

**Interim Report on Efforts Related to Study  
Effectiveness of Domestic Violence  
Batterer's Treatment Programs  
(SB77 of 2005 Legislature)**

A report to the Nevada Legislature,  
In compliance with Nevada Revised Statutes 1.360





**Interim Report on Efforts Related to Study  
Effectiveness of Domestic Violence  
Batterer's Treatment Programs  
(SB77 of 2005 Legislature)**

A report to the Nevada Legislature,  
In compliance with Nevada Revised Statutes 1.360

**Prepared by the  
Supreme Court of Nevada  
Administrative Office of the Courts  
Planning & Analysis Division  
201 South Carson Street, Suite 250  
Carson City, Nevada 89701**



**February 2007**

## **Supreme Court of Nevada**

A. William Maupin, Chief Justice  
Mark Gibbons, Vice-Chief Justice  
James W. Hardesty, Associate Justice  
Ronald D. Parraguirre, Associate Justice  
Michael L. Douglas, Associate Justice  
Michael Cherry, Associate Justice  
Nancy M. Saitta, Associate Justice

Supreme Court of Nevada  
Administrative Office of the Courts  
Ron Titus, State Court Administrator

Planning and Analysis Division  
Robin Sweet, Deputy Director  
John McCormick, Rural Courts Coordinator

February 2007

[www.nvsupremecourt.us](http://www.nvsupremecourt.us)

# CONTENTS

BACKGROUND .....	5
STUDY EFFORTS TO DATE .....	6
STUDY FUNDING .....	9
SURVEYS .....	10
CONCLUSIONS AND RECOMMENDATIONS .....	11
REFERENCES CITED.....	12
APPENDIX A APPLICABLE NEVADA REVISED STATUTES.....	13
APPENDIX B JUDICIAL RESPONSES.....	19
APPENDIX C PROVIDER RESPONSES.....	29
APPENDIX D BATTERER TREATMENT CAPACITY .....	33



# **Interim Report on Efforts Related to Study Effectiveness of Domestic Violence Batterer's Treatment Programs (SB77 of 2005 Legislature)**

## ***Background***

Domestic violence has been a focus of lawmakers in Nevada for more than two decades. Nevada law mandates counseling for convictions of domestic violence. In rural Nevada, these mandates are difficult to meet because of the scarcity of certified counselors. Concerns have been voiced that mandatory sentences requiring counseling have a disproportionate impact on rural residents because of a lack of treatment providers in those towns (Judicial Council of the State of Nevada, 2003). This lack of providers also limits the courts' ability to guarantee equal justice for all Nevadans.

The judiciary and legislators have worked together with advocacy groups to look into alternatives with regard to the counseling sentence. One alternative, counseling every other week for those living in areas more than 70 miles from the nearest counseling service, was passed by the 2005 Legislature with a sunset in 2009 unless it is shown to be an effective alternative.

The Supreme Court of Nevada, Administrative Office of the Courts (AOC), was requested by the 2005 Nevada Legislature (Legislature) to explore the two methods available to defendants for complying with court-ordered counseling for domestic violence convictions, and to evaluate their effectiveness as determined by rates of recidivism. Although many studies have been done over the years regarding domestic violence counseling and recidivism, no study has focused specifically on Nevada. Additionally, these studies had different factors or elements that were focused on and so the results are mixed and not easily applied to Nevada.

During fiscal year 2006, more than 17,000 charges of domestic violence were filed throughout the limited jurisdiction (Justice and Municipal) Courts in the state of Nevada (unpublished data, Uniform System for Judicial Records). The population from which these charges occur includes 2.4 million residents and an estimated 37 million

visitors. Nevada led the Nation in growth for 19 of the last 20 years – its population increased more than 66 percent between 1990 and 2000 (U.S. Census Bureau website), placing a burden on government and other services throughout the state. Reno and Las Vegas areas have two-thirds of the state population and are separated by more than 500 miles; the remainder of the population lives in rural towns scattered throughout the state.

In September 2001, a collaborative effort by the Supreme Court of Nevada, Office of Attorney General, and the Nevada Network Against Domestic Violence resulted in a review of domestic violence cases in courts statewide (Nevada Statewide Court Monitoring Project, 2001). This Project followed major legislative reform in Nevada and sought to review the implementation of those reforms. The current study would be different in that it would focus on the sentencing guidelines (especially counseling) for convicted domestic batterers outlined in Nevada Revised Statutes, how they are implemented throughout the state, and how they impact victim safety and offender accountability as determined through rate of recidivism.

Last Fall, the Supreme Court again ordered all Nevada limited jurisdiction judges to attend specific training on domestic violence cases. The Court continues to recognize the importance of properly handling domestic violence cases.

### ***Study Efforts to Date***

Following the 2005 Legislature, the Planning and Analysis Division of the Administrative Office of the Courts began doing research and drafted a project plan. In general, the plan was to apply for grant funding while putting together an oversight committee of judges and providers. The oversight committee would review the survey instruments and the interim and final reports. The AOC would gather the information from the trial courts through the survey instruments and generate the interim and final reports at the appropriate times.

The lead research analyst attended meetings of the Nevada Council for the Prevention of Domestic Violence and the Attorney General's Committee on Domestic Violence to discuss the study. During the meeting with the Committee on Domestic Violence, it was learned that as far as the committee members knew, no one was



providing counseling every other week. As this was a major element of the study, the AOC took a step back to re-evaluate how best to proceed.

One of the resulting decisions was to survey the rural judges and all certified providers to determine to what extent biweekly counseling has been applied and offered. The results of that survey are discussed in a later section of this report.

Much research was done into what types of studies have already been completed and how that information might transfer to the study for Nevada. One study published in 2003 (Gordon and Moriarty, 2003) was completed in 1999 on male domestic violence offenders in Virginia. The study found that the number of treatment sessions attended was an important factor in predicting domestic violence recidivism and successful completion of all sessions reduced the likelihood of domestic violence rearrest. Another study from Seattle published in 1999 determined that coordinated domestic violence intervention<sup>1</sup> may have a statistically significant albeit small impact on reducing domestic violence (Babcock and Steiner, 1999).

One common thread through all the research was that only if batterers complete all sessions is there any indication that they may not repeat the crime. If counseling services are not available, batterers cannot be treated and have an even greater chance of committing the crime again.

## **Batterer Treatment Capacity**

One area that was looked at during the interim, was the current batterer's treatment capacity in comparison with the current domestic violence caseload (see Appendix D for more details). During fiscal year 2006, there were 17,793 domestic violence charges filed in Nevada Justice and Municipal Courts (unpublished data, Uniform System for Judicial Records). No reliable data is available on the number of domestic violence convictions nor how many defendants were charged, and so the following discussion should be considered within those limitations.

---

<sup>1</sup> Coordinated intervention includes 2 years of monthly meetings with probation officers, counseling for 1 year (weekly for 6 months, then monthly for 6 months), chemical dependency treatment if needed, and anger management or parenting classes if warranted.

<b>Batterer Treatment Capacity Compared with Total Domestic Violence Charges</b>		
<b>Location</b>	<b>Treatment Capacity<sup>1</sup></b>	<b>Domestic Violence Charges</b>
Rural Nevada	184	1,483
Reno/Sparks/Carson City area	658	4,437
Las Vegas metro area	2,302	11,873
Statewide Totals	3,144	17,793
<sup>1</sup> The treatment capacity figures reported here and in text in are based on a telephone survey of every certified domestic violence batterer treatment provider operating in the State of Nevada December 2006.		

The total weekly capacity for group treatment in Nevada as of December 2006 is 3,144 spots. This figure includes groups for men, women, men whose primary language is Spanish, and women whose primary language is Spanish. The difference between the number of charges filed annually and available treatment capacity statewide is 14,649 (again, the actual number of defendants is not known). Outside the urban Washoe/Carson City and Clark County areas, the difference is even more pronounced. There, 1,483 domestic violence charges are filed in Nevada’s rural Justice and Municipal Courts. The total weekly treatment capacity of rural providers is 184, including treatment for men and for women, but no Spanish language treatment options. This leaves 1,299 more domestic violence charges filed annually in rural Nevada than current weekly treatment slots available.

Hypothetically, if all charged defendants were convicted of a first offense<sup>2</sup>, which requires 6 months of treatment, in any 6-month period there could be as many as 500 offenders convicted of domestic violence in rural Nevada that cannot access statutorily mandated treatment. This situation assumes that rural offenders would not be able to travel to urban jurisdictions to receive treatment. However, even if offenders were able to travel to urban jurisdictions, only 2,960 treatment slots are available for both genders, including Spanish language groups, for 16,310 charges filed in courts in the urban areas. This means that in urban jurisdictions in Nevada, during any 6-month period, there is a possibility that a significant number of convicted offenders are unable to access statutorily mandated certified domestic violence batterer treatment in the urban areas

---

<sup>2</sup> The Uniform System for Judicial records does not differentiate between first and subsequent offenses. Noted here is the best possible situation and uncovers the challenges for providers and defendants.

without considering whether any rural offenders might be using some of those treatment slots.

Rural judges also report a barrier faced by rural offenders in accessing treatment is the lack of financial resources available to them. For example, one rural judge reports anecdotally that at least half of offenders he sentences do not have driver's licenses and/or the financial resources to travel 175 miles one-way, which would also necessitate an overnight stay as groups are generally held in the evening, to access the mandated treatment. This judge had 19 domestic violence charges in fiscal year 2006 and was speaking to this as an average over the long term.

### ***Study Funding***

When the 2005 Legislature asked the Supreme Court to do the study on the effectiveness of batterer's treatment, they did not provide any additional funding for staff, travel, or equipment. The AOC began looking for grants that might fund this type of study.

### **Grant Applications**

Initially, the AOC applied for grant funding through Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. This was turned down as it did not meet their funding criteria for enforcement or arrest enhancement.

Subsequently, the AOC learned about some possible leftover STOP grant money from the Nevada Attorney General. Information was sent to request some of those dollars to help with start up costs. Eventually, they opted to use those funds for another project.

Most recently, the AOC applied for grant funding through the Attorney General's Office Violence Against Women Act Grant Program. Although they agreed this type of study is needed, they had more requests for money than they had dollars available and this study was less applicable to their goals.

### **State Budget**

As a result of the denied grant applications, the Supreme Court has included funding for the next biennium for this project in their budget request. If the budget component is approved and the legislature still wants the final study in 2 years, the

project plan will have to be modified and the result will be less conclusive. The results would be better defined if done as a 4-year study starting in July 2007, and refocus the study to overall recidivism of batterers with counseling as one of the components, regardless of whether every other week counseling is ever offered. This 4-year study would also necessitate the change of sunset for every other week counseling to 2011 (from the current 2009).

## **Surveys**

As noted previously, a short survey was sent to all rural judges and all certified domestic treatment providers to evaluate the availability of the biweekly counseling component. The table below shows the survey response rate.

	Surveys Sent	Responses Received	Percent completion
Rural Judges	39	31	79
Certified Providers	18	10	55

## **Judicial Responses**

A 6-question survey was sent to rural limited-jurisdiction judges to gain information about their understanding and use of the required counseling components of NRS 200.485(2). The specific answers are provided in Appendix B.

Generally, the judges sentence the defendants to counseling; however, they recognize in some areas where counseling is not available that defendants may have difficulty in getting that part of the sentence completed. One-third of the judges indicated they did not have services within the 70-mile limit. However, two-thirds of the judges indicated that some of the defendants live beyond the 70-mile limit. Additionally, some judges did not realize that the statutes provide that the court decides whether the alternative counseling every other week is applicable. The court is, of course, at a loss to require something that providers are not offering (see provider responses).

## **Provider Responses**

A 4-question survey was sent to all certified providers (as of July 2006) to gain information about their understanding and provision of the counseling components of NRS 200.485(2). The specific answers are provided in Appendix C.

Generally, the providers do not agree with the statute and are not providing every other week counseling. Although a couple of the providers did indicate they would be willing to if they were contacted by someone from a rural area with the need.

## ***Conclusions and Recommendations***

The Supreme Court continues to understand the importance of handling domestic violence cases properly, including sentencing elements. However, the rural areas of Nevada have a lack of certified counselors and that leads to unequal access to justice for the citizens. In fact, as evidenced by the number of domestic violence charges compared with provider group slots, the availability of certified treatment services may be lacking in the urban areas as well. Additional research is warranted to determine the actual number of defendants in relation to the actual number of treatment slots and, if possible, the timing for those sentences.

Clearly, some judges and providers misunderstand the intent of the availability of every other week counseling. The effectiveness of counseling every other week cannot be measured if no one is sentenced to it nor, if sentenced, the counseling is not offered nor provided.

During research in preparation for the study, the AOC determined that somewhere around 3 percent of the domestic violence charges statewide may be eligible for the every other week counseling.<sup>3</sup> Discussions regarding the continuation of a study on biweekly counseling should consider the small number of cases involved, especially considering that no service providers are known to offer biweekly counseling.

If we are to do an adequate study regarding the effectiveness of counseling for batterers, we should also take into consideration the other sentencing elements required

---

<sup>3</sup> As part of the Uniform System for Judicial Records, courts are asked to provide the number of domestic violence charges that are filed each month. The AOC totaled that for one fiscal year and then determined the jurisdictions that were generally 70 or more miles from certified counseling services. The caseloads for those courts was 3 percent of the statewide total.

as there may be some correlation. Additionally, to draw meaningful conclusions, most literature suggests that studies must monitor defendants for at least a year after sentencing and preferably a year after completion of sentence.

The Legislature should consider funding this study for 4 years and extending the sunset on the biweekly counseling an additional 2 years if they wish it to be included. Additionally, as the Nevada Council for the Prevention of Domestic Violence noted they are looking for ways to increase certification of providers (2007 report to Legislature, p. 10), the study may want include that as well. The AOC will continue to educate the judges regarding the statute.

### ***References Cited***

Babcock, J.C., and Steiner, Ramalina, The relationship between treatment, incarcerations, and recidivism of battering – A program evaluation of Seattle’s coordinated community response to domestic violence: American Psychological Association, *Journal of Family Psychology*, v. 13, p. 46-59.

Gordon, J.A., and Moriarty, L.J., 2003, The effects of domestic violence batterer treatment on domestic violence: American Association for Correctional and Forensic Psychology, *Criminal Justice and Behavior*, v. 30, no. 1, p. 118-134.

Judicial Council of the State of Nevada, 2003, Report of the Commission on Rural Courts: Supreme Court of Nevada, Administrative Office of the Courts, 24 p.

Nevada Statewide Court Monitoring Project, 2001, Domestic violence victims – Are they safe, and are we accountable?: Nevada Network Against Domestic Violence, September 2001, 77 p.

## **APPENDIX A**

### **APPLICABLE NEVADA REVISED STATUTES**





**NRS 1.360 Duties. Under the direction of the Supreme Court, the Court Administrator shall:**

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;
2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;
3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;
4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;
5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;
6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;
7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;
8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 and make reports as to the cases filed in the district courts;
9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;
10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;
11. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:
  - (a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;
  - (b) The current status of any specialty court programs to which money from the account was allocated since the last report; and
  - (c) Such other related information as the Court Administrator deems appropriate;
12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person;
13. *On or before February 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic*

*violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; and [emphasis added]*

14. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

**NRS 200.485 Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions. [Effective through June 30, 2009.]**

1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) Except as otherwise provided in this subsection, for the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) Except as otherwise provided in this subsection, for the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

***If the person resides more than 70 miles from the nearest location at which counseling services are available, the court may allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic***

***violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month. [emphasis added]*** If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

5. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

6. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

7. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty or *nolo contendere* to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

8. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.



## **APPENDIX B**

### **JUDICIAL RESPONSES**



## Judicial Responses

1. *Do you have certified domestic violence batterer treatment providers within 70 miles?*

YES  
22

NO  
9

### Answers/Comments

No – *Judge Jim Anderson, Austin Township Justice Court*

Yes – *Judge Daniel J. Bauer, Fernley Municipal Court*

Yes, in Reno/Sparks and Fallon. – *Judge Robert J. Bennett, Canal Township Justice*

Idaho (48 miles) – *Judge Phyllis Black, Jackpot Township Justice Court*

No – *Judge Christina Brisebill, Pahrump Township Justice Court*

Yes – *Judge Max w. Bunch, Argenta Township Justice Court*

Yes-from the City on West and East-North and South of the City-No – *Judge Pat Calton, Wells Township Justice/Municipal Courts*

No – *Judge Juanita M. Colvin, Esmeralda Township Justice Court*

Yes – *Judge Ron L. Dodd, Mesquite Township Justice Court*

Yes-approximately 6 or 7, if we count the Reno area. – *Judge James EnEarl, East Fork Township Justice Court*

Yes – *Judge Susan Fye, Beowawe Township Justice Court*

Yes – *Judge Richard Glasson, Tahoe Township Justice Court*

We did not until about 2 to 3 months ago. We now have it weekly here in West

Wendover. – *Judge Laura Grant, East Line Township Justice Court*

No – *Judge Dawn L. Haviland, Goodsprings Township Justice Court*

No (We have a provider that travels to Alamo once a month from Tonopah.) – *Judge Nola A. Holton, Pahrangat Valley Township Justice Court*

No – *Judge Michael Kalleres, Ely Municipal Court*

Yes – *Judge Ruth Kolhoss, Moapa Township Justice Court*

Yes – *Judge Cecil R. Leavitt, Bunkerville Township Justice Court*

Yes – *Judge Mary Leddy, Elko Township Justice/Municipal Courts*

No – *Judge Joe Maslach, Tonopah Township Justice Court*

Yes – *Judge Victor L. Miller, Boulder Township Justice/Municipal Courts*

Yes – *Judge Dennis Milligan, Walker River Township Justice Court*

Yes, within 5 miles. – *Judge Billy R. Moma, Laughlin Township Justice Court*  
 Yes – *Judge Barbara J. Nethery, Carlin Township Justice/Municipal Courts*  
 No, and haven't had for over 3 years. – *Judge Ronald J. Niman, Ely Township Justice Court*  
 Yes – *Judge William G. Rogers, Dayton Township Justice Court*  
 No – *Judge John F. Schweble, Eureka Township Justice Court*  
 The nearest is 60 miles – *Judge Frances Vidal, Yerington Municipal Court*  
 Yes – *Judge Lanny D. Waite, Moapa Valley Township Justice Court*  
 Yes – *Judge Gene Wambolt, Union Township Justice Court*  
 Yes – *Judge Daniel P. Ward, New River Township Justice Court*

**2. Do any of your defendants convicted of domestic violence battery live beyond the 70-mile limit outlined in NRS 200.485(2)?**

<u>YES</u>	<u>NO</u>	<u>NO ANSWER</u>
23	7	1

**Answers/Comments**

Yes – *Judge Jim Anderson, Austin Township Justice Court*  
 No – *Judge Daniel J. Bauer, Fernley Municipal Court*  
 Yes, but on rare occasion. – *Judge Robert J. Bennett, Canal Township Justice Court*  
 Yes – *Judge Phyllis Black, Jackpot Township Justice Court*  
 Yes – *Judge Christina Brisebill, Pahrum Township Justice Court*  
 Yes – *Judge Max w. Bunch, Argenta Township Justice Court*  
 Yes – *Judge Pat Calton, Wells Township Justice/Municipal Courts*  
 Yes – *Judge Juanita M. Colvin, Esmeralda Township Justice Court*  
 Yes – *Judge Ron L. Dodd, Mesquite Township Justice Court*  
 Yes, we've had a few outside the 70-mile limit. – *Judge James EnEarl, East Fork Township Justice Court*  
 So far, no. – *Judge Susan Fye, Beowawe Township Justice Court*  
 Probably it might have occurred, but none has been ever called to my attention. – *Judge Richard Glasson, Tahoe Township Justice Court*  
 Yes, many live in Utah. – *Judge Laura Grant, East Line Township Justice Court*  
 Yes – *Judge Dawn L. Haviland, Goodsprings Township Justice Court*  
 Yes – *Judge Nola A. Holton, Pahranaagat Valley Township Justice Court*  
 No – *Judge Michael Kalleres, Ely Municipal Court*



Out of state defendants – *Judge Ruth Kolhoss, Moapa Township Justice Court*  
 No – *Judge Cecil R. Leavitt, Bunkerville Township Justice Court*  
 Yes – *Judge Mary Leddy, Elko Township Justice/Municipal Courts*  
 Yes – *Judge Joe Maslach, Tonopah Township Justice Court*  
 No – *Judge Victor L. Miller, Boulder Township Justice/Municipal Courts*  
 Yes – *Judge Dennis Milligan, Walker River Township Justice Court*  
 Sometimes from California or Henderson; most are from 20-30 miles away. – *Judge Billy R. Moma, Laughlin Township Justice Court*  
 Yes – *Judge Barbara J. Nethery, Carlin Township Justice/Municipal Courts*  
 Yes-closest maybe 190 miles. – *Judge Ronald J. Niman, Ely Township Justice Court*  
 Yes – *Judge William G. Rogers, Dayton Township Justice Court*  
 Yes – *Judge John F. Schweble, Eureka Township Justice Court*  
 Not very often. – *Judge Frances Vidal, Yerington Municipal Court*  
 No – *Judge Lanny D. Waite, Moapa Valley Township Justice Court*  
 No – *Judge Gene Wambolt, Union Township Justice Court*  
 Yes – *Judge Daniel P. Ward, New River Township Justice Court*

**3. Do you sentence defendants convicted of domestic battery to counseling as required by NRS 200.485(2)?**

YES  
31

NO  
0

**Answers/Comments**

Yes – *Judge Jim Anderson, Austin Township Justice Court*  
 Yes – *Judge Daniel J. Bauer, Fernley Municipal Court*  
 Yes – *Judge Robert J. Bennett, Canal Township Justice*  
 Yes – *Judge Phyllis Black, Jackpot Township Justice Court*  
 Yes – *Judge Christina Brisebill, Pahrump Township Justice Court*  
 Yes – *Judge Max w. Bunch, Argenta Township Justice Court*  
 Yes – *Judge Pat Calton, Wells Township Justice/Municipal Courts*  
 Yes – *Judge Juanita M. Colvin, Esmeralda Township Justice Court*  
 Yes – *Judge Ron L. Dodd, Mesquite Township Justice Court*  
 Yes – *Judge James EnEarl, East Fork Township Justice Court*  
 Yes – *Judge Susan Fye, Beowawe Township Justice Court*

Yes. Has someone suggested that I don't? – *Judge Richard Glasson, Tahoe Township Justice Court*

Always – *Judge Laura Grant, East Line Township Justice Court*

Yes – *Judge Dawn L. Haviland, Goodsprings Township Justice Court*

Yes – *Judge Nola A. Holton, Pahranaagat Valley Township Justice Court*

Yes – *Judge Michael Kalleres, Ely Municipal Court*

Yes – *Judge Ruth Kolhoss, Moapa Township Justice Court*

Yes – *Judge Cecil R. Leavitt, Bunkerville Township Justice Court*

Yes – *Judge Mary Leddy, Elko Township Justice/Municipal Courts*

Yes, maybe not 100% of the time. – *Judge Joe Maslach, Tonopah Township Justice Court*

Yes – *Judge Victor L. Miller, Boulder Township Justice/Municipal Courts*

Yes – *Judge Dennis Milligan, Walker River Township Justice Court*

Yes, full 6 months. – *Judge Billy R. Moma, Laughlin Township Justice Court*

Yes – *Judge Barbara J. Nethery, Carlin Township Justice/Municipal Courts*

Yes – *Judge Ronald J. Niman, Ely Township Justice Court*

Yes – *Judge William G. Rogers, Dayton Township Justice Court*

Yes – *Judge John F. Schweble, Eureka Township Justice Court*

Yes, every time. – *Judge Frances Vidal, Yerington Municipal Court*

Yes – *Judge Lanny D. Waite, Moapa Valley Township Justice Court*

Yes – *Judge Gene Wambolt, Union Township Justice Court*

Yes – *Judge Daniel P. Ward, New River Township Justice Court*

**4. Do you specify in the sentence whether defendants are to attend weekly or biweekly counseling session?**

YES  
20

NO  
9

NO ANSWER  
2

**Answers/Comments**

No – *Judge Jim Anderson, Austin Township Justice Court*

Yes – *Judge Daniel J. Bauer, Fernley Municipal Court*

I do not specify. – *Judge Robert J. Bennett, Canal Township Justice*

Yes – *Judge Phyllis Black, Jackpot Township Justice Court*

Yes – *Judge Christina Brisebill, Pahrump Township Justice Court*

They can do either if available. – *Judge Max w. Bunch, Argenta Township Justice Court*

Yes – *Judge Pat Calton, Wells Township Justice/Municipal Courts*

Yes – *Judge Juanita M. Colvin, Esmeralda Township Justice Court*

No – *Judge Ron L. Dodd, Mesquite Township Justice Court*

Weekly – *Judge James EnEarl, East Fork Township Justice Court*

No – *Judge Susan Fye, Beowawe Township Justice Court*

Yes, our sentences are quite specific (attachment). – *Judge Richard Glasson, Tahoe Township Justice Court*

Each is told it must be weekly-then explained about 70-mile biweekly. – *Judge Laura Grant, East Line Township Justice Court*

No – *Judge Dawn L. Haviland, Goodsprings Township Justice Court*

Yes – *Judge Nola A. Holton, Pahranaagat Valley Township Justice Court*

Yes – *Judge Michael Kalleres, Ely Municipal Court*

No – *Judge Ruth Kolhoss, Moapa Township Justice Court*

Yes – *Judge Cecil R. Leavitt, Bunkerville Township Justice Court*

Yes – *Judge Mary Leddy, Elko Township Justice/Municipal Courts*

Yes – *Judge Joe Maslach, Tonopah Township Justice Court*

Yes – *Judge Victor L. Miller, Boulder Township Justice/Municipal Courts*

Yes-weekly – *Judge Dennis Milligan, Walker River Township Justice Court*

After sentence the defendant is notified to contact counsel for intake. – *Judge Billy R. Moma, Laughlin Township Justice Court*

No – *Judge Barbara J. Nethery, Carlin Township Justice/Municipal Courts*

Both, if counseling becomes available. – *Judge Ronald J. Niman, Ely Township Justice Court*

No – *Judge William G. Rogers, Dayton Township Justice Court*

Yes, monthly – *Judge John F. Schweble, Eureka Township Justice Court*

I usually specify weekly, but I would grant a request to attend biweekly if appropriate. – *Judge Frances Vidal, Yerington Municipal Court*

Yes – *Judge Lanny D. Waite, Moapa Valley Township Justice Court*

Yes, weekly – *Judge Gene Wambolt, Union Township Justice Court*

No – *Judge Daniel P. Ward, New River Township Justice Court*

5. *Do you inform defendants that biweekly counseling is an option?*

YES  
13

NO  
18

**Answers/Comments**

Yes – *Judge Jim Anderson, Austin Township Justice Court*

No – *Judge Daniel J. Bauer, Fernley Municipal Court*

I do not specify. – *Judge Robert J. Bennett, Canal Township Justice*

Yes – *Judge Phyllis Black, Jackpot Township Justice Court*

Yes – *Judge Christina Brisebill, Pahrump Township Justice Court*

Yes – *Judge Max W. Bunch, Argenta Township Justice Court*

No – *Judge Pat Calton, Wells Township Justice/Municipal Courts*

Yes – *Judge Juanita M. Colvin, Esmeralda Township Justice Court*

No – *Judge Ron L. Dodd, Mesquite Township Justice Court*

I don't believe it is offered in this area. – *Judge James EnEarl, East Fork Township Justice Court*

No-They are advised to contact counseling center and the counselor will determine schedule. – *Judge Susan Fye, Beowawe Township Justice Court*

No. It is not the defendants' option. The option is available to the court. The defendant, defendants' counsel, and prosecution are presumed to know the law. Referring to NRS 200.485(2)(b) as the "biweekly option" creates confusion and expectations that can be avoided. The statute states that under certain circumstances, the court "may" allow counseling "every other week." The term "biweekly" does not appear in the statute; neither does the word "option." – *Judge Richard Glasson, Tahoe Township Justice Court*

Yes – *Judge Laura Grant, East Line Township Justice Court*

No – *Judge Dawn L. Haviland, Goodsprings Township Justice Court*

No – *Judge Nola A. Holton, Pahrangat Valley Township Justice Court*

Yes – *Judge Michael Kalleres, Ely Municipal Court*

Yes – *Judge Ruth Kolhoss, Moapa Township Justice Court*

No – *Judge Cecil R. Leavitt, Bunkerville Township Justice Court*

Yes – *Judge Mary Leddy, Elko Township Justice/Municipal Courts*

Yes – *Judge Joe Maslach, Tonopah Township Justice Court*

Yes, if it applies to treatment provider. – *Judge Victor L. Miller, Boulder Township Justice/Municipal Courts*

No, currently our domestic violence waiver of rights reads “weekly.” – *Judge Dennis Milligan, Walker River Township Justice Court*

Negative, counseling agent sets the weekly or biweekly sessions. – *Judge Billy R. Moma, Laughlin Township Justice Court*

Yes – *Judge Barbara J. Nethery, Carlin Township Justice/Municipal Courts*

No-no counseling available. – *Judge Ronald J. Niman, Ely Township Justice Court*

No – *Judge William G. Rogers, Dayton Township Justice Court*

No, because it is not. – *Judge John F. Schweble, Eureka Township Justice Court*

No. – *Judge Frances Vidal, Yerington Municipal Court*

Yes – *Judge Lanny D. Waite, Moapa Valley Township Justice Court*

No – *Judge Gene Wambolt, Union Township Justice Court*

No – *Judge Daniel P. Ward, New River Township Justice Court*

## **6. Comments:**

If no comment appears below, then the judges chose not to provide any comment on the survey.

### **Comments**

A significant issue in this court, located in Fernley, is that a number of defendants do not have drivers license and the providers are located 25-30 miles away. These defendants rely on others for transportation, which of course, results in irregular attendance. – *Judge Robert J. Bennett, Canal Township Justice*

I have already sent all this info. – *Judge Phyllis Black, Jackpot Township Justice Court*

We have a very effective counseling program locally. He is working toward certification. – *Judge Christina Brisebill, Pahrump Township Justice Court*

We only have one class certified. – *Judge Max w. Bunch, Argenta Township Justice Court*

Not aware that any counselors allow biweekly sessions. – *Judge Pat Calton, Wells Township Justice/Municipal Courts*

I do not believe that certified counselors in this area have formally established biweekly programs. I do know that it does work out that way, however. – *Judge Susan Fye, Beowawe Township Justice Court*

Compliance with DV counseling requirements can be very difficult to achieve, but we do try! – *Judge Laura Grant, East Line Township Justice Court*

We are utilizing LRS Systems a great deal. – *Judge Dawn L. Haviland, Goodsprings Township Justice Court*

I sentence according to statute; however, because of the lack of resources I may modify my order, by allowing fewer sessions for longer periods of time. A lot of our defendants are indigent with no money or transportation to travel. – *Judge Nola A. Holton, Pahrnagat Valley Township Justice Court*

Most are unable to attend because there isn't certified counseling available. The nearest would be Elko, 150 miles one way. – *Judge Michael Kalleres, Ely Municipal Court*

I'm looking into the possibility for internet correspondence classes for anger management. – *Judge Joe Maslach, Tonopah Township Justice Court*

None – *Judge Victor L. Miller, Boulder Township Justice/Municipal Courts*

None – *Judge Barbara J. Nethery, Carlin Township Justice/Municipal Courts*

There are no certified counselors or DV counseling available. The Legislators had the opportunity to make video counseling available; however, chose to not take that course. – *Judge Ronald J. Niman, Ely Township Justice Court*

We have one counselor that comes once a month, but that is the only option for Eureka residents. – *Judge John F. Schweble, Eureka Township Justice Court*

## **APPENDIX C**

### **PROVIDER RESPONSES**

## Provider Responses

**1. Do you provide biweekly counseling for domestic violence batterers as outline in NRS 200.485(2) at the above location or any other location that you provide service?**

<u>YES</u>	<u>NO</u>	<u>NO ANSWER</u>
1	8	1

**Answers/Comments**

We have groups that meet weekly-we have never had someone who would benefit from counseling every other week more that attending weekly. – Ms. Mary Bryan, Community Counseling Center, Carson City

No, we do not. – Ms. Sandra Dieterich-Hughes, LCSW, S.A.F.E. House, Henderson

Yes, if asked. – Mr. Dennis Fitzpatrick, ABC/Via Milagro, Las Vegas

We have not provided DV group for batterers in the past 2 years due to staff changes. – Ms. Joann Flanagan, BS, ADC, NCACII, Reno-Sparks Tribal Health Center

No – Ms. Karen Goodwill-Freda, Ridgeview Counseling Group, Reno

No-groups meet once weekly. – Ms. Dale Gray, Family Counseling Service, Reno

We do not provide any biweekly counseling at any other sites-Las Vegas, Mesquite, or Boulder City. – Mr. Tim Hamilton, Safe Nest/TADC, Las Vegas

No – Ms. Mary Leonard, Mesa Family Counseling, Las Vegas

No – Mr. Byron Parks, Counseling Opportunities, Reno

No-weekly as we live in Metro Vegas. – Ms. Renee Vincent, LRS Systems, Las Vegas

**2. Have you been asked by defendants or a judge to provide biweekly counseling?**

<u>YES</u>	<u>NO</u>
1	9

**Answers/Comments**

No – Ms. Mary Bryan, Community Counseling Center, Carson City

No, we have not. – Ms. Sandra Dieterich-Hughes, LCSW, S.A.F.E. House, Henderson

No – Mr. Dennis Fitzpatrick, ABC/Via Milagro, Las Vegas



No – Ms. Joann Flanagan, BS, ADC, NCACII, Reno-Sparks Tribal Health Center

No – Ms. Karen Goodwill-Freda, Ridgeview Counseling Group, Reno

No – Ms. Dale Gray, Family Counseling Service, Reno

Yes – Mr. Tim Hamilton, Safe Nest/TADC, Las Vegas

No – Ms. Mary Leonard, Mesa Family Counseling, Las Vegas

No – Mr. Byron Parks, Counseling Opportunities, Reno

No – Ms. Renee Vincent, LRS Systems, Las Vegas

**3. If asked, are you willing to provide biweekly counseling? Why or why not?**

<u>YES</u>	<u>NO</u>	<u>NO ANSWER</u>
4	4	2

**Answers/Comments**

Yes, if there is a good reason. – Ms. Mary Bryan, Community Counseling Center, Carson City

Our agency is already finding it difficult to meet the growing needs of this Community. We have a constant Group census of approximately 165, enrolled in 9 weekly Groups, and with a small staff qualified to do the Counseling-only 3 of us. As a non-profit organization we struggle to find funding and pay our employees and contract Counselors as it is! . – Ms. Sandra Dieterich-Hughes, LCSW, S.A.F.E. House, Henderson

Yes – Mr. Dennis Fitzpatrick, ABC/Via Milagro, Las Vegas

Left blank – Ms. Joann Flanagan, BS, ADC, NCACII, Reno-Sparks Tribal Health Center

No, because we do not feel that biweekly counseling is as effective as weekly. – Ms. Karen Goodwill-Freda, Ridgeview Counseling Group, Reno

No, group works well as it is structured-no reason to change. – Ms. Dale Gray, Family Counseling Service, Reno

The biweekly option was designated to be an option for rural programs without alternatives. – Mr. Tim Hamilton, Safe Nest/TADC, Las Vegas

No-not enough qualified staff or time. – Ms. Mary Leonard, Mesa Family Counseling, Las Vegas

Yes, on a per client need basis to better serve client schedule needs. – *Mr. Byron Parks, Counseling Opportunities, Reno*

Yes-if a client had to travel from rural local. – *Ms. Renee Vincent, LRS Systems, Las Vegas*

**4. Comments:**

If no comment appears below, then the provider chose not to provide any comment on the survey.

**Comments**

S.A.F.E. House's recidivism rate averages between 4 and 5 percent. I believe we offer a quality program, and the once per week counseling provides an opportunity for the clients to process and practice what they learn. – *Ms. Sandra Dieterich-Hughes, LCSW, S.A.F.E. House, Henderson*

Weekly sessions are more effective. – *Mr. Dennis Fitzpatrick, ABC/Via Milagro, Las Vegas*

Potentially, as mesquite is so far from alternative services, it could be offered there is man/woman groups were available. – *Mr. Tim Hamilton, Safe Nest/TADC, Las Vegas*

We will be happy to assist in meeting needs per NRS/NAC. – *Ms. Renee Vincent, LRS Systems, Las Vegas*

## **APPENDIX D**

### **BATTERER TREATMENT CAPACITY**

<b>Men's Group Domestic Violence Batterer Treatment Capacity</b>				
<b>Provider</b>	<b>Location</b>	<b>Men's Group Sessions Per Week</b>	<b>NAC Capacity</b>	<b>Actual Capacity*</b>
Battle Mountain Mental Health Center	Battle Mountain	1	24	24
Safe Nest/TADC	Boulder City	1	24	18
ACCS DBA: Choices	Carson City	2	48	32
Community Counseling Center	Carson City	2	48	32
ACCS- Elko	Elko	1	24	16
Family Violence Intervention Program	Elko	1	24	12
ACCS- Fallon	Fallon	1	24	16
ACCS- Gardnerville	Gardnerville	1	24	16
ABS/Via Milagro	Henderson	3	72	45
S.A.F.E. House	Henderson	6	144	120
ABS/Via Milagro	Las Vegas	1	24	15
Community Counseling of Southern Nevada	Las Vegas	1	24	16
Las Vegas Municipal Court Alternative Sentencing and Education	Las Vegas	18 (1 Session Jail Inmates Only)	432	432
LRS Systems	Las Vegas	17	408	510
Mesa Family Counseling	Las Vegas	3	72	39
Safe Nest/TADC	Las Vegas	10	240	180
Safe Nest/TADC	Mesquite	1	24	18
Options	North Las Vegas	7	168	140
ACCS- Plumb Lane	Reno	4	96	64
ACCS-WCSO	Reno- Washoe County Jail	4 (Inmates Only)	96	64
Counseling Opportunities, Inc.	Reno	1	24	24
Family Counseling Service	Reno	1	24	24
Great Basin Counseling, Inc.	Reno	4	96	96
Ridgeview Counseling Group	Reno	2	48	36
ACCS-Sparks	Sparks	5	120	80
Nevada Court Counseling	Sparks	2	48	36
Winnemucca Mental Health Center	Winnemucca	1	24	24
<b>TOTAL</b>	<b>27</b>	<b>83</b>	<b>2,424</b>	<b>2,119</b>

<b>Women's Group Domestic Violence Batterer Treatment Capacity</b>				
<b>Provider</b>	<b>Location</b>	<b>Women's Group Sessions Per Week</b>	<b>NAC Capacity</b>	<b>Actual Capacity*</b>
ACCS DBA: Choices	Carson City	1	24	16
ACCS- Elko	Elko	1	24	16
ABS/Via Milagro	Henderson	1	24	15
S.A.F.E. House	Henderson	3	72	60
ABS/Via Milagro	Las Vegas	1	24	15
Community Counseling of Southern Nevada	Las Vegas	1	24	16
Las Vegas Municipal Court Alternative Sentencing and Education	Las Vegas	5	120	120
LRS Systems	Las Vegas	5	120	150
Mesa Family Counseling	Las Vegas	1	24	13
Safe Nest/TADC	Las Vegas	2	48	36
Great Basin Counseling, Inc.	Reno	1	24	24
ACCS-Sparks	Sparks	2	48	32
Nevada Court Counseling	Sparks	1	24	18
Winnemucca Mental Health Center	Winnemucca	1	24	24
<b>TOTAL</b>	<b>14</b>	<b>26</b>	<b>624</b>	<b>555</b>

<b>Spanish Language Men's Group Domestic Violence Batterer Treatment Capacity</b>				
<b>Provider</b>	<b>Location</b>	<b>Spanish Language Men's Group Sessions Per Week</b>	<b>NAC Capacity</b>	<b>Actual Capacity*</b>
Community Counseling Center	Carson City	2	48	32
Las Vegas Municipal Court Alternative Sentencing and Education	Las Vegas	6	144	144
LRS Systems	Las Vegas	4	96	120
Safe Nest/TADC	Las Vegas	3	72	54
ACCS- Plumb Lane	Reno	1	24	16
ACCS-Sparks	Sparks	2	48	32
<b>TOTAL</b>	<b>6</b>	<b>18</b>	<b>432</b>	<b>398</b>

<b>Spanish Language Women's Group Domestic Violence Batterer Treatment Capacity</b>				
<b>Provider</b>	<b>Location</b>	<b>Spanish Language Women's Group Sessions Per Week</b>	<b>NAC Capacity</b>	<b>Actual Capacity*</b>
Las Vegas Municipal Court Alternative Sentencing and Education	Las Vegas	1	24	24
LRS Systems	Las Vegas	1	24	30
Safe Nest/TADC	Las Vegas	1	24	18
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>72</b>	<b>72</b>

<b>TOTAL</b>	<b>27</b>	<b>130</b>	<b>3,552</b>	<b>3,144</b>
--------------	-----------	------------	--------------	--------------

\* Actual capacity means the maximum capacity at which the **provider** feels the group is psycho-educationally effective, based on a telephone survey conducted December 2006.