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## Advisory Committee on the Rights of Survivors of Sexual Assault Legislative Report September 1, 2020

In Nevada, one reported rape occurs every 4 hours, 8 minutes and 23 seconds<sup>1</sup>. During the 2019 Legislative Session, Assembly Bill 176 (AB176) enacted the Sexual Assault Survivors Bill of Rights, an important step to empower and support survivors during a moment many feel powerless and victimized. AB176 enumerated certain rights held by survivors of sexual assault and required the Attorney General's Office (AGO) to create an easily understood document explaining those rights and offering resources. One of the rights survivors may now exercise is the right to consult with a sexual assault victims' advocate during any forensic medical examination and any interview by a law enforcement officer or prosecutor.<sup>2</sup>

During legislative discussion on the bill, a question arose about the meaningfulness of this right if not enough advocates are available. If no advocates are available to a survivor, how effective is it to guarantee in statute a right to consult with an advocate? Thus, AB176 established the Advisory Committee on the Rights of Survivors of Sexual Assault (Committee). Among other duties, the Committee should examine "[w]hether a need exists for additional sexual assault victims' advocates for survivors. . . ."<sup>3</sup>

### I. Establishing the Committee

By law, the Committee is comprised of 15 members representing specific viewpoints.<sup>4</sup> The following people are statutory members of the Committee:

- Aaron D. Ford, Attorney General;
  - Charles Daniels, Director of Nevada Department Of Corrections;
  - Scott Tracy, Deputy Chief, Sparks Police Department, representing a law enforcement official appointed by the Nevada Sheriffs and Chiefs Association;
- and

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<sup>1</sup> *Crime In Nevada 2019 Annual Report*, page 35 available at: <https://rccd.nv.gov/uploadedFiles/gsdnv.gov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>.

<sup>2</sup> Assembly Bill 176, Section 17

<sup>3</sup> Assembly Bill 176, Section 33

<sup>4</sup> Assembly Bill 176, Section 32

- Nicole Hicks, Chief Deputy District Attorney, Washoe County District Attorney's Office, representing an attorney appointed by the governing body of the State Bar of Nevada.

Attorney General Ford also appointed the following people as members of the committee in accordance with the statutory membership requirements:

- Serena Evans, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence, as a representative of victims' rights organization;
- Kim Murga, Forensic Laboratory Director, Las Vegas Metropolitan Police Department, as a representative of a forensic laboratory;
- Holly Ramella, CARE Coordinator, Jean Nidetch Women's Center, University of Nevada, Las Vegas, as a representative of an NSHE institution whose duties include direct services to victims of sexual assault;
- Karlah Ramirez-Tanori, Crisis Intervention and Prevention Director, Sierra Community House, as a representative of sexual assault survivors residing in Nevada;
- Holly Reese, Manager of Community Engagement, The LGBTQ Community Center of Southern Nevada, as a representative of an organization providing services to LGBTQ persons;
- Debbi Robison, BSN, RN, SANE-A, SANE-P, FNE, Northern Nevada CARES/SART Program, as a representative who is a nurse examiner specializing in forensic sexual assault examinations;
- Lovana Dressler, Victim Services Coordinator, Reno-Sparks Indian Colony, as a representative of an organization providing services to minority communities;
- Daniele Staple, MSW, Executive Director, Rape Crisis Center Las Vegas, as a representative of a center of support for victims of sexual assault;
- Chrissy Moresi, RISE, as a member at large;
- Shannon Harris, Victim Advocate, City of Mesquite, as a member at large; and
- Traci Trenoweth, SARA/Volunteer Coordinator, Advocates to End Domestic Violence, as a member at large.

The Committee membership represents a wide array of expertise and diverse perspectives from across the state. Many other stakeholders, members of the public, and AGO staff also participated in Committee meetings.

One of the first tasks of the Attorney General's Office and the Committee was creating and publishing a document that explained the new and existing rights for survivors of sexual assault, including rights related to interviews with law enforcement officers and prosecutors, forensic medical examinations, and sexual assault kits. After researching similar documents in other states, AGO staff presented recommendations for the document to the Committee. The Committee provided expert feedback and further research. A draft of the document was reviewed by a fifth-grade teacher to assess the reading-level of the document. The final Bill of Rights document was published in

English and Spanish on the AGO website and distributed to law enforcement agencies, service providers, and other community organizations.<sup>5</sup>

The Committee also discussed the need for more advocates in Nevada to ensure every survivor of sexual assault has an advocate available to them. There is no statewide organization that provides sexual assault services. Service providers operate in their own communities. While a community-based response is best tailored to the needs of a particular area, it does pose a challenge for both data collectors and for survivors looking for a “one-stop-shop” for available services. Fortunately, the Committee includes many experts in this area. Using the expertise of the Committee members and available statewide data, the Committee was able to determine the scope of the need for advocates, existing resources, and the need for additional advocates so that no sexual assault survivor has to be alone when seeking justice or healing.

## II. Scope of Need for Advocates

### **Forensic Medical Exams**

Survivors have the right to an advocate during a sexual assault forensic medical exam.<sup>6</sup> A forensic medical exam is defined by NRS 217.300(5) as “an examination by a health care provider to obtain evidence from a victim of sexual assault.” A forensic medical exam is conducted by sexual assault nurse examiner (SANE), a registered nurse with specific training on how to collect evidence from a person’s body. These exams can take several hours and can include explaining the purpose of the exam to obtain informed consent; identifying injuries and applying appropriate medical treatment; interviewing the patient about their medical history, including a detailed description of the assault; taking photographs of the patient’s body; thoroughly examining a patient’s body, internally and externally; collecting foreign and biological specimens from a person’s body; collecting blood and urine samples from the patient, particularly in cases of substance-facilitated assaults; and providing testing and treatment for the prevention of sexually transmitted infections and pregnancy as a result of the assault, including HIV prophylaxis and emergency contraception.<sup>7</sup> Sexual Assault Kits (SAKs, also known colloquially as “rape kits”) are collected during the forensic medical exam.

These exams are physically and emotionally invasive, yet most effective when conducted soon after an assault when a person is physically injured and recently traumatized.

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<sup>5</sup> *Sexual Assault Survivors Bill of Rights*, Nevada Office of Attorney General, available at: the [http://ag.nv.gov/Hot\\_Topics/Advisory\\_Committee\\_on\\_the\\_Rights\\_of\\_Survivors\\_of\\_Sexual\\_Assault/](http://ag.nv.gov/Hot_Topics/Advisory_Committee_on_the_Rights_of_Survivors_of_Sexual_Assault/)

<sup>6</sup> Assembly Bill 176, Section 17

<sup>7</sup> *A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents*, Second Edition, U.S. Department of Justice, Office on Violence Against Women, April 2013, available at <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

National protocols developed by the U.S. Department of Justice’s Office on Violence Against Women recognize the critical role an advocate can play to help a person understand this process, their rights, and services available to them during this time of crisis.<sup>8</sup>

In 2016, Nevada received the Sexual Assault Forensic Evidence-Inventory, Tracking and Reporting Program Grant (SAFE-ITR) from the Bureau of Justice Assistance. As a result of the SAFE-ITR project, Nevada now has a statewide program for survivors to track their SAK through collection, testing, and transfer to a law enforcement agency for investigation. This is an important tool for survivors, but also provides data for the Committee on the need for advocates present at forensic medical exams. From June 2019 to August 2020, 1,034 SAKs were collected and submitted to a forensic laboratory for analysis. See below for two charts demonstrating these numbers.

LEA County	Total kits collected	Burning Man Medical Facility	Carson Tahoe Specialty Medical Center	Clark County Coroner <sup>9</sup>	Morning Star Health Center	NE Nevada Regional Hospital	Nevada HealthRight
Carson City	17	0	11	0	0	0	0
Churchill County	12	0	0	0	0	0	0
Clark County	718	0	0	12	0	0	176
Douglas County	5	0	0	0	0	0	0
Elko County	28	0	0	0	4	18	0
Humboldt County	1	0	0	0	0	0	0
Lander County	1	0	0	0	0	0	0
Lincoln County	1	0	0	1	0	0	0
Lyon County	17	0	0	0	0	0	0
Mineral County	3	0	0	0	0	0	0
Nye County	20	0	0	0	0	0	4

<sup>8</sup> *A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents*, Second Edition, U.S. Department of Justice, Office on Violence Against Women, April 2013, available at <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

<sup>9</sup> Advocates are not needed for exams conducted by the Clark County coroner due to death of the victim.

Pershing County	2	1	0	0	0	0	0
Washoe County	208	0	0	0	0	0	0
White Pine County	1	0	0	0	0	0	0
<b>Total</b>	<b>1034</b>	<b>1</b>	<b>11</b>	<b>13</b>	<b>4</b>	<b>18</b>	<b>180</b>

LEA County	Total kits collected	Sunrise Hospital and Medical Center	University Medical Center	Washoe County Child Advocacy center	William B. Ririe Hospital	Outside Jurisdiction	Unknown
Carson City	17	0	0	6	0	0	0
Churchill County	12	0	0	11	0	1	0
Clark County	718	75	418	0	0	37	0
Douglas County	5	0	0	5	0	0	0
Elko County	28	0	0	0	0	6	0
Humboldt County	1	0	0	1	0	0	0
Lander County	1	0	0	0	0	0	1
Lincoln County	1	0	0	0	0	0	0
Lyon County	17	0	0	17	0	0	0
Mineral County	3	0	0	3	0	0	0
Nye County	20	4	11	1	0	0	0
Pershing County	2	0	0	0	0	1	0
Washoe County	208	0	0	207	0	1	0
White Pine County	1	0	0	0	1	0	0
<b>Total</b>	<b>1034</b>	<b>79</b>	<b>429</b>	<b>251</b>	<b>1</b>	<b>46</b>	<b>1</b>

An average of 70 exams are conducted each month, though monthly totals vary widely. Approximately 70 percent of exams occur in Clark County, 20 percent in Washoe County, and the remainder in rural counties.

Ideally, an advocate would be present 24 hours a day at each of the seven major medical facilities: Carson Tahoe Specialty Medical Center (Carson City) Northeast Nevada Regional Hospital (Elko), Washoe County Child Advocacy Center (Reno), William B. Ririe Hospital (Ely), Nevada HealthRight (Las Vegas), Sunrise Hospital and Medical Center (Las Vegas), and University Medical Center (Las Vegas). If four advocates, either advocates from community-based organizations or advocates based in medical facilities, were “on call” per day at each of the seven major medical facilities, the state would need 28 advocates on a daily basis. This does not include advocates at the other, less frequently used facilities, such as the Burning Man Medical Facility or Grover C. Dils Hospital in Caliente.

The chart reflects an additional problem for sexual assault survivors: the lack of a medical facility capable of collecting a SAK in their county. It is clear that many survivors traveled for what could have been hours to a medical facility. A 2018 report from the Nevada Coalition to End Domestic and Sexual Violence shows survivors in other counties often travel great lengths to receive a forensic medical exam.<sup>10</sup>

- Survivors in Churchill County travel to the Washoe County Child Advocacy Center;
- Survivors in Douglas County travel to the Washoe County Child Advocacy Center;
- Survivors in Esmeralda County travel to facilities in Clark County;
- Survivors in Eureka County travel to William B. Ririe Hospital in Ely;
- Survivors in Humboldt County travel to the Washoe County Child Advocacy Center;
- Survivors in Lander County travel to the Washoe County Child Advocacy Center;
- Survivors in Lincoln County travel to Grover C. Dils Hospital in Caliente;
- Survivors in Lyon County travel to the Washoe County Child Advocacy Center;
- Survivors in Mineral County travel to the Washoe County Child Advocacy Center;
- Survivors in Nye County travel to the Washoe County Child Advocacy Center and several different facilities in Clark County;
- Survivors in Pershing County travel to the Washoe County Child Advocacy Center; and
- Survivors in Storey County travel to the Washoe County Child Advocacy Center.

The lack of SANEs in rural counties presents a significant problem for survivors and law enforcement. After an assault, a person’s body is treated as though it is a crime scene containing evidence, meaning it must be preserved from disruption. Survivors are discouraged from washing, bathing, showering, changing clothes, using the restroom, smoking, eating or drinking, brushing their hair or teeth, or rinsing their mouth as it may

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<sup>10</sup> *Sexual Assault Response in Nevada Analysis Report 2018*, Nevada Coalition to End Domestic and Sexual Violence, available at <https://www.ncedsv.org/portfolio/sexual-assault-response-in-nevada/>

destroy evidence.<sup>11</sup> Asking a survivor to avoid any of these self-preservation activities, particularly during a time of trauma, for many hours and while traveling is an incredible burden on the survivor. The travel time from some towns to a medical facility capable of performing an exam can also affect the quality of evidence. While in Nevada a forensic medical exam can be performed up to seven days after an assault, the best opportunity to collect evidence for law enforcement is 72 hours after the assault took place, and even less in cases of oral sexual assaults.<sup>12</sup>

As of 2018, there were 16 SANE nurses practicing in Nevada and an additional four in training.<sup>13</sup> The Nevada Coalition to End Domestic and Sexual Violence recommends the state 1) establish a telehealth program so a SANE-trained nurse could virtually walk-through and assist a local medical provider in collecting evidence; 2) establish a mobile SANE program so the SANE is traveling to the survivor, rather than the reverse; and/or 3) train and fund at least one SANE in every major medical facility in Nevada.<sup>14</sup> A wider availability of SANEs would greatly improve outcomes for survivors. It would also necessitate additional advocates to assist with forensic medical exams in rural areas. The Committee recommends the state adopt and fund at least one of these methods to increase the availability of SANEs to survivors in rural and frontier counties.

This data of SAKs collected does not reflect the number of exams that occur that do not result in a SAK being transmitted to the labs for testing of evidence. Survivors may choose to not have their SAK tested for several reasons. Survivors may have an advocate present during their exam, whether or not they proceed with filing a police report or submitting their kit for testing. The Committee solicited information from SANE facilities to determine the number of exams that are not transmitted for testing and discovered that approximately 3 percent of survivors choose to not submit their SAK for testing. This information indicates that an additional 30 forensic medical exams took place between June 2019 to August 2020 that would require advocates. But, organizations that provide advocacy services estimate that the number of survivors

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<sup>11</sup> *A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents*, Second Edition, U.S. Department of Justice, Office on Violence Against Women, April 2013, available at <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

<sup>12</sup> [http://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/2020-02-21\\_SA%20BILL%20OF%20RIGHTS.pdf](http://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/2020-02-21_SA%20BILL%20OF%20RIGHTS.pdf)

<sup>13</sup> 2018 SANE report *Sexual Assault Response in Nevada Analysis Report 2018*, Nevada Coalition to End Domestic and Sexual Violence, page 12, available at <https://www.ncedsv.org/portfolio/sexual-assault-response-in-nevada/>

<sup>14</sup> *Sexual Assault Response in Nevada Analysis Report 2018*, Nevada Coalition to End Domestic and Sexual Violence, page 12, available at <https://www.ncedsv.org/portfolio/sexual-assault-response-in-nevada/>

choose to not submit their SAK for testing could be as high as 20 percent, resulting in an additional 207 exams not counted in the previous 14 month total.

### **Interviews With Law Enforcement and Prosecutors**

Interviews with law enforcement officers and prosecutors are necessary to investigate and prosecute a sexual assault. By their nature, these interviews require asking questions about a person's assault and other intimate details of a survivor's life. Eight in 10 survivors know the perpetrator of the assault, requiring law enforcement to ask questions about the person's relationship to the perpetrator.<sup>15</sup> Law enforcement guidance recognizes sexual assault is "one of the most traumatic types of criminal victimization" and many victims are reluctant to report due to fear of not being believed, fear of retaliation from an offender who is a family member or friend, reluctance to accept what happened to them, or many other reasons.<sup>16</sup> But, law enforcement interviews in sexual assault cases are critically important for the investigation, often because the victim is the only witness to the crime.<sup>17</sup>

Advocates can help ensure interviews are conducted with dignity and sensitivity to the trauma that occurred, help survivors understand the purpose and format of law enforcement officers and prosecutors asking sensitive questions, and support the understanding that the survivor is not at fault for what happened to them. At the hearing for AB176, Committee member Chrissy Moresi testified that during the interview after her rape, police questioned the validity of her claims, she "became overwhelmed, filled with shame, and chose to deny the entire situation. No report was filed and [she] did not receive medical attention."<sup>18</sup> If Ms. Moresi had access to an advocate during her interview, her experience could have been drastically different, and the perpetrator could have been brought to justice.

Because every case is unique, it is difficult to estimate the number of interviews in which advocates would be needed. Law enforcement guidance suggests that police may need to

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<sup>15</sup> *Statistics About Sexual Violence*, National Sexual Violence Resource Center, available at [https://www.nsvrc.org/sites/default/files/publications\\_nsvrc\\_factsheet\\_media-packet\\_statistics-about-sexual-violence\\_0.pdf](https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf)

<sup>16</sup> *First Response to Victims of Crime: A Guidebook for Law Enforcement Officers*, U.S. Department of Justice Office of Justice Programs, page 43, available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/2010firstresponseguidebook.pdf>

<sup>17</sup> *First Response to Victims of Crime: A Guidebook for Law Enforcement Officers*, U.S. Department of Justice Office of Justice Programs, page 43, available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/2010firstresponseguidebook.pdf>

<sup>18</sup> Testimony of Chrissy Moresi in support of AB176, available at [https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=44514&fileDownloadName=AB%20176\\_Testimony%20in%20Support\\_Christina%20Moresi.pdf](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=44514&fileDownloadName=AB%20176_Testimony%20in%20Support_Christina%20Moresi.pdf)



conduct a preliminary interview, then transport a survivor to a medical provider for medical treatment and/or a forensic medical examination before conducting a more thorough interview.<sup>19</sup> Subsequent interviews may be needed if the survivor is unable to speak to law enforcement due to being in shock or under the influence of substances in the case of a drug-facilitated sexual assault.

The Committee estimates that each survivor may need an advocate for 4 interviews: two interviews with law enforcement and two interviews with prosecutors. This is an extremely rough estimate as some survivors may choose not to proceed with investigation and prosecution after one interview, and some may participate in lengthy investigations and even trials that require dozens of interviews over the course of years. The statutory description of “interview” also does not include a multitude of interactions with law enforcement, law enforcement, and court personnel in preparation for trial.

The Committee then determined the number of sexual assaults reported to police in Nevada every year using the Nevada Department of Public Safety, Records, Communications, and Compliance Division’s Uniform Crime Reporting Program’s annual publication, *Crime In Nevada* (UCR).<sup>20</sup> UCR data uses the term “rape,” as defined by “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim,” as well as assaults and attempts to assault.<sup>21</sup> This updated definition includes assaults perpetrated against males and females. It does not include statutory rape when no force was present.<sup>22</sup> It also does not include assaults limited to groping or fondling another person’s buttocks, breasts, or other body parts against their consent.

Two key data points are missing from this data. First, this data also does not include sexual assaults reported to police departments on tribal lands. As sovereign jurisdictions, tribal law enforcement agencies are not included in the UCR. The Department of Public Safety coordinates with tribal law enforcement agencies to share some information, such

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<sup>19</sup> *First Response to Victims of Crime: A Guidebook for Law Enforcement Officers*, U.S. Department of Justice Office of Justice Programs, page 47, available at <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/2010firstresponseguidebook.pdf>

<sup>20</sup> *Crime In Nevada* 2019 Annual Report, available at: <https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>

<sup>21</sup> *Crime In Nevada* 2019 Annual Report, page 19 available at: <https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>. Also, the UCR uses a hierarchy system for cases in which more than one offense occurs in an incident. Only the highest-ranking Part I offense is counted, meaning any murders that also involved sexual assaults will not be included in the rape category, only the murder category. See page 18 of the UCR for further explanation. While family members of murder victims often rely on advocates, the statute only applies to survivors of sexual assault.

<sup>22</sup> *Crime In Nevada* 2019 Annual Report, page 26, available at: <https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>.

as sex offender registration, but does not include report or arrest data from any tribal jurisdiction. The U.S. Attorney for the District of Nevada, which is the agency responsible for prosecuting sexual assault crimes occurring on tribal land, also does not receive reports of sexual assault or arrests made in connection to sexual assaults on tribal lands. The U.S. Attorney’s Office only receives information if a case is referred for prosecution. Information or statistics on reports of sexual assault that do not result in the arrest of the perpetrator and the decision of the tribal law enforcement to submit the case for prosecution are not provided to the U.S. Attorney’s Office. For 2019, the U.S. Attorney’s Office did not receive any referrals for prosecution for sexual assault, according to information provided to the AGO. Also, the UCR only includes data for counties that submit a full calendar year of report information to the Department of Public Safety. Douglas, Lincoln, and White Pine counties were not included in the 2019 UCR due to lack of complete information. Thus, the total number of rapes reported for 2019 and the per capita average is artificially low because it does not include this information.

Year	2015	2016	2017	2018	2019
State Population	2,890,845	2,940,058	2,998,039	3,034,392	3,004,165
Rapes Reported	1,686	1,725	1,865	2,319	2,116
Per Capita Average	.06	.06	.06	.08	.07

To better demonstrate the need for advocates in particular areas, please see below the number of sexual assaults reported by each law enforcement agency during the 2019 calendar year. Because Douglas, Lincoln, and White Pine counties were not included in the 2019 UCR, this chart substitutes the number of rapes reported and the population estimate in 2018 for those three counties. The total number for each county is represented in bold font.

Law Enforcement Agency	Rapes Reported <sup>23</sup>	Population Estimate <sup>24</sup>
<b>Carson City Sheriff's Office</b>	<b>47</b>	<b>56,151</b>
<b>Churchill County Total</b>	<b>11</b>	<b>25,832</b>
Fallon PD	0	9,184
Churchill County Sheriff's Office	11	16,648
<b>Clark County Total</b>	<b>1,661</b>	<b>2,293,391</b>
Boulder City PD	2	16,188
Clark County School District	0	N/A
College of Southern Nevada	0	N/A
Henderson PD	75	317,660
Las Vegas Metro PD	1,439	1,680,389
Mesquite PD	20	23,827
North Las Vegas PD	118	255,327
University Police Services	7	N/A
<b>Douglas County Sheriff's Office</b>	<b>13</b>	<b>49,070</b>
<b>Elko County Total</b>	<b>30</b>	<b>55,116</b>
Carlin PD	1	2,663
Elko County Sheriff's Office	11	26,785
Elko PD	18	21,199
West Wendover PD	0	4,469
<b>Esmeralda County Sheriff's Office</b>	<b>1</b>	<b>982</b>
<b>Eureka County Sheriff's Office</b>	<b>4</b>	<b>1,955</b>
<b>Humboldt County Total</b>	<b>1</b>	<b>17,079</b>
Humboldt County Sheriff's Office	1	9,176
Winnemucca PD	0	7,903
<b>Lander County Sheriff's Office</b>	<b>23</b>	<b>6,109</b>
<b>Lincoln County Sheriff's Office</b>	<b>5</b>	<b>5,225</b>
<b>Lyon County Total</b>	<b>23</b>	<b>56,497</b>
Lyon County Sheriff's Office	18	53,079

<sup>23</sup> *Crime In Nevada 2019 Annual Report*, pages 53-55, available at:  
<https://rccd.nv.gov/uploadedFiles/gsdnv.gov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>.

<sup>24</sup> *Certified Population Estimates of Nevada's Counties, Cities, and Towns, Estimates*, Nevada State Demographer, Nevada Department of Taxation, available at:  
<https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/TaxLibrary/Final%20Certified%20Popul%20of%20Nevada's%20Counties%20and%20Incorp%20Cities%20and%20Unincorporated%20Towns%202019.pdf>

Law Enforcement Agency	Rapes Reported	Population Estimate
Yerington PD	5	3,418
<b>Mineral County Sheriff's Office</b>	<b>1</b>	<b>4,730</b>
<b>Nye County Sheriff's Office</b>	<b>6</b>	<b>48,472</b>
<b>Pershing County Total</b>	<b>12</b>	<b>6,935</b>
Pershing County Sheriff's Office	11	4,950
Lovelock PD	1	1,985
<b>Storey County Sheriff's Office</b>	<b>5</b>	<b>4,258</b>
<b>Washoe County Total</b>	<b>290</b>	<b>469,801</b>
Reno PD	181	255,170
Sparks PD	76	102,543
Washoe County Sheriff's Office	33	112,088
<b>White Pine County Sheriff's Office</b>	<b>6</b>	<b>10,678</b>
<b>Statewide Agencies</b>	<b>1</b>	<b>N/A</b>

As the UCR demonstrates, the rate of rapes reported to police has risen, roughly in accordance with the growth in population. In the simplest estimation, if each survivor was interviewed four times, advocates would have needed to be available for 8,464 interviews in the last year. If every interview took an average of two hours, advocates would be needed for nearly 17,000 hours of interviews, or 46 hours per day, every day. If 8,464 interviews took place last year, that does not mean that 8,464 individual advocates are needed. Advocates can and do support survivors through multiple steps, some working with a single individual with every step in the process. Conversely, just because a county only reports one or a few assaults a year, that does not indicate only one advocate is needed. One advocate cannot provide 24-hour coverage, 365 days a year. Many rural counties are expansive, requiring advocates to travel great distances, potentially delaying an interview by several hours or even days if an advocate is not available.

### III. Existing Resources

The following chart reflects the most recent number of advocates in the state by service area.

Name of Organization	Service Area	Number of Paid Staff Advocates	Number of Volunteer Advocates	Total Number of Advocates
Sierra Community House (Crisis Intervention Services)	Incline Village and north Lake Tahoe area, (Washoe County)	21	1	22
Inter-Tribal Council of Nevada	Reno (Washoe County)	1	0	1
Crisis Support Services of Northern Nevada: Sexual Assault Support Services (Crisis Call Center)	Reno (Washoe County)	6	17	23
Safe Embrace	Reno (Washoe County)	2	0	2
Advocates to End Domestic Violence	Carson City	2.5 (one part time)	23	25.5
No to Abuse (Nevada Outreach Training Organization)	Nye County	4 in Pahrump, 1 in Tonopah	1 (Pahrump)	6
Committee Against Domestic Violence	Elko County, Eureka County, White Pine County	1	0	1
Winnemucca Domestic Violence Services	Winnemucca (Humboldt County)	3	1	4
Community Chest	Storey County, Lyon County	1	0	1

Name of Organization	Service Area	Number of Paid Staff Advocates	Number of Volunteer Advocates	Total Number of Advocates
Consolidated Agencies of Human Services	Mineral County	1	0	1
Family and Child Treatment of Southern Nevada	Clark County	2	1	3
Rape Crisis Center	Clark County	10	41	51
Bamboo Bridges	Clark County	11	0	11 <sup>25</sup>
WestCare Arizona	Laughlin, Searchlight, Cottonwood Cove, Cal-Nev-Ari (Clark County)	1	0	1
Nevada Office of the Attorney General	Statewide	2	0	2

Clearly, areas across the state do not have a single advocate available to survivors or share one or a few advocates in service areas that span hundreds of miles. Other areas may not have enough advocates for all of the exams and law enforcement interviews that take place.

### **Efforts to Increase Advocates**

One of the most important features of AB176 was providing \$300,000 in funding to recruit and train additional advocates.<sup>26</sup> It is important to note that funding cannot be used to hire and employ additional advocates.

The Attorney General’s Office established a team to review grant applications and awarded funding in the manner prescribed below:

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<sup>25</sup> This includes eight advocates that will complete training by the end of September and should be available to provide assistance starting October.

<sup>26</sup> During the 2020 Special Session, the Nevada State Legislature reverted \$150,000 for fiscal year 2021 funding to the General Fund. The AGO has submitted a work program to replace this funding with AGO settlement funds, subject to approval by the Interim Finance Committee.

Organization	Service Area	Award Total	Project Summary
Nevada Outreach Training Organization No to Abuse	Nye County	\$7,952	Advocacy recruitment and training
Nevada Coalition to End Domestic and Sexual Violence	Statewide	\$81,464	Sexual assault advocacy training development and delivery
Community Action Against Rape dba The Rape Crisis Center	Clark County and surrounding rural areas	\$178,536	Sexual assault advocacy training development and delivery

The exact correlation between AB176 funding and an increase of available advocates cannot be determined at this time. The COVID-19 pandemic drastically reduced the ability of organizations to recruit and train advocates due to travel restrictions and other social distancing requirements. Annual trainings and conferences were canceled and organizations planning on traveling to rural areas were forced to scale back plans.

Despite these setbacks, awardees still made use of funding to progress forward. For example, Rape Crisis Center used its funding to purchase a comprehensive online platform to design and build virtual advocate training resources. A full 60 hour training curriculum has been built and developed on the platform. The curriculum has been submitted to the National Advocate Credentialing Program to become an accredited training so graduates can apply for national advocate certification. The platform can accommodate up to 250 learners at any given time, and they may go through a variety of different classes. The first full advocate class trained through virtual streaming and the online platform resulted in twelve graduates. While Rape Crisis Center primarily operates in Las Vegas, the Center is also working with leaders in Nye and Lincoln counties to identify their needs for education and advocacy. Rape Crisis Center is in the initial stages of developing a training specifically for rural advocates in Nye and Lincoln to be used on the online platform.

The state of Nevada does not provide any other funding specifically for sexual assault services other than the Account for Aid for Victims of Domestic Violence (Marriage License). According to NRS 217.410, only counties with a population of 700,000 or more are eligible for funding, meaning only organizations in Clark County may access this account to fund sexual assault services, rather than domestic violence services. There are additional funding resources from federal grants, including STOP and SASP Violence Against Women Formula Grants, Victims Of Crime Act funding, as well as private funds. These funds, however, are limited in amount and scope. STOP grants, for example, include not only sexual assault but domestic violence, dating violence, and stalking, and has specific set-asides and categories, prioritizing funding to law enforcement and prosecutorial agencies, courts, as well as service providers to best meet the goals of that

grant program. STOP and SASP funding is also intended to “seed” new projects rather than provide a sustained funding stream. These requirements make it difficult for sexual assault service providers to rely on this funding to permanently employ advocates.

#### IV. Determining Gaps in Advocacy Needs

To put resources versus activity into context, please see the following chart comparing several metrics. As demonstrated in a previous section, Elko, Eureka, and White Pine counties share one advocate, and Storey, and Lyon counties share one advocate. For purposes of this chart, each of these counties is listed as having access to one half-time advocate.

County	Number of Rapes Reported to Police, 2019 <sup>27</sup>	Percentage of Population to Report Rape, 2019 <sup>28</sup>	SAKs June 2019 – August 2020	SANE Facilities in County	Advocates	Per Capita Advocate to Population
Carson City	47	.08	17	1	25.5	.04
Churchill	11	.04	12	0	0	0
Clark	1,661	.07	718	3 <sup>29</sup>	66	.003
Douglas	13	.03	5	0	0	0
Elko	30	.05	28	1	.5	.001
Esmeralda	1	.10	0	0	0	0
Eureka	4	.20	0	0	.5	.03
Humboldt	1	.01	1	0	4	.02
Lander	23	.38	1	0	0	0
Lincoln	5	.10	1	1	0	0

<sup>27</sup> *Crime In Nevada* 2019 Annual Report, page 26, available at: <https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>. 2018 data used for Douglas, Lincoln, and White Pine counties.

<sup>28</sup> *Crime In Nevada* 2019 Annual Report, page 26, available at: <https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>. 2018 data used for Douglas, Lincoln, and White Pine counties.

<sup>29</sup> This does not include the Clark County Coroner’s Office.



County	Number of Rapes Reported to Police, 2019	Percentage of Population to Report Rape, 2019	SAKs June 2019 – August 2020	SANE Facilities in County	Advocates	Per Capita Advocate to Population
Lyon	23	.04	17	0	.5	.001
Mineral	1	.02	3	0	1	.02
Nye	6	.01	20	0	6	.01
Pershing	12	.17	2	0	0	0
Storey	5	.12	0	0	.5	.01
Washoe	290	.06	208	1	48	.01
White Pine	6	.06	1	1	.5	.005

There is no magic number of advocates per population. Countless cities and states across the country have conducted needs assessments of services available to survivors and the need for collaboration between service providers, law enforcement, prosecutors, health care providers, community organizations, educational institutions, the faith community, and other entities relied upon by sexual assault survivors seeking support after trauma. Yet no jurisdiction to the Committee’s awareness has developed a formula to the appropriate number of advocates needed. Many jurisdictions, including some in Nevada, employ a Sexual Assault Response Team or SART. SARTs are multidisciplinary teams of prosecutors, forensic examiners, law enforcement officers, and victim advocates that coordinate an immediate and comprehensive response to a sexual assault, as well as meet regularly to develop protocols and guidance for crisis intervention and prevention.<sup>30</sup> Ideally, each jurisdiction would employ a robust SART with enough advocates for immediate and sustained support for each survivor. A SART, however, does not meet the needs of all survivors, particularly those who do not wish to interact with the criminal justice system.

At the very least, Nevada should aim for an equal proportion of advocates to people who report a sexual assault. The goal would be to provide a one-to-one experience of advocate per survivor to accompany a survivor throughout the criminal justice process and the healing process.

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<sup>30</sup> *Report on the National Needs Assessment of Sexual Assault Response Teams*, National Sexual Violence Resource Center, available at [https://www.nsvrc.org/sites/default/files/2012-03/Publications\\_NSVRC\\_Reports\\_Report-on-the-National-Needs-Assessment-of-SARTs.pdf](https://www.nsvrc.org/sites/default/files/2012-03/Publications_NSVRC_Reports_Report-on-the-National-Needs-Assessment-of-SARTs.pdf)

For reasons discussed above, this is a gross oversimplification of need. Many of the state's advocates are volunteers and cannot devote many hours of the week to advocacy, yet are considered advocates for the purpose of this assessment. Volunteers are an important resource of service with little cost to the state beyond training and travel costs. Some advocates cover multiple counties that span hundreds of miles. Also, forensic medical exams can only be performed in some counties, so advocates from rural counties with no SANEs would need to travel with survivors to a medical facility or more advocates in counties that perform forensic medical exams would be needed to cover for rural advocates who could not travel.

Of course, some full-time advocates can serve more than one survivor. According to VOCA reports, the Rape Crisis Center estimates its full-time staff advocates serve an average of ten clients per month. For some service providers, advocates serve as advocates for both domestic violence and sexual assault survivors, limiting their ability to work on sexual assault advocacy full-time. Also, many survivors seek advocates and services without ever reporting the assault to the police or receiving a medical exam, and thus would not be counted in the one-to-one assessment. Those survivors are no less needing or deserving of an advocate, even if not included in statistics collected by law enforcement.

Whether or not a survivor chooses to interact with the criminal justice system, survivors need advocates for many other services beyond their presence in law enforcement interviews and forensic medical exams. Many survivors struggle with caring for their basic needs. For some survivors, the physical and emotional trauma as a result of the assault affects their ability to obtain or maintain their employment, care for their children, and perform basic functions critical to their survival. A key resource provided by advocates is connecting survivors to services, such as health care services, mental health services and support groups, housing services, child care services, and social services such as TANF, SNAP, unemployment benefits, and WIC. Advocates commonly assist survivors with the Victims of Crime compensation application. Many survivors experience great fear as a result of their attack. Advocates assist survivors with safety planning, finding emergency shelter in protective housing, finding safe and stable housing if the survivor can no longer live in their home and for survivors experiencing homelessness, and applying for the confidential address program. Advocates assist survivors navigate the legal system, including helping the survivor file for protective orders against their perpetrator and connecting the survivor to legal services. For survivors in grade school or college, advocates help students with safety plans, changes of classes, credit retrieval, zone variances, transportation changes, and other school related issues for youth victims, helping them access chrome books and hot spots for distance learning. If the survivor is a child, advocates assist their parents navigate family law issues and accessing financial and basic needs assistance, particularly if the bread winner in the family is alleged perpetrator.

If a survivor does choose to pursue their case through the criminal justice system, advocates go above and beyond assisting in interviews with law enforcement and prosecutors, helping survivors navigate the criminal justice system. Advocates often provide trial preparation support, doing walk-throughs of the courtroom prior to trial so the survivor is more comfortable and providing support throughout the trial, putting in reservations to speak at sentencing, attending hearings or status checks on behalf of clients when they cannot be there to let them know what the update is, supporting survivors with writing their impact statements for sentencing, working with other family members who may want to speak at sentencing, talking through the process of hearings, trial, etc. with other family members, sitting with survivors and witnesses, sometimes for hours while they are waiting to speak at trial, and arranging meals and travel for survivors that come in from out of town to testify. For undocumented survivors, advocates often assist with the U-Visa application process and/or connecting the survivor with legal representation.

Given a one-to-one ratio of advocate to person reporting assault is ideal, the average rate of advocates needed per year subtracted by the number of existing advocates would determine the number of additional advocates needed. The rate of per capita reports can vary widely year to year and has the potential for one year to skew the calculations, particularly for less-populated counties. For a better estimate, the calculation below uses the statewide average rate of reports to population for the past five years, which is .066 percent, rounded below to .07 percent. vary widely year to year and has the potential for one year to skew the calculations, particularly for less-populated counties. For a better estimate, the calculation below uses the statewide average rate of reports to population for the past five years, which is .066 percent, rounded below to .07 percent.

County	Percentage of Population to Report Rape in 2019 or 2018 <sup>31</sup>	Current Per Capita Advocate to Population	Advocates Needed for 24 hour SANE Coverage	Current Number of Advocates Serving the County	Total Advocates Needed for Advocate = Survivor Reporting Rape	Additional Advocates Needed, Not Including SANE Coverage
Carson City	.08	.04	4	25.5	39	13.5
Churchill	.04	0	0	0	18	18
Clark	.07	.003	12 <sup>32</sup>	66	1,605	1,539
Douglas	.03	0	0	0	35	35
Elko	.05	.001	4	.5	39	38.5
Esmeralda	.10	0	0	0	1	2 <sup>33</sup>
Eureka	.20	.03	0	.5	1	1.5 <sup>34</sup>
Humboldt	.01	.02	0	4	12	8
Lander	.38	0	0	0	4	4
Lincoln	.10	0	4	0	4	4
Lyon	.04	.001	0	.5	40	39.5
Mineral	.02	.02	0	1	3	2
Nye	.01	.01	0	6	34	28
Pershing	.17	0	0	0	5	5
Storey	.12	.01	0	.5	3	2.5
Washoe	.06	.01	4	48	329	281
White Pine	.06	.005	4	.5	8	7.5

The state of Nevada should seek to **add 2,029 more advocates** to ensure consistent available access to advocates for sexual assault survivors.

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<sup>31</sup> *Crime In Nevada* 2019 Annual Report, page 26, available at: <https://rccd.nv.gov/uploadedFiles/gsdnvgov/content/About/UCR/Crime%20in%20Nevada%202019.pdf>. 2018 data used for Douglas, Lincoln, and White Pine counties.

<sup>32</sup> This does not include the Clark County Coroner's Office.

<sup>33</sup> More than one advocate should be available per county as discussed above.

<sup>34</sup> More than one advocate should be available per county as discussed above.

## V. Important Considerations for the Future

This calculation is limited to the resources and needs available at this time. The U.S. Department of Justice Bureau of Justice Statistics estimates that only 25 percent of sexual assaults were reported to police in 2018.<sup>35</sup> One of the reasons survivors do not report this crime is a fear of not being believed by law enforcement and the community.<sup>36</sup> Sexual assault advocates represent an important cultural shift: sexual assault survivors should be believed. It is the burden of the State to prove a person committed a crime in a court of law – it is not the burden of a survivor to prove that they were assaulted. Advocates can help foster an environment in which survivors feel comforted and supported when reporting a crime. Thus, if advocates help improve the rate of assaults reported to law enforcement, more advocates will then be needed to assist in forensic medical exams and interviews. Similarly, if the State chooses to expand the number of SANEs, more advocates will be needed to assist those SANEs.

This report also only addresses the number of advocates needed to be present—the bare minimum needed to fulfill statutory requirements. It does not address the quality or type of advocacy needed to best support survivors and their particular needs. Survivors may wish to have an advocate of a particular gender support them. If only one advocate is “on call” but is not that gender, the intent of AB176 to support the survivor is not truly fulfilled. Men and boys, for example, often experience sexual assault. Yet many advocates available are women. Survivors with disabilities, survivors who have limited English language capability, children, the elderly, LGTBQ survivors, survivors serving in the military, and survivors from specific communities all have particularized needs that may require advocates with specialized skills and experience, such as the ability to communicate in sign language.

At the same time, these communities are significantly more likely to be victims of sexual assault. As researchers with the Pennsylvania Coalition Against Rape discussed in a literature review of studies of the subject, “Perpetrators of sexual violence often target individuals who lack power in the larger society, such as women; people with disabilities; elders; children; teens; people of color; lesbian, gay, bisexual, and transgendered individuals; immigrants, migrants, and refugees; individuals who speak English as a Second Language; people living in poverty; people with addictions or criminal records; the homeless; sex workers; prisoners and others. Perpetrators deliberately target individuals who will be less likely to report or when they do tell someone, less likely to

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<sup>35</sup> *Criminal Victimization, 2018*, U.S. Department of Justice Bureau of Justice Statistics, page 8, available at <https://www.bjs.gov/content/pub/pdf/cv18.pdf>

<sup>36</sup> *The Criminal Justice System: Statistics, Rape, Abuse & Incest National Network*, available at <https://www.rainn.org/statistics/criminal-justice-system>

be believed or deemed credible.”<sup>37</sup> Native Americans are twice as likely to experience sexual assault than people of other races.<sup>38</sup> These factors underscore the need for advocates trained in cultural competency and representative of the communities they serve. underscore the need for advocates trained in cultural competency and representative of the communities they serve.

Not only are people of color more likely to be sexually assaulted, people of color are also less likely to report their assault to police. The relationship and historic lack of trust between law enforcement and people of color affects victims, too. Committee members noted that in their experience as service providers, many survivors who are people of color, particularly Black survivors, are reluctant to report their assault to law enforcement without an advocate who understands and represents their experience. In a study by the American Sociological Review, researchers demonstrated that local and national cases of police violence against unarmed Black men led to a tens of thousands of fewer calls for service from law enforcement, a “clear and significant impact on citizen crime reporting.”<sup>39</sup> Despite the individual commitment of any particular law enforcement officer or agency, some Black victims of crime, including sexual assault survivors, are reluctant to interact with law enforcement.

Other survivors have had negative interactions with law enforcement and incarceration, or fear future negative experiences with law enforcement. Many survivors of sexual assault have criminal histories themselves, with sexual abuse often predicting later incarceration. For example, 81 percent of girls in South Carolina and 76 percent of girls in Oregon who were in the juvenile justice system were found to be sexually abused.<sup>40</sup> These girls are then more likely to experience sexual assault as adults -- women who reported they were raped before age 18 were twice as likely to report being raped as an adult.<sup>41</sup> This is known as the sexual abuse to prison pipeline: girls and women cycle

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<sup>37</sup> *Poverty and Sexual Violence: Building Prevention and Intervention Responses*, Donna Greco and Sarah Dawgert, page 7, available at [https://www.pcar.org/sites/default/files/pages-pdf/poverty\\_and\\_sexual\\_violence.pdf](https://www.pcar.org/sites/default/files/pages-pdf/poverty_and_sexual_violence.pdf)

<sup>38</sup> *Victims of Sexual Violence: Statistics*, Rape, Abuse & Incest National Network, available at <https://www.rainn.org/statistics/victims-sexual-violence>

<sup>39</sup> *Police Violence and Citizen Crime Reporting in the Black Community*, Matthew Desmond, Andrew V. Papachristos, and David S. Kirk, available at <https://www.asanet.org/sites/default/files/attach/journals/oct16asrfeature.pdf>

<sup>40</sup> *Sexual Abuse to Prison Pipeline: The Girls' Story*, Malika Saada Saar, Human Rights Project for Girls; Rebecca Epstein, Georgetown Law Center on Poverty and Inequality; Lindsay Rosenthal, Ms. Foundation for Women; and Yasmin Vafa, Human Rights Project for Girls, available at [https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_layout\\_web-1.pdf](https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf)

<sup>41</sup> *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, available at <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>

through repeated experiences of sexual abuse and incarceration. Committee members also recounted experiences assisting undocumented survivors who did not feel comfortable reporting their assault to police for fear of deportation or the deportation of their family members. Many law enforcement agencies in Nevada have formal or informal relationships with Immigration and Customs Enforcement (ICE). Some agencies even house ICE agents in their police stations. There is no known evidence of ICE ever detaining a victim reporting a crime in Nevada and many local law enforcement agencies proactively work with immigrant communities to encourage victims to report crimes and assist in obtaining visas for victims of crime. But nationwide, ICE arrests have occurred at courthouses, hospitals, and churches. The perception that ICE may become involved after a survivor contacts the police is still a barrier to undocumented survivors. after a survivor contacts the police is still a barrier to undocumented survivors.

The need for sexual assault advocates is great. The cost of not providing advocates and other supportive services is even higher. The Centers for Disease Control and Prevention estimate that the per-victim lifetime cost of rape is \$122,461.<sup>42</sup> Sexual assault survivors are likely to experience symptoms of post-traumatic stress disorder, some even contemplating or attempting suicide.<sup>43</sup> Sexual assault survivors are more likely to abuse drugs, leading to other problems.<sup>44</sup> Sexual assault survivors can also have difficulty at work and school, and have difficulty maintaining or developing relationships with friends and family members.<sup>45</sup> While supportive services can never erase the trauma has survivor experienced, advocacy services can provide connection, needed resources, and ensure that no Nevadan ever has to be alone in their pursuit of justice.

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<sup>42</sup> *Lifetime Economic Burden of Rape Among U.S. Adults*, Cora Peterson, Sarah DeGue, Curtis Florence, Colby N. Lokey, available at <https://pubmed.ncbi.nlm.nih.gov/28153649/>

<sup>43</sup> *Victims of Sexual Violence: Statistics*, Rape, Abuse & Incest National Network, available at <https://www.rainn.org/statistics/victims-sexual-violence>

<sup>44</sup> *Victims of Sexual Violence: Statistics*, Rape, Abuse & Incest National Network, available at <https://www.rainn.org/statistics/victims-sexual-violence>

<sup>45</sup> *Victims of Sexual Violence: Statistics*, Rape, Abuse & Incest National Network, available at <https://www.rainn.org/statistics/victims-sexual-violence>