

NEVADA AMBER ALERT COMMITTEE
(Statewide Alert System for the Safe Return of Abducted Children)
April 16, 2014 Meeting Minutes

Meeting held at the Department of Emergency Management, DEM Conference Room, 2478 Fairview Drive, Carson City, NV and Nevada Highway Patrol, 4615 W. Sunset Road, Las Vegas, NV.

Having a quorum, the regular meeting of the Governor's AMBER Alert Review Committee was called to order by Chairperson Stephanie Parker at 10:04 a.m. at the Department of Emergency Management, DEM Conference Room, 2478 Fairview Drive, Carson City, NV and Nevada Highway Patrol, 4615 W. Sunset Road, Las Vegas, NV via video-conferencing.

Committee Members in Attendance: Stephanie Parker (Chair), Adrienne Abbott (Vice-Chair, Emergency Alert System/Nevada Broadcasters Association), Senior Deputy Attorney General/State Advocate Victor Hugo-Schulze (NV Office of Attorney General), Denise Stewart (NV Department of Public Safety/ATAC), Deputy Attorney General Trina Dahlin (NV Office of Attorney General), Gail Powell (DPS DEM), Lt. Ed Tyndell (Henderson Police Department), Sgt. Armando Avina (Washoe County Sheriff's Office), Adam Sandler (Nevada Broadcasters Association), Denise Inda (NDOT), Julie Butler (DPS-GSD), Kevin Larsen (NHP), Dennis Osburn (NHP), Grace Strachan (DPS GSD).

Others in Attendance: Linda DeSantis (EITS Web), Dan Mason (KKOH Radio), Lt. Rick Genseal (Elko PD), Corp. Rick Moore (Elko PD), Detective Patrick Denny (LVMPD), and Edwina Koepsell.

Agenda Item 2 – Chairperson Parker announced that the vacancy of one of the state law enforcement statutory members will be Chief Dennis Osborne from NHP, replacing Troy Abney. His appointment is pending and we are just waiting for the confirmation paperwork from the Governor's office. Parker also advised there is a local law enforcement vacancy due to the member representing NLV PD's recent resignation due to time constraints.

Agenda Item 3 – Approval of January 15, 2014 meeting minutes. Vice Chair Abbott moved to approve the minutes and seconded by Denise Inda. The motion was approved by a unanimous vote. No public comment.

Agenda Item 4 – Review, Evaluation and Recommendation of activation requests of the Amber Alert activation on August 16, 2013 Amber Alert by Elko Police Department. This matter was trailed from the January 15th meeting due. In attendance, via telephone, to discuss the activation was Lt. Rick Genseal and Corp. Rick Moore from the Elko Police Department. The Elko police department representatives stated they are unable to locate documentation regarding the AMBER alert activation request from August of 2013. The children were removed by their mother to California during a visitation on August 14, 2013. Mother of children had been awarded limited custody and visitation of children. There was a question if the children were in actual danger so the matter was taken to the District Court Judge Al Kacin who had awarded the limited custody to the mother. Judge Kacin found the children were in danger and issued a writ for an AMBER alert. An AMBER alert was issued in Northern Nevada and California. The children were located in Sacramento. The AMBER Alert cancelled in NV on 8/17/2013. The Amber Alert was not cancelled in CA in a timely manner. Elko Police Department states they are working to improve the way they handle AMBER Alert activation requests. Chairperson Parker advises that the Fallon Police Department has a cheat sheet they will distribute and Vice Chair Abbott will provide assistance in the creation of a local plan and a copy of the state plan to any

interested law enforcement agency. Member Dahlin asked how the AMBER Alert was activated. Chairperson Parker advised that Elko PD Chief Lehman called and said he had a court order stating that the children were in imminent danger and had been missing for a couple of days. Parker advised she counseled Captain Lehman that the court order was insufficient and not something that would be considered in determining the children were in danger. NHP/DPS Captain Mershel from Elko contacted NHP Dispatch and insisted that an AMBER Alert be issued due to writ. Chairperson Parker advised the DPS Chief that she had recommended against the alert being issued in Nevada but the alert was issued anyways. Vice Chair Abbott advised the judge's order did not mandate issuance of the AMBER Alert but emphasized the children were in danger. Senior Deputy Attorney General Schulze stated if the children were in the custody of the Division of Child and Family Services, then it can be presumed the children are in danger if parent absconds. Elko Police Department representatives stated that since the judge had granted visitation to mother, it was questionable if the children were in any kind of danger. Neither law enforcement or the Division of Child and Family Services could identify any danger to the children and that is why the matter was taken to the judge. Vice Chair Abbott stated that the entire fault does not rest upon Elko Police Department since the judge bears some responsibility. Chairperson Parker stated it is probably time to educate the judges on AMBER Alert Activation criteria, but probably not the training being offered in May. Elko PD states it did not and does not have a local plan for AMBER Alert Activation. They have been using the state plan through the assistance of NHP. Elko PD stated that they are in the process of developing a local agency AMBER Alert plan based upon the information received from the Fallon Police Department and the training in May.

Public comment: A member of the public asked about judges issuing a writ and does it happen in the South. Chairperson Parker answered that a writ has not been issued in the South but that one had been issued in the North but was disregarded. Vice Chair Abbott stated that a judge issuing a writ does not meet the criteria for an AMBER Alert Activation and that it is rare for a judge to attempt to activate an AMBER Alert. Senior Deputy Attorney General stated that Nevada Revised Statutes section 125 has a provision regarding child abduction. In this matter it should have been up to the discretion of local law enforcement to determine what action needed to be taken.

Member of public asked if the criteria is national or state specific. Chairperson Parker responded that Nevada criteria is used but is based on a variation of the National recommended criteria.

Member of public asked if local District Attorney's Office is involved in AMBER Alert Activations. Chairperson Parker answer that local District Attorney's Office is not involved in the investigation or AMBER alert activations.

Member of Public asked if parental abductions are excluded from AMBER Alert Activations. Chairperson Parker advised that parental abductions are NOT excluded and that a large percentage of AMBER Alert activations are due to parental abductions.

Member of Public asked about Chairperson Parker's statement of disregarding a judge's writ. Chairperson Parker explained that if law enforcement decides not to issue an AMBER alert and then a judge becomes involved, the judge's order can be disregarded. Law enforcement has to determine that the abducted child or children are in imminent danger of serious bodily injury or death. In the case previously discussed in which the judge's order was disregarded, the criteria was met so the AMBER Alert was issued based on the criteria, not the court order. Senior Deputy Attorney General Schulze further explained that courts have no authority to issue AMBER Alert, only local law enforcement.

Member of Public questioned if a parent is in a domestic violence situation and moves with the children to a shelter, how that plays out. Chairperson Parker stated she would need to call time for public comment due to time constraints but said that if criteria is met the AMBER Alert can be issued even if abducted and in a domestic violence shelter. Member of public requested confirmation from Senior Deputy

Attorney General Schulze who responded it is a case by case determination but in a minority of cases the abuser ends up in domestic violence shelter by providing false statements. In those types of cases, an AMBER Alert could issue based on law enforcement discretion. Chairperson Parker advised the member of the public that they could speak with law enforcement after the meeting.

Agenda Item 5 – Senior Deputy Attorney General Schulze provided an update on the AMBER Alert training scheduled for May 6-7, 2014. Schulze stated since the last meeting, a comprehensive training program involving Fox Valley Technical College has been developed. The training is approved for 12 POST credits in Nevada. The training is also appropriate for dispatchers. Chairperson Parker will provide a presentation regarding the necessary criteria for AMBER Alert activations. The training will also cover history of the AMBER Alert, missing children’s investigations, and a Fourth Amendment refresher class. The training is free and will be held May 6 & 7, 2014 at the Training Center in Reno. The training will be held 8 a.m. to 5 p.m. on May 6 and 8 a.m. to noon on May 7. Schulze also stated plans to provide a training in Clark County later but not in the immediate future since Clark County recently completed a training. Alert ID will donate \$250 for support of the training and Nevada Broadcasters Association is providing support for this training. No public comment

Agenda Item 6 - Chairperson Parker advised that since the AMBER Alert committee has been in existence for 10 years, the committee was reviewed by the Legislative Sunset Sub-Committee on April 14. Chairperson Parker appeared before the committee to answer any questions about the purpose and activities of the AMBER Committee. During the appearance, the legislative committee asked if the AMBER Committee also provided oversight of the Silver Alert and mentioned the possibility of looking at the Silver Alert being connected with AMBER Alert committee at a later time. The Silver Alert committee passed in 2011. Vice Chair Abbott stated the Silver Alert does not have an EAS function since usually seniors are found near the location they were last seen. Chairperson Parker asked the committee what their thoughts would be if we were approached to provide oversight of the Silver Alert.

Chairperson Parker advised the legislative committee the current needs of the AMBER Alert committee is to have the ability to receive grants directly through the account DPS set up for the Committee, thanks to Director Jim Wright’s approval. They can currently receive donations. LCB questioned why DPS is handling the funds since LCB thought the AMBER Alert Committee is under the Department of Health and Human Services (DHHS). Parker, Schulze, and Abbott advised them that DHHS has never been involved. Chairperson Parker advised the legislative committee that funds were needed for training, postage, and other expenses for members not covered by an agency.

No public comment.

Agenda Item 7 – Chairperson Parker advised this item is a standing item until it is resolved with DPS policy in accepting grants and donations. No update.

No public comment.

Agenda Item 8 - Chairperson Parker advised that nothing has moved forward on possible legislation to change the quorum requirement for the committee or determining some documentation/review confidential. Chairperson Parker confirmed that Assemblyman John Hambrick said he would introduce and support the legislation language provided to him after the Committee’s last meeting. Senior Deputy Attorney General Schulze has drafted the language. No new information.

No public comment

Agenda Item 9 – Chairperson Parker advised no new update on possible legislation to allow certain documents to be withheld from public to avoid jeopardizing criminal investigations. This legislation item has also been provided to Assemblyman John Hambrick.

No public comment.

Agenda Item 10 – Chairperson Parker advised the information regarding legislation to allow compensation to statutory non-agency member for reimbursement of expenses approved by the committee for committee related work has been provided to the legislative sunset subcommittee and also referred to Assemblyman John Hambrick.

No public comment.

Agenda Item 11 - Linda DeSantis reported on the improvements made to the AMBER Alert Website. She states that the site will be ready to use in the immediate future and will have the same information as current one but will have more capabilities and is easier to navigate. The updated site will allow more people to update the site information. Also, the site will be supported by the help desk to access, which is necessary, since the help desk can provide 24/7 coverage. The updated site will have the same activation information but will not be on the front of the website. The new site will have a new tool so that if there is an activation, it will have the capability to set up an alert on every state website. The new website will also have the capability to do Facebook or twitter feed. Nevada will be putting in a state site that has a huge twitter feed that is combined with other state sites, so the new site will grab any twitter feeds that scroll from a state website and it will be posted on the new site as well. We are looking at the ability to provide an RSS feed for AMBER alerts. The updated site has not been approved by the Governor's office yet. Ms. DeSantis requested that if anyone has any suggestions please contact Chairperson Parker or Vice Chair Abbott. Vice Chair Abbott suggested that a help desk member should attend the training. Ms. DeSantis replied that currently the help desk participation is not approved but once approved, attending the training may be possible.

No public comment.

Agenda Item 12 – Public Comment: Chairperson Parker addressed two items. 1) She will be transferring to a new department with her employment effective 4/21/14 and will provide new contact information at a later time. Committee Members should continue to use her personal e-mail and cell because she is a member that represents the community, not an agency. 2) The committee may possibly obtain a replacement resource member to assist with taking minutes for the meetings. The person is in Southern Nevada has expressed an interest. Committee Member John Michael Mendoza from Storey County Sheriff's Office had a recommendation for this position as well. Member Trina Dahlin has been scribing for over a year. Being the scribe limits the ability to contribute to the discussion during the meetings, so we need to have a non-committee member for this role. This will be on the next agenda as an action item. Chairperson Parker asked Elko police department representatives if they plan on attending future committee meetings. They replied that they will inquire to see if there is an interest and report back to the committee.

Meeting adjourned at 11:16am

Next meeting is July 16, 2014 at the same locations. No further public comments

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