

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Guests Present:

Keith J. Henrikson	Kirby Vacuum Dealers
Michael Medema	Department of Prisons
Phil Pro	Deputy Attorney General
Jack Stratton	Gaming Control Board

SENATE BILL 228

Prohibits certain acts involving personal property whose manufacturer's identification mark has been covered, altered, defaced or removed.

Keith Henrikson, Kirby Vacuum Dealers, testified for S.B. 228. He stated that the Chamber of Commerce and the Better Business Bureau had tried to do things on this bill. It previously had been introduced but did not meet the legislature's expectations. This bill would require that the person holding merchandise with altered serial numbers would have to have three of the same things in his possession before he could be prosecuted. An example of this would be three sewing machines. This would constitute that he knowingly bought stolen merchandise. This bill would only apply to items with a guarantee on them because unguaranteed items have identification numbers only, not serial numbers.

SENATE BILL 448

Authorizes director of department of prisons to transfer certain offenders to correctional institutions outside Nevada.

Mike Medema, Department of Prisons, testified for S.B. 448. This bill would permit Director Wolff to transfer prisoners to another state that has a term equal to or longer than our state. He would like to release primary jurisdiction to a state that has a longer sentence. They would not be serving any less time. At present, about 25 states have this type of legislation and it is done between states.

SENATE BILL 131

Increases penalties for violation of certain gaming laws.

Jack Stratton, Gaming Control Board, and Phil Pro, Deputy Attorney General, testified on this bill. Jack Stratton stated that this bill has been amended several times.

Jan Stewart questioned as to what would happen if you were caught operating without a license.

Phil Pro stated that this would involve administrative action and the terms of the fine would be appropriated by the gaming commission. He stated that a person has a 5th amendment privilege but when he is granted immunity, the 5th amendment is taken away from him.

S.B. 228

Mr. Coulter moved to Do Pass S.B. 228; Mr. Stewart seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Polish, Banner,
Coulter, Brady, Sena - 9

Nay - Fielding - 1

Absent - Prengaman - 1

S.B. 448

Mr. Malone moved to Do Pass S.B. 448; Mr. Sena seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Polish, Banner, Fielding,
Coulter, Brady, Sena - 10

Nay - None

Absent - Prengaman - 1

ASSEMBLY BILL 416

Provides that sheriffs rather than justices of the peace are ex officio county coroners.

Mr. Sena moved to reconsider A.B. 416; Mr. Banner seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Malone, Horn, Polish, Banner, Fielding, Brady,
Sena - 8

Nay - Stewart, Coulter - 2

Absent - Prengaman - 1

Mr. Sena moved to Do Pass A.B. 416; Mr. Banner seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Malone, Horn, Polish, Banner, Fielding, Brady,
Sena - 8

Nay - Stewart, Coulter - 2

Absent - Prengaman - 1

S.B. 131

Mr. Coulter moved to Do Pass S.B. 131; Mr. Horn seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Polish, Fielding,
Coulter, Brady, Sena - 9

Nay - None

Absent - Banner, Prengaman - 2

SENATE BILL 352

Prescribes form of affidavit required to obtain possession of assets of estates valued at less than \$5,000.

Senator Don Ashworth testified on this bill. He stated that this bill would provide that in the event your estate is less than \$5,000. you would not have to have a full probate session. This bill would set out provisions for the affidavit. If a person relies on the affidavit, he could not be sued by a third party. The \$5,000. is actually a safety measure that has been in the laws for a long time and he would be in favor of increasing it. The only time an affidavit would be submitted to a court would be if there was out of state property involved.

SENATE CONCURRENT RESOLUTION 29

Encourages training of police officers to deal with domestic violence.

This bill would resolve the recognition of problems relating to domestic violence. This bill would call for the Crime Commission to develop programs of training and prevention on domestic violence. It would also relate to landlord/tenant, brother/sister, etc.

Senator Jean Ford testified for S.C.R. 29. She felt that this was one of the best pieces of legislation seen in this area. Ms. Ford felt that we should be protecting individual rights from physical injury. Law enforcement needs to receive additional training for their own safety as well as others.

Nick Horn questioned as to what type of training they will be given.

Senator Ford stated that the program would consist of sensitizing law enforcement people to the nature of problems that they run into psychological techniques to alleviate these problems.

John Constance, Police Officer Standards Training School, testified for this bill. He stated that domestic violence training is a new approach that they are wanting to take and he feels that there is a great need for it. Mr. Constance stated that police officers are very hesitant to enter into this type of situation because they lack the knowledge to deal adequately with domestic violence. He is asking for support to continue further in these types of programs. He stated that this program would cost about \$1,000. to set up and it would look more into counseling and referral agencies.

For statistics, please see EX. A.

Larry Ketzenberger, Las Vegas Metro Police Department, testified on this bill. He stated that this type of legislation is necessary because when an officer goes into this type of situation where a marriage is falling apart, he must know how to remain a neutral party. He felt that he did not want his people to be counselors though.

Michael de la Torre, Crime Commission, testified for this bill. He stated that he has done research in this area and found it to be a serious situation. In a domestic violence situation, you do not know what to expect. If you entered the situation with a gun, you might scare someone but on the other hand if you go in unarmed, you may be hurt. He would like to see training programs to raise the officers level of consciousness. At present, only about 20% of a police officers training deals with domestic violence.

Bill Macdonald, Humboldt County District Attorney, testified on the following bills.

ASSEMBLY BILL 184

Changes penalties for destruction of property.

Mr. Macdonald stated that this bill would change the penalties for destruction of property and increase the fine. At present you can steal a \$5,000. car, inflict \$4,900. worth of damage

to it and the law says that you have not committed a felony.

ASSEMBLY BILL 186

Limits to district courts authority to order civil commitment of alcoholics and drug addicts charged with crimes and makes pleas of guilt condition of defendants' eligibility.

This bill would allow for alcoholics and drug addicts charged with crimes to be committed for treatment by court order.

ASSEMBLY BILL 187

Provides penalty for solicitation of felony if no criminal act is committed.

Mr. Macdonald stated that this bill was passed out of committee.

S.B. 352

Mr. Malone moved to Do Pass S.B. 352; Mr. Brady seconded the motion. The committee approved the motion on the following vote:

Aye - Hayes, Stewart, Malone, Horn, Banner, Fielding, Brady,
Sena - 8

Nay - None

Absent - Polish, Coulter, Sena - 3

SENATE BILL 27

Abolishes causes of action for seduction and criminal conversation.

In the past, this bill allowed that if your wife cheated on you, you could sue her partner for civil damages. It was amended which removed the action for civil damages but at the same time it also removed action for civil damages for seduction which could be a minor child seduced by an adult.

Chairman Hayes adjourned the meeting at 10:15 a.m.

Respectfully submitted,

Judy E. Williams
Judy E. Williams
Secretary

DOMESTIC VIOLENCE & POLICE

- * The F.B.I. reports that annually in excess of 50% of all officers killed in the line of duty are in the process of responding to a domestic violence call. It seems to be true, also, that the majority of police officers who are injured are similarly involved in conflict intervention activity.
("Presentation on Police Difficulties With Female Battering Cases", by James Bannon, Ph.D., Executive Deputy Chief, Detroit Police Dept., 1977)

F.B.I. Statistics --

- * About 40 times/day a police officer is injured while investigating a disturbance.
- * About 3 times/day a police officer is shot while responding to a disturbance call.
- * Almost twice a month a police officer is killed answering a disturbance call.
- * In 1976, police suffered 49,079 injuries. 15,448 of these were in response to domestic disturbance calls.
- * In 1976, 2,768 police officers were shot. 1,034 of these were in response to family quarrels and other disturbances.
- * In 1977, 93 police officers were killed. 22 of these occurred while responding to disturbance calls.

-- Reno Evening Gazette
June 15, 1978

LAW ENFORCEMENT PROBLEMS WITH INTRA-FAMILY VIOLENCE

by James Bannon Ph.D. Commander Detroit Police Department

This paper views the issue of the criminal justice system's contribution to family violence. The legal and law enforcement professions have long been enamored of psychological explanations of violent behavior. These individual pathologies, though of some limited validity, are not terribly helpful in designing strategies for dealing with violent behavior at the street level.

To me the more promising, and I believe more legitimate approach to an understanding of family violence is offered by viewing it as a social phenomenon. It has been said often that violence is as "American as apple pie" and surely we can no longer view as debatable the remarkably American emphasis on individuality. Taken together with the view of woman as property we virtually guarantee the widespread existence of a phenomenon now being dubbed the "battered wife syndrome."

Those of us in law enforcement, who are the first official representatives of government to respond to violence in the home, are socialized in precisely the same manner as the citizens we are expected to restrain or protect.

Policemen, like most males, are taught a self-reliance, "fight your own battles" philosophy from the cradle. Similarly we are socialized into the conscious perceptions of masculine-feminine roles. In our society this process translates into dominance-submission terms. The man is the boss, the owner, the female the subordinate, the property.

Most frequently it is when these role expectations are not observed that violence occurs between married couples, or those who are involved in relationships which approach our definition of marriage. That includes economic dependence or inter-dependence and sexual access.

Taken together with our culture's views on the sanctity of the home, the above social factors guarantee that police will be less than enthusiastic about becoming involved in family disputes.

As it turns out, in the case of domestic violence, we reject the rule of law which makes it a crime to assault another person regardless of the degree of injury or the relationship existing between the victim and the perpetrator of the violence. We substitute in its stead an arbitrary determination usually based on irrelevant factors. Most frequently the factor which will cause police intervention is a family fight which disrupts the peace and tranquility of the neighborhood, next most frequently the use of a deadly weapon and thirdly the degree of injury involved. All of course are irrelevant to the substantive charge of assault.

In my view the police attitude, which seems to say that what happens between husband and wife in their own home is beyond the authority or ability of the police to control is a "cop out." The real reason why police avoid domestic violence situations to the greatest extent possible is that we do not know how to cope with them and because we share society's view that domestic violence is an individual problem and not a public issue. Only when society in general is made aware of the extreme social and economic costs of domestic violence will sufficient interest be generated to force law enforcement and the criminal justice system to find solutions to these problems.

The abuse of victims of crime by our criminal justice system is a national disgrace. Leading that procession of shame are the abused wives, women married to violent men who have been taught from the cradle that they have a right, indeed an obligation, to manage their personal affairs, to redress presumed insults and to force compliance to their orders by the use of their fists.

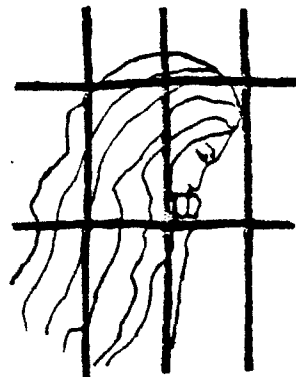
It is amazing to me that we are unaware of the extreme paradox of delegating to police officers the role of arbiters of

family disputes. Of all the non-athletic occupations none is so absorbed with the use of physical coercive force as that of the police officer and none requires a more thorough socialization in the masculine role image.

This paradox suggests to me that traditionally trained and socialized policemen are the worst possible people to attempt to intervene in domestic violence. Their known physical propensities may in fact reinforce the degree to which they perceive as legitimate the use of violence by a husband against a wife. While police, because of their position, must play a role in intervention strategies they perhaps need only be utilized as identifiers of problematic family situations.

It is my view that police, and later prosecutors and courts, contribute to domestic violence by their laissez-faire attitudes toward what they view as essentially a "personal problem." This is made even more problematic because police are socialized to regard females in general as subordinate. The super-ordinance of the male coupled with his socially mandated reliance on violence to resolve personal problems without outside assistance assures us that wives will continue to be battered in record numbers.

It's clear from our research that in virtually every case of homicide of the social conflict variety there has been a long history of conjugal violence. It is even possible to predict a homicide if only we recorded this violence. However, it's not possible to predict who will be the perpetrator and who the deceased. Because in the final resolution of the conflict situation it is frequently the former victim of all those assaults who



Groundwork/cpf

finally resolves the problem society and the justice system has ignored and kills her tormentor. Thus, she again validates the use of violence to resolve her problem, one that society is unable or unwilling to even recognize as a public issue let alone redress.

In Detroit, as in many other cities the treatment of female victims of assault of the domestic variety could charitably be termed cavalier. Perhaps more accurate would be to call it malfeasance.

The attrition rate in domestic violence cases is unbelievable. In 1972 for instance, there were 4900 assaults of this kind which had survived the official process long enough to at least have a request for warrant prepared and the complainant referred to the assault and battery squad. Through the process of conciliation, as a result of complainant harassment and prosecutor discretion, fewer than 300 of these cases were ultimately tried by a court of law. And in most of these the court used the judicial process to attempt to conciliate rather than adjudicate.

If you bear in mind that these cases had been culled over several times by court officials so that only where the injury was extreme or the offense repeated would a warrant have been issued you can readily understand why women ultimately

EXHIBIT

take the law into their own hands or despair of finding relief at all — or why the male feels protected by the system in his use of violence.

As an example of the novel ways police departments seek to avoid becoming involved I would like to relate two strategies utilized by the Detroit Department. The first is euphemistically called a "peace bond." Note that the spelling is with an "a" not an "i." This non-document was issued to the perpetrator by an assistant prosecutor. It admonished him to cease and desist beating his wife on pain of being prosecuted if he should repeat the offense during the time limits stated. Surprisingly this was a fairly effective device. It was effective because the prosecutor would follow through on his commitment when the assault was later repeated.

So well accepted was this strategy that wives would come in seeking a peace bond. It had the advantage of restraining the violent husband while not adversely affecting the family's economy by placing him in jail. Of course I believe that it merely gave him an opportunity to save face for not living up to his socially required duties of the male dominance role. "I can't beat her even though she deserves it because I'm on a peace bond."

Later the prosecutor withdrew from his role and the police took over issuing the peace bond. At this time it lost whatever effectiveness it once had because the prosecutor no longer had a commitment to follow through if the offender repeated.

The second example of a not atypical strategy is what has become known as "call screening." Some years back calls for police service exceeded the department's ability to respond. The decision was made not to respond to certain types of calls. Wouldn't you know that the first calls screened out were family troubles. Although the women found a convenient override which would assure a police response it has diminished in effectiveness by overuse. They merely alleged that their tormentor had a gun, even if he did not. This had limited value because the policemen arriving at the home and discovering the ruse left after an angry outburst and didn't even make a report. His display of non-interest could be expected to instill in the aggressor a feeling that violence against a wife was actually permissible, as long as it didn't involve a firearm.

Call screening has had the effect of masking the true dimensions of the problem. While it's possible to count the number of calls for police service in domestic situations even when police do not respond it is impossible to even estimate the number of women who do not call the police. They, either directly or indirectly have become aware that the police will seldom intervene in their problems.

Explicitly or implicitly the criminal justice system says to the citizen, "look we can't solve your personal problems." It seems that police agencies are inept in their efforts to successfully intervene in social conflict situations — they are adept however at homicide investigations. If our present attitudes continue we will become increasingly good at homicide resolution.

Such extreme pessimism may, however, be unwarranted. Dr. Witt, in our study, has made several recommendations which may contribute to a decrease in the incidence of "battered wives."

First of all there needs to be a turnabout in the thinking of police administrators. We must cease viewing domestic violence as beyond the role of the criminal justice system. Such a reorientation would require immediate steps to train police officers in conflict intervention techniques. Such

training should not be designed to make therapists of police officers, but rather to assist them in de-escalating domestic violence as a short range goal. Minimally they should be rendered competent enough that they do not worsen an already tense situation. Secondly we need to commit ourselves to full response rather than screening out those calls for service which we are not very adept at resolving. Once we respond we should make full reports of the incident, creating from these reports a history of conflict that can be utilized by action agencies.

We should create a diagnostic facility staffed with the full range of expertise from medical and legal, to budget planning. These experts would analyze the conflict situation of the battling couples and affirmatively refer them to the appropriate existing social service agencies. Such a facility staffed by public and private sector experts would assure that the appropriate service was rendered rather merely dumping persons in trouble into broad social service programs. In order to initiate this diagnostic-intervention strategy the police would play the limited role of identifying the parties and situations in which intervention was needed.

Fourth we need to examine a full range of non-criminal remedies for social conflict. One such strategy could be the disarmament of conflict prone households by intervention through the civil process. Another might well be the judicially decreed separation of violence prone couples. I realize the latter suggestion is unpalatable to many, however, there comes a point when society must intervene on the behalf of those persons not willing to initiate the action necessary to preserve their own lives.

Finally, as I have said before we must begin to view domestic violence as a "public issue" rather than a "private problem." We must recognize the tremendous costs in blood and money of our failure to protect those people who are daily brutalized by their conjugal partners. As distasteful as it may seem to most, society must recognize the role it has played in creating an ideal of the sanctity of the home beyond whose doors anything goes.

The potential for progress in this vital area is dim and remains so as long as we continue to view women as property rather than as fully vested, independent members of society. The criminal justice system affirmatively responded to the brutalization of children who shared the females' property classification. It must now do more to assure the same safeguards for women, at least for the length of time it would require to resocialize our society in its male-female role concepts.

It is no accident that women are not the subject of express concern in the constitution of the United States. That document, like the law (and law enforcement) which follows from it reflects the standard socialization of its framers. Women were not second class citizens but in fact were non-citizens. As they were not entitled to the protections extended to fully vested male citizens. At this point in time, almost two hundred years later abused wives are still not receiving even minimally sufficient protection or cooperation from either police or the criminal justice system as a whole.

Presented to the American Bar Association Convention, August 12, 1975. Reprinted with permission of the author by American Friends Service Committee, Women's Issues Program, 2161 Massachusetts Avenue, Cambridge, Massachusetts 02140.

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