



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES  
*Helping people. It's who we are and what we do.*



### NEVADA COALITION TO PREVENT THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN: LEGISLATIVE SUBCOMMITTEE MINUTES

**DATE:** Thursday, April 14, 2022

**TIME:** 10:00 am – 11:30 am (or until adjournment)

**VIDEO CONFERENCE:** [Click here to join meeting](#)

**TELECONFERENCE:** 1-775-321-6111 CONFERENCE

ID:984349254#

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- *Items may be taken out of order, may be combined for consideration by the public body, and/or may be pulled or removed from the agenda at any time to accomplish business in the most efficient manner.*
- *“For Information” items are informal in nature and may include discussion and ideas*
- *“For Possible Action” items may be voted on or approved by members of the commission.*

#### **1. Call to Order and Roll Call**

Meeting called to order by Brigid Duffy. Esther Rodriguez-Brown took roll call.

**Members Present:** Brigid Duffy, Sara Stephan, Cara Paoli, Elynne Greene, Sgt. Greg Flores, Linda Anderson, Samantha Bailey, Dr. Tiffany Tyler-Garner, Joseph Saiz, Brittany Hopballe, Nicole Reilly, Noel Roberts, Lauren Boitel, DaShun Jackson, Makaya Swain, Jennifer Spencer, Cara Paoli, Jason Guinasso, Christina Vela, Abigail Frierson

**Members Absent:** Jessica Cisneros, Kim Yeager, Annie Lobert, Sharon Anderson, Katie Ryan

**Guests:** Regan Comis

**DCFS Support:** Esther Rodriguez-Brown, Jessica Freeman, Lorena Bojorquez

- 2. Public Comment and Discussion** (*Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for a later meeting*)

There was no public comment.

- 3. For Discussion and Possible Action: Approval of March 10, 2022 minutes.**

**Action:** A motion was made by Elynne Greene to approve the March 10, 2022 Meeting Minutes, Cara Paoli seconded the motion. No objections. Motion carries.

- 4. For Discussion and Possible Action: Develop the statutory language for legislative recommendation to mandate training and assessments to identify children at risk of CSEC for juvenile justice and child welfare agencies**

This agenda item was tabled by Brigid Duffy until the next meeting.

- 5. For Discussion and Possible Action: Develop the statutory language for legislative recommendation on the creation and function of multidisciplinary teams (MDT's) to support CSEC**

Brigid Duffy indicated that she had studied some different statutes already in NRS that involve MDTs, including domestic-violence cases and child-death-review cases. Along with Linda Anderson, Ms. Duffy next pulled everything together and created a shell form for the subcommittee to discuss and improve prior to it going to DHHS and ultimately becoming a statewide requirement in statute.

Brigid Duffy informed the Subcommittee that the introduction would be the purpose of organizing multidisciplinary teams to review cases of the commercial sexual exploitation of children pursuant to the 432C sections. Ms. Duffy explained that the 432C section is specific to victims of commercial sexual exploitation and opined that building that statute up with anything that has to do with the population of victims and survivors would be best there rather than in another location in statute. Ms. Duffy encouraged the subcommittee to read through that section and the six reasons included prior to opening the floor for discussion.

Elynne Greene commended the document and indicated that there have been two variations of MDTs locally, the first of which was established by District attorney Jim Sweetin and was very robust and comprehensive but then pared down to a much smaller version. Ms. Greene indicated that this paring down was the result of duplication amongst the different venues where cases were being discussed on an ongoing basis. Ms. Greene indicated that this particular MDT looks at support services and resources for victims of cases that are sitting for months prior to trial or grand jury.

Brigid Duffy discussed flipping the victims/survivors language, and questioned at what phase victims should be listed as survivors without offending anyone. Ms. Duffy suggested using and/or in statute.

Esther Rodriguez-Brown suggested adding language such as victimized children rather than referring to these people as victims.

Dr. Tiffany Tyler-Garner concurred with using victimized children in the language.

Jason Guinasso indicated that the term "victim", for purposes of NRS, is defined as the law's best effort at humanizing people and as such, suggested leaving the language as is rather than adding nuance, which would require the overhaul of all statutory language. Mr. Guinasso explained that statutory language is not the same as colloquial language.

Tiffany Tyler-Garner asked if, philosophically, the subcommittee has committed to person-first language in the statute, citing the example of a person with special needs versus a disabled person.

Brigid Duffy indicated that this could be opened for discussion but cautioned that this may not be a topic the subcommittee wishes to tackle at this time.

Esther Rodriguez-Brown indicated that historically many terminologies were used because they were legal, but that did not necessarily make them right. Ms. Brown explained that the role of the subcommittee was to bring change.

Nicole Reilly indicated her belief that the language victimized child does not need to be defined, and concurred with Mr. Guinasso that this language is already defined within the statute.

Brigid Duffy suggested changing the language to read "address the needs of the child" in the interest of neutrality.

Jason Guinasso indicated his agreement that statutory language should be kept as simple as possible unless needed for some specific purpose and suggested that adding nuances creates grounds for attorneys to make arguments that could ultimately lead to unwanted results.

Brigid Duffy suggested changing the language in paragraphs 1 and 2 by replacing the terms victim/survivor with child and asked the subcommittee for feedback regarding the language that reads "who are victims of sex trafficking."

Esther Rodriguez-Brown suggested victimized through sex trafficking.

Brigid Duffy next suggested changing language to state "children under the age of 18 who are commercially, sexually exploited in Nevada."

Esther Rodriguez-Brown questioned the language in the instance of a child that is not trafficked sexually but rather in domestic servitude.

Brigid Duffy clarified that NRS 432C refers specifically to commercially sexually exploited children.

Jason Guinasso reminded the subcommittee that when the language is proposed to LCB, it is possible that LCB will make modifications to revert some of the language and that it may be necessary to impress upon LCB not to fundamentally change the language from that desired by the Subcommittee.

Nicole Reilly opined that labor trafficking could not actually be addressed because 432C is specifically for the protection of children from commercial, sexual exploitation.

Brigid Duffy concurred that to include this piece would require the Subcommittee to change the definition or to add the definition or to find another place to put the MDT and as such, it likely was not something that could be addressed in this session or with this workgroup for this specific purpose.

Brigid Duffy suggested changing the language of "children who are commercially, sexually exploited" to "children who are impacted by the sexual exploitation."

Nicole Reilly indicated that this language could potentially be problematic by the time it gets to legislature because it broadens the spectrum significantly and begins to then deal with proximity to the victimization. Ms. Reilly indicated that this was the struggle with putting together the language for Marsy's Law, as well.

Brigid Duffy next discussed the language regarding out-of-state children, indicating that these are children that are residents of the state but are located outside of their home state. Ms. Duffy indicated the importance of language including these children within their home jurisdiction to ensure that they are connected through services in Nevada. Ms. Duffy next discussed Number 3, regarding assessing and analyzing the cases and asked the Subcommittee to comment on other purposes they wish to see addressed by the MDT.

**Action:** A motion was made by Brigid Duffy to change 'review the records of cases of children under 18 years of age who are commercially sexually exploited in Nevada to ensure a coordinated response that addresses the needs of the child throughout the criminal justice process and the service response process' in paragraph 1, and to strike the victims/survivor language and change it to children or child in paragraph 2, Nicole Reilly seconded the motion. No objections. Motion carries.

Brigid Duffy moved onto a discussion of who is able to appoint or organize MDTs, indicating that this is different in each spot, and gave examples of these.

Nicole Reilly added that there is a statewide fatality review team through the Attorney General's office, indicating the possible impropriety of the state agency to be able to hold such a review for children trafficked outside of the state, and questioned if this would still fall under local jurisdiction.

Abigail Frierson indicated that this would likely apply mostly to children found in Nevada. Ms. Frierson suggested the issue that if a lot of different entities have the ability to call MDTs, multiple MDTs could be going at the same time.

An unidentified speaker asked if the local MDT would still be the group responsible for residents of Nevada who were trafficked outside of the state.

Abigail Frierson suggested that for child welfare, this would be the case only if the parents were involved in that out-of-state trafficking. Otherwise, Ms. Frierson continued, emergency jurisdiction is based on whether the child is found in Nevada or resides in Nevada and as such, that particular scenario would not fall under the purview of local MDT.

Makaya Swain asked if in the case of multiple MDTs if this would impose a limit on how many MDTs.

Brigid Duffy indicated that these are the reasons behind these conversations because the statutes currently on the books do indicate that one or more multidisciplinary teams can review the cases of children.

Nicole Reilly indicated the importance of having a carve-out for children who are residents but trafficked into other states given that these children should still be receiving services coordinated where they live. Ms. Reilly asked, however, since they were trafficked out of state, which MDT would review that case, and would that then apply to the Attorney General's Office and involve the DAG for Missing and Exploited Children.

Brigid Duffy indicated that this would work well with other states that have this carved out and can cross report, but likely will not be a possibility for every state.

Nicole Reilly questioned the cases in which the parents are not involved in trafficking and how those children will receive the coordination of services if child welfare does not have jurisdiction.

Brigid Duffy explained that 432C complies with federal law, which makes mandated reporting to the child welfare agency and allows reports from non-mandated reporters. Ms. Duffy further indicated that 432C requires the child welfare agency to be involved even if the parent or guardian is not the perpetrator of the exploitation, thus creating a safety net.

Lauren Boitel questioned the necessity of stating training or qualifications of the representatives within MDT and whether or not that was already included elsewhere.

Brigid Duffy indicated her belief that this piece was already included but conceded that she would need to look deeper into the statute to be certain. Ms. Duffy next discussed appointment and organization,

suggesting that Child Welfare be the hub with the ability to delegate to another local government agency as an option.

Makaya Swain indicated her support of this being a child welfare agency because it puts focus back on the fact that this is a child welfare issue and not just a law-enforcement issue.

Cara Paoli cautioned that this becomes tricky with children who are not in the state's legal custody.

Nicole Reilly indicated her support for the way Ms. Duffy has it written now as it is open enough for jurisdictions to address things appropriately so that it meets their resources and the demand.

Brigid Duffy gave the example of the Child Death Review, indicating that this is run by a child welfare agency, who is authorized in statute to appoint and organize the MDT, even if the children are not in the child welfare system. Because the child welfare system agency is already tasked with many things, Ms. Duffy reiterated the suggestion of the child welfare agency then delegating these trafficking and exploitation types of cases to other governmental entities.

Makaya Swain specifically asked Elynne Greene how many cases, approximately, are currently under review and requested Ms. Greene's opinion on having one centralized MDT in different areas, whether or not Ms. Greene feels this is a good way to pool resources, and if Ms. Greene believes it is realistic for the MDT to discuss the current CSEC cases.

Elynne Greene indicated that this varies from month to month. Ms. Greene explained that meetings are not always required regarding these as often the cases have already been discussed with the district attorney and the other entities that might potentially be involved.

Brigid Duffy added that often times, so many things are emergent with children, that a monthly meeting often is too far away in order to address issues, with child death issues being an exception to this.

Noel Roberts indicated that in southern Nevada, METRO is the lead on law-enforcement led MDTs. As such, Mr. Roberts questioned who the subcommittee would be looking at to run law-enforcement led MDTs under this agenda item.

Brigid Duffy explained that this would be whomever would be best to address the needs of the child throughout the criminal justice process, as well as whomever would best to assess and analyze cases, make recommendations for improvements to laws, policies, practices, support safety, and wellbeing of children in order to prevent future victimization.

Noel Roberts emphasized the importance of having someone like Elynne Greene in her specialized

position under the existing ECM model that allows for the coordination that keeps the process running smoothly.

Abigail Frierson indicated that one of the issues with trying to determine who runs the program comes back to the fact that the purpose is not truly defined.

Elynn Greene clarified that her role is administrative and that she does not do a lot of direct service in terms of human trafficking although she is familiar with the cases. Rather, Ms. Greene explained, her role consists of compiling the data and information, answering questions, and then distributing the information in time for people to have advance knowledge prior to coming to the table.

Nicole Reilly commented that the purpose appears to be balanced between criminal justice and service provision.

Brigid Duffy indicated her support of using the broader language, indicating that an agency of a local governmental entity may organize or sponsor rather than specifying. Ms. Duffy did suggest that this could cause problems with overlap.

Noel Roberts indicated that he and Elynn Greene have been having discussions regarding what happens if the Department Of Justice grant goes away and as such, are beginning a long-term plan as to who would lead these types of things in the case that his and Elynn's positions are eliminated. Mr. Roberts suggested that in the south, Family Services and Metro should take a lead on this.

Brigid Duffy requested feedback from Washoe County, indicating her hesitation in writing a statute that would fit for one county or jurisdiction but not another.

Nicole Reilly expressed her concern that if a responsible agency were not identified, this could easily fall by the wayside. As such, Ms. Reilly indicated her support of having the DA's offices in control for the larger counties, and the AG's office for the rurals.

Brigid Duffy indicated that she would reach out to the Washoe County DA's office as no one was available for feedback at today's meeting.

Elynn Greene explained that whatever the subcommittee decides needs to be within the agency taking responsibility, whether this is legislated or not. Ms. Greene indicated the importance of this being documented as a procedure.

Joseph Saiz indicated that there are cases where the DA's Office is not involved until the multidisciplinary team statute is written, and asked how this would work.

Brigid Duffy conceded Mr. Saiz's point and explained that the child welfare agencies in Clark and Washoe Counties and in Carson City fall under the District Attorney's Office, and that in the other rural jurisdictions, they fall under the Attorney General's Office. Ms. Duffy explained that even if a case like the one described by Mr. Saiz doesn't go to the adult criminal system, services would be supplied by a child welfare agency, all of which fall under either the AG's or the DA's offices in the state of Nevada.

Jessica Freeman suggested replicating the 432b.405, which would then have the CSEC Coalition approve MDTs, thus creating oversight.

Brigid Duffy asked if the CSEC Coalition is statutory.

Jessica Cisneros explained that it is not, but questioned whether or not this subcommittee could make them statutory based on the legislation through SB293.

Esther Rodriguez-Brown clarified that CSEC was not mandated through SB293 but through an executive order through Governor Sandoval. Ms. Brown further indicated that once that executive order concluded, Governor Sisolak extended the executive order to restart the Coalition.

Brigid Duffy confirmed that Ms. Brown was correct and indicated that writing the Coalition as a statutory requirement might be going too far down the line. Ms. Duffy reiterated her intent to contact Washoe County and asked Nicole Reilly to speak with someone in the AG's office on behalf of the rurals.

Nicole Reilly confirmed that DCFS's policy for running their MDTs for CSEC also lists the AG's Office. Ms. Reilly informed the Subcommittee that she would reach out to one of the rural DAGs and report back to the Subcommittee when she had further information.

Brigid Duffy explained that at the very end, there should be a copy of statute 432B.409 and opened the floor for discussion regarding the ability to have a statewide executive review team that mirrors what is done for Child Death Review. Ms. Duffy asked the Subcommittee to look at this prior to the next meeting and tabled this particular discussion for a future agenda.

Brigid Duffy indicated that there are two different sections, one for service response, and one for criminal justice system needs. Ms. Duffy discussed the local agencies created to provide support and then additional representatives that MDT deems appropriate to review for possible assistance in providing coordinated services. Ms. Duffy next discussed the representative of the support services and introduced the idea of potentially combining these two pieces into one rather than having two different sections given that they are nearly the same, even in cases where there is no criminal prosecution.

Noel Roberts agreed and added that law enforcement should be included in both pieces as they are involved, even when there is no criminal aspect.



Brigid Duffy suggested adding this into Paragraph 2.

Jason Guinasso asked what obligation team members have relative to law enforcement and law-enforcement's role in prosecuting crimes in terms of the MDTs, as well as the obligations with regard to what information is shared and not shared.

Brigid Duffy indicated that this information would be in the upcoming discussion of the next section and suggested that these questions might be answered at that time. Ms. Duffy next asked for suggestions regarding anyone missing who should be included in A through E under Subsection 2.

Jason Guinasso asked for clarification regarding Subsection E, indicating his belief that it appears to be a catchall that allows discretion to add other appropriate individuals.

Brigid Duffy confirmed that this is correct, indicating that she wanted to ensure that any potential disciplines that do not fall into the discretion of the group to invite were included.

Brigid Duffy next discussed the documentation modeled after the Child Death Review and asked the Subcommittee to review this and provide feedback.

Abigail Frierson indicated her belief that this might be a bit too broad and questioned what it means that the multidisciplinary team is entitled to it.

Brigid Duffy asked for suggestions to narrow it down.

Elynn Greene suggested using Jim Sweetin's documentation drawn up for human trafficking as an example and indicated that she would pull this up and present it to the Subcommittee.

Brigid Duffy indicated that work would continue on narrowing this down while still allowing the MDT to look at it and use it when making decisions regarding the services provided to a child or how to best have the treatment for the child.

Jason Guinasso suggested that in addition to the scope of access, the subcommittee might wish to consider adding language about timing.

Esther Rodriguez-Brown interjected that anyone with documents should forward them to her directly for review by the DCFS team.

Brigid Duffy indicated that Section 2, also taken from the Child Death Review, indicates that each organization represented on the MDT shall share with other members information in its possession.

Ms. Duffy further indicated that Section 3 indicates that they may use data collected for purposes of research to prevent future exploitation as long as the data is aggregated and does not allow for identification. Ms. Duffy explained that Section 4 is the unauthorized further dissemination clause, which ties back to confidentiality of meetings. Ms. Duffy concluded by asking the subcommittee to think on and then discuss at the next meeting how to put into statute the piece regarding mandated training for those who serve on the MDT.

No further discussion on this topic.

**6. For Information Only: Next Meeting: May 12, 2022. 10:00am-11:30am (or until adjournment)**

Brigid Duffy called for any comments from the subcommittee.

Joseph Saiz indicated that there has been a big push legislatively to seal and decriminalize juvenile justice records and as such, asked the group to consider language around when juvenile justice information will be destroyed in line with the sealing of records. Mr. Saiz opined that this information might go to other government agencies as well as NGOs and nonprofits, and indicated that before the Subcommittee signs on the sharing of juvenile justice information, the language around the timeline for destruction of this information should be included.

Brigid Duffy indicated her willingness to try and write the document in a way that includes the ability for the child welfare agency to provide information rather than to simply turn over records. Ms. Duffy further indicated that if all involved are going to come together and think about how to improve the lives of all children, all pieces of information would be necessary, and that this would be revisited at the next meeting.

Nicole Reilly suggested the requirement of redacting records prior to sharing them with subcommittee members.

Brigid Duffy concurred that this is one way to do this and added that another way is without the use of hardcore records, reiterating the potential for all members to have an open discussion regarding the child without penalty of confidentiality.

No further discussion on this topic.

**7. Final Public Comment and Discussion** *(Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for a later meeting)*

There was no public comment.

**8. Adjournment**

Brigid Duffy adjourned the April 14, 2022 meeting of the CSEC Legislative Subcommittee.