Yes, definitely. Thank you.

Vice Chair Scheible:

I do not see any other questions here in Las Vegas. We will go to our colleagues online. If anybody has a question, go ahead, unmute and ask it.

Assemblyman Gray:

With regards to youth registering as sex offenders, I have a real hard time with that—should it be something that follows them the rest of their life, probably not if they do not recommit a crime. I am wondering, is there any attention paid to the type of crime? There are these like Romeo-Juliet offenses or are these actual rapes? Are they 15-year-olds on 2-year-olds? I have a flashback to when I was a kid, we had a very, very, young juvenile offender on our street, that predates obviously Megan's Law, and all the registration with the Adam Walsh Act, and all that stuff—as a parent, I want to know and I do not care how old an offender is—I want to know they are in my neighborhood, and what I have to do to protect my child. I am wondering if as they go forward looking to 2025, if they would be more amenable to something where, if they do not reoffend before they turn 21. They could be [inaudible]. My gut is telling me that a lot of the other proposals are going [inaudible]. I hope.

Ms. Cook:

You were breaking up during asking the question, but I believe I got the gist of the question. In terms of registration, it would be for any child who is 14-years-old or older and they are adjudicated for a sex offense that would be a felony if it were to be committed by an adult. It could range from whether it is a 14-year-old and a very young child to anywhere in between. In terms of the requirement to register that is, something that could potentially follow the child into adulthood. There are procedures in place where they can petition to be removed from the registration after a period of time, but it is not automatic. I am not sure if you we are thinking of it being automatic if there were no further referrals or if it would have to go through the court process. Ultimately based off of the research by mental health professionals, they indicated that a lot of the times individuals do have these concerns for community safety reasons, but evidence-based assessments indicate there is not actually any increase in community safety based off of offender registration and community notification. When in fact, the best thing to do to ensure ongoing community safety is to ensure that appropriate treatment and community interventions and services are in place.

Assemblyman Gray:

Can we get copies of those statistics and reports? I would really like to see those and digest them for myself. You have referred to them a couple of times, but going forward I would like to see them.

Ms. Cook:

I would be more than happy to provide them. They were provided to us by Robert Stuyvesant, he is a very esteemed evaluator that we utilize a lot in Washoe County, who is a licensed mental health provider and does the majority of our sex offender specific evaluation, psychosexual evaluations, and then any recommended treatment thereafter.

Assemblyman Gray:

Ma'am, you just threw out that the study that was done locally, and I am assuming the study population was minimal. Is there anything national that bears this out? I do not think that the study population would be big enough to draw a correlation to where we look at changing systems that I feel protects the public. I think a lot of my fellow legislators will protect the public, or at least give them the opportunity to protect their children. I do not think one study by one local researcher would be enough to move forward on that.

Ms. Cook:

I apologize if there was any confusion. It was not a local study. The provider is someone who provided the information to the stakeholders in Washoe County, but it was done by the American Association for the Treatment of Sexual Abusers.

Assemblyman Gray:

I would really, really, really like to see that study and read it. Madam Chair, that is all I have. Thank you.

Senator Krasner:

I appreciate Assemblyman Gray's question, which brought up a question to me. If a juvenile who is a rapist and has been convicted of rape is not required to register with this new law proposed, how does a parent who is looking for a babysitter for their kid—right now they might say, let us do our due diligence and we are looking for a babysitter for our child and see if they are a registered sex offender. Oh, they are not, and then they entrust their child to a rapist because there is no—I mean that is a concern. Any thoughts on that?

Ms. Cook:

In terms of juveniles, they would not be convicted; we do not convict children of crimes. If they were adjudicated, it is not considered to be the same as a conviction as it would be for an adult in addition to that, there are certain requirements that would remain in place, for example, they would be required to participate in the treatment, they would be required to be supervised for at least three years, and there are probationary terms—standard terms and conditions of probation—when adjudicated for a sex offense specifically include “not to have babysitting authority over children.” That is something that is already in place that they are not able to do as a part of the adjudication for that type of offense.

Vice Chair Scheible:

All right. Any other questions? I am not seeing any, but I do have one or two questions. The first one is about the diversion process. I am wondering, and I apologize, I know that we discussed this during session. I cannot remember up north in Washoe County. Is there a Harbors facility or an equivalent?

Ms. Cook:

I do not know if Director Florez is making her way up. We do not have the same diversion programs and courts and whatnot that are available in Clark County.

Ms. Florez, Previously Identified:

We do not have the equivalent of brick-and-mortar Harbors. However, our processes and our policies are such that we do still attain diversion through our case management practices. It is unique from the Harbors, our process in Washoe County, as you might recall from the volume of cases that Clark County receives relative to Washoe County. They are such that we are able to manage those diversionary efforts based on our capacity within our Agency. I am not sure if that answers the question.

Vice Chair Scheible:

It does. Thank you. Because my question is about that diversion process, and I think that your graphic, Ms. Fraser, is really helpful to point out how the public defender only gets involved in this one portion of the process, which I am struggling myself with whether that is a good thing or a bad thing. On the one hand, we want to keep kids out of the actual criminal justice system, but then I am also concerned they are doing things like interviews with probation officers without an attorney present. In my limited experience, sometimes it seems like parents are expected to step into that role. Instead of appointing a kid an attorney, we say your parent has to be there. I am wondering if there are steps in the process where you think that counsel needs to be appointed, that we need some other type of professional appointed, or whether there are other problems with the justice system, and I have identified a nonproblem.

Ms. Fraser:

That certainly is an issue that would "flag out" for any attorney. I do know that there are steps or processes where probation recognizes that at least through the Harbors and other diversion programs in the county because even before the Harbors was created, there were diversion programs and kids are not interviewed by probation about the offense, asked to admit, or waive any rights. There are protections that are kind of embedded. Ultimately the Harbors is voluntary, if a kid or his parent want to go forward with the court process, they can do so and then we step in. We have even done that through a memorandum through our restorative justice, our Office with the District Attorney's office, as well as, in the dual status. There is a process where within 72 hours a Multidisciplinary Team (MDT) meeting and there is an understanding from all parties that the child is not to be asked about the offense, and we all recognize that thankfully. I am invited to the table at those meetings and can address those concerns, and they are respected.

Vice Chair Scheible:

That makes me feel better too. Ms. Cook, I do not know if you wanted to weigh in or not understanding that it is different up in Washoe County.

Ms. Cook:

It is very different in Washoe County. In my experience, if there ever is any issue in a meeting between the probation assessment unit, let us say, and they are in an initial meeting with the child, the officer will terminate the meeting and advise the child wanted to have the ability to speak with counsel before proceeding regarding moving forward with any sort of potential informal sanctions or anything else.

Vice Chair Scheible:

All right. Thank you for answering my questions and all of our questions. I do not see any other questions at this point. Thank you for your presentations, that will conclude this agenda item. That takes us to our final agenda item, which is our second public comment session.

AGENDA ITEM XIV—PUBLIC COMMENT

Vice Chair Scheible:

As a reminder, anybody who wishes to give public comment is invited to do so now. We have public comment available in person and over the phone; you will each be limited to two minutes. We will start with anybody in person here in Las Vegas, but I do not see anybody coming to the table. We will go back up to Carson City for anybody wishing to give in-person comments come on down to the table.

Tonja Brown, Previously Identified:

I just want to give you a kind of an update on what has been happening since the last session, and what I have done. In 2011, the district court judge and the Supreme Court dismissed a petition for exoneration because they lack jurisdiction because Nevada has no laws to grant a petition for exoneration unless the law is created. During the 2019 Legislative Session, a petition for factual innocence posthumously was presented and never made it out of Committee. During the last interim session of this Committee, I brought to your attention, the need to allow the families of those whose loved one passed away, to be given the opportunity to exonerate their loved one by establishing a petition for factual innocence posthumously. This Committee did not accept a recommendation. On September 20, 2023, the Nevada Pardons Board unanimously voted to hear posthumous pardons; however, due to the lack of resources, they were unable to hear factual innocence posthumous pardons. In 2018, the Washoe County District Attorney's Office established the Conviction Integrity Committee (CIC) Unit to look into wrongful convictions where I submitted my brother's case for review and it was denied a review. In 2022, Ms. Anne-Marie Grant had put in for a public records request with the CIC on the cases they had reviewed. The records request revealed discrimination, bias, prejudice and who gets a thorough review and who does not. When an applicant claims a Non-Brady violation, the CIC provides a thorough investigation of the case, but when the applicant claims Brady violations review then no review was given. Based on this newly discovered evidence that was provided to Ms. Grant, I was able to file a complaint with the Sparks Police Department and Washoe County's Sheriff's office. These law enforcement agencies submitted the complaint along with the evidence that supports the practice and pattern of the CIC was not followed. I was discriminated against by the CIC because I claimed and provided evidence of Brady violations by their fellow assistant district attorneys in my brother's case. The OAG will be looking into the CIC and their practice and patterns within the CIC. It should be noted that the Nevada Supreme Court cases are not current, and this does affect decision-making in cases dealing with CICs in Washoe and Clark Counties when they are

reviewing wrongful convictions. We ask this Committee to consider this for a recommendation. Then in 2016, through the American Criminal Justice Association (ACJA), it was established that if a person through public comment brings it to you as a recommendation, it has been heard, presented, and vetted and can be accepted as a recommendation without giving a presentation to the Committee. We ask that you do that. Thank you very much and have a wonderful weekend.

Vice Chair Scheible:

Thank you and you too. I do not see anybody else coming to the table for public comment. We will go to the phones for public comment.

Brooke Malah, Unidentified, Resident:

Hello. I was noting in the testimony earlier about the domestic violence and that there are educational systems that are potentially available in through the schools and that these systems are unfortunately not being conducted well within our school. If you look at the Curriculum Standards for Health that the Department of Education has, in 2020 we passed a very good curriculum standards that would include talking about abusive relationships and abuse from kindergarten through grade 12. Many of the school districts are not embracing these kinds of educational systems in part, because many of the school districts want to lump that in with the idea of sex education, which of course has been extremely fraught with diverse opinions as to whether sex education ought to be even taught in our schools despite the regulation, mandating it. What I really ask this group to do is to be able to get with the caucuses and reach across the aisle and be able to come up with some sort of matter of addressing these kinds of issues. To address relationship abuse, interpersonal violence, and as well as sex trafficking, which can be taught within the health curriculum and should be taught within the health curriculum. It does not have to be within the sex education curriculum, it can be within the health curriculum [inaudible]. Reach across the aisle, come up with some sort of joint methodology to embrace the teaching of these issues within our school systems. That is the only way we are going to be able to affect change. It must be done, and it must be done on a bipartisan level. Otherwise, all the work we are talking about with, detainee kids, putting them into juvenile justice, all the things that the Judiciary Committee is trying to do, it will continue to have that revolving door with the justice system and you will be unable to, curb the numbers of victims that we have out there. We are failing our youth by not working across the aisle and coming up with a way to be able to teach our kids. So, thank you very much.

Vice Chair Scheible:

That brings us to the end of public comment. At this point, we are ready to move on to the last item on our agenda, which is adjournment. Our next meeting will be on Friday, May 31 at 9 a.m. Between now and then we look forward to working with all of our partners on these issues.

AGENDA ITEM XV—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:04 pm.

Respectfully submitted,

Jen Jacobsen
Research Policy Assistant

Diane C. Thornton
Deputy Research Director

APPROVED BY:

Assemblywoman Brittney Miller, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item IV	Nicole E. Reilly, Ombudsman, Office of Ombudsman for Domestic Violence, Sexual Assault, and Human Trafficking, Office of the Attorney General	PowerPoint Presentation
Agenda Item V A-1	Elizabeth Abdur-Raheem, Executive Director, Nevada Coalition to End Domestic and Sexual Violence (NCEDSV) Serena Evans, Policy Director, NCEDSV	PowerPoint Presentation
Agenda Item V A-2	Elizabeth Abdur-Raheem, Executive Director, NCEDSV Serena Evans, Policy Director, NCEDSV	Map
Agenda Item V A-3	Elizabeth Abdur-Raheem, Executive Director, NCEDSV Serena Evans, Policy Director, NCEDSV	Report
Agenda Item V B	Liz Ortenburger, Chief Executive Officer, SafeNest	PowerPoint Presentation
Agenda Item V C	Lauren Boitel, Co-Founder, Nevada Policy Council on Human Trafficking (NPCHT)	PowerPoint Presentation
Agenda Item VII	John McCormick, Assistant Court Administrator, Administrative Office of the Courts, Supreme Court of Nevada	PowerPoint Presentation
Agenda Item VIII	Greg Flores, Sergeant, Las Vegas Metropolitan Police Department	PowerPoint Presentation
Agenda Item IX	Maria Janos, Social Services Chief III, Family Programs Office, Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS)	PowerPoint Presentation

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item X	Tiffany Greenameyer, Deputy Administrator, Administrative Services, DCFS, DHHS	PowerPoint Presentation
Agenda Item XI A	Michael Whelihan, Assistant Director, Department of Juvenile Justice Services, Clark County	PowerPoint Presentation
Agenda Item XI B	Elizabeth B. Florez, Director, Juvenile Services, Washoe County	PowerPoint Presentation
Agenda Item XII A	Brigid Duffy, Director, Juvenile Division, District Attorney's Office, Clark County	PowerPoint Presentation
Agenda Item XII B	Shelly Kay Scott, Chief Deputy District Attorney, Juvenile Division, District Attorney's Office, Washoe County	PowerPoint Presentation
Agenda Item XIII A	Stephanie Cook, Chief Deputy Public Defender, Juvenile Department, Public Defender, Washoe County	PowerPoint Presentation
Agenda Item XIII B-1	Jennifer Fraser, Chief Deputy Public Defender, Juvenile Division, Public Defender, Clark County (CCPD)	PowerPoint Presentation
Agenda Item XIII B-2	Jennifer Fraser, Chief Deputy Public Defender, Juvenile Division, CCPD	Resolution

The Minutes are supplied as an informational service. All meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/Library/About/Contact/feedbackmail.cfm>.