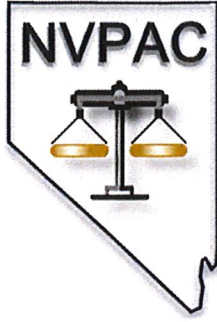


Attachment One (1)

to

Advisory Council for Prosecuting Attorneys Agenda
November 29, 2018

Minutes of September 13, 2018 Meeting



State of Nevada
ADVISORY COUNCIL FOR PROSECUTING
ATTORNEYS

100 North Carson Street
Carson City, Nevada 89701

Patricia D. Cafferata, Executive Director
pcafferata@ag.nv.gov
775-684-1136

MEETING MINUTES

Organization: Advisory Council for Prosecuting Attorneys
Date and Time of Meeting: September 13, 2018 – 7:00 AM
Place of Meeting: 2018 Prosecutors Conference – Montbleu Board Room

Members Present:

Karl Hall
Chris Hicks
Christopher Lalli (proxy for Steve Wolfson)
Lane Mills (proxy for Arthur Mallory)
Eric Spratley, Nevada Sheriffs and Chiefs
Association (proxy for A.J. Delap)
Bob Sweetin
Greg Zunino (proxy for Adam Laxalt, Chair)
Patty Cafferata, Executive Director

Guests Present:

John T. Jones, Clark County DA's Office
Jennifer Noble, Washoe County DA's Office
Sean Rowe, Mineral County DA
Tarah Sanchez, Attorney General's Office
Debbie Tanaka, Attorney General's Office

1. Call to Order and Roll Call.

(Agenda Item No. 1)

Patty Cafferata called the meeting to order at 7:10 a.m. Roll call was taken by Tarah Sanchez and a quorum was present.

2. Welcome by Greg Zunino, Bureau Chief, AGO. Self-introduction of members present.

(Agenda Item No. 2)

Members decided that Chris Hicks would preside over today's meeting. Attendees introduced themselves.

3. Public Comment. Discussion only. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.

(Agenda Item No. 3)

No public comment.

4. Discussion and for possible action to approve the April 19, 2018 meeting minutes. (*Attachment One (1) – Minutes of April 19, 2018 meeting*).

(*Agenda Item No. 4*)

Christopher Lalli moved to approve the minutes from April 19, 2018. Bob Sweetin seconded the motion, and the motion passed unanimously.

5. Discussion and for possible action on the 2019 Prosecutors Conference.

(*Agenda Item No. 5*)

Cafferata stated that the conference location rotates between Northern and Southern Nevada. Next year's conference would be held somewhere in the South. The feedback from last year's conference in Laughlin was that the venue was good, but the drive there was not favorable. Lalli moved to have the 2019 Prosecutors Conference in Mesquite, NV. Sweetin seconded the motion, and the motion passed unanimously.

Hicks suggested that a rural location be considered in the future. Cafferata added the option of not providing all CLEs be considered, as there is often some push back on the early start time. Topics for next year's conference will be discussed at the next meeting on November 29, 2018. Hicks extended thanks to Cafferata and Tarah Sanchez for their work on the conference.

6. Discussion and for possible action on the Council's duties for 2019. (*Attachment Two (2) – NRS 241A.070*).

(*Agenda Item No. 6*)

Cafferata reported that the statute (*see attachment*) shows the duties of the Council, one of which is to put on the prosecutors conferences. She added that it is important to look at what else can be done by the Council. Hicks mentioned that Jenny Noble and John Jones assist with legislative matters (item number three on the statute).

Christopher Lalli suggested the Council do something to be in the position of the Right to Counsel Commission or the Supreme Court Indigent Defense Counsel Commission, to look at how we are spending money on prosecutions in the rural areas because criminal justice funding is so limited. He added that his office is being mindful of prosecution caseloads and are screening cases with actual innocence issues. The caseload in Clark County last year was 70,000 cases. There are 105 criminal prosecutors. Every defendant arrested has an initial court appearance to discuss bail and probable cause. He added that this Council could put forth the indigent defense issue on the agendas of state legislatures and county commissions, requesting funding and resources.

Cafferata added that the Innocence Project is another topic of discussion. Noble said that they have several states compared to Nevada and there is a discrepancy in what the Project represents and what the prosecutors are telling us in that state. Hicks added that any discussion that occurs in the aforementioned Commission, along with the Sentencing Commission and the Commission to Study Evidence-Based Pre-Trial Release, all cost money to move things forward.

Lane Mills also spoke about his concerns and suggested the Council become more proactive with the 6th Amendment Center. Cafferata asked how we could get more involved in the Commissions and Lalli said that perhaps a study be done, through funding from NVPAC or the Nevada District Attorneys Association (NVDAA) to rebut the studies by the Innocence Project, or if confirmed, address the problems. Another suggestion was made by a member to speak to Justice Michael Cherry (of the Right to Counsel Commission) about some of the concerns.

Eric Spratley said that NACO proposed to the Nevada Sheriffs and Chiefs Association that they allow the 6th Amendment Center to survey the jails. Hicks suggested a rural district attorney serve on the

Indigent Defense Commission. Sean Rowe stated that he is on the Commission, but has not attended some of the recent meetings.

7. Discussion and for possible action on applying for a domestic violence STOP grant for training prosecutors. Debbie Tanaka, Grants Management Analyst, AGO. (Attachment Three (3) – STOP Information).

(Agenda Item No. 7)

Debbie Tanaka referenced the attachments, which include general information about the STOP grant (Services – Training – Officers – Prosecution). She mentioned that several of the individuals present at today's meeting receive funding through the STOP grant already, and others receive funding from the office's rural grant. STOP focuses on domestic violence, sexual assault, dating violence, and stalking. Funding is awarded to law enforcement, prosecutors, and others (*see attachment*). There is also some discretionary funding. The next solicitation will be released in January or February 2019; Tanaka will ensure that the solicitation is distributed at that time. The applications will be due in the spring. There is \$1.6 million available in Nevada, but the VAWA (Violence Against Women Act) has not been reauthorized yet, so the amount could change. Tanaka provided information on what STOP currently funds, specific to the offices of members that were present at the meeting.

Tanaka informed the Council that they can apply for and receive STOP funding. Some examples of ways to utilize the funding are: improving prosecution rates, policy development or enhancement, training on the allowed victimization categories, or developing multidisciplinary training. She said a training may be helpful for ways that victim advocates or law enforcement can collect evidence to help with prosecutions.

Cafferata stated that this type of funding would be helpful to put on the Prosecutors Conference. The budget for the conference is mostly made up of the fees that are charged to attendees, and some court fees that the Council receives, but that is it. She stated that funding the conferences is challenging.

Tanaka said that one of the other options could be providing funding to prosecutors to attend conferences. Hicks asked if funding can be used to pay for speakers? Tanaka confirmed that it could, up to \$650 per day. Hicks added that it is helpful to have national speakers at the conferences, but the funding has not been there in the past. Tanaka recapped that the emphasis of any activities must be geared toward domestic violence, sexual assault, dating violence, or stalking.

A member asked if it possible to provide funding for the study/analysis that was mentioned under this agenda topic? Tanaka said she would look into it and provide the answer to Cafferata.

Hicks suggested this topic be added to the NVPAC meeting in January 2019. The exact date will be set at the next meeting.

8. Discussion and for possible action on coordinating or sharing information on CLE trainings offered by AG, Clark County District Attorney and Washoe County District Attorney's offices. (Agenda Item No. 8)

Cafferata suggested this agenda item be moved to the November 29, 2018 meeting. Cafferata mentioned that the AG's Office is not able to video record CLE trainings, but does them in person and charges \$25 for a session. Lalli said that his office does a lot of training and the information about their free trainings are disseminated throughout the state. Hicks said that his office does training as well.

9. Meeting tentatively set for November 29, 2018 at 10:00 a.m. in the Attorney General's offices in Carson City and Las Vegas.

(Agenda Item No. 9)

10. Public Comment. Discussion Only. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.

(Agenda Item No. 10)

No public comment.

11. Adjournment.

(Agenda Item No. 11)

Hicks adjourned the meeting at 8:00 a.m.

Minutes respectfully submitted by Tarah M. Sánchez, Office of the Attorney General.

DRAFT

Attachment Two (2)

to

Advisory Council for Prosecuting Attorneys Agenda
November 29, 2018

2018 Conference: Summary of Evaluations

SUMMARY OF EVALUATIONS 2018 PROSECUTORS CONFERENCE

42 evaluations received of 119 attendees

(Total breakout attendance: Opioids-53, Elder Abuse-47, Jack & Jill-74)

✚ The four MOST INFORMATIVE SESSIONS, in order:

- 1) What Prosecutors Need to Know about Sovereign Citizens (Mead)
- 2) Ethics (Hamann)
- 3) What Prosecutors Need to Know about DNA (Jackson)
- 4) What Prosecutors Should Know about Public Records Requests (Lalli/Lipparelli)

✚ The four BEST PREPARED SPEAKERS, in order:

- 1) David Jackson (DNA)
- 2) Kristine Hamann (Ethics)
- 3) Carl Latting (Generational Divide)
- 4) Chris Halsor (Marijuana)

✚ The four LEAST HELPFUL SESSIONS, in order:

- 1) Legislative Panel (Benitez-Thompson/Kramer)
- 2) Jack (or Jill) of All Trades (Brady/Jensen/Butler/McKay)
- 3) The Art of Jury Selection (Wilson/Maddox/Steelman)
- 4) What Prosecutors Need to Know about Sovereign Citizens (Mead)

✚ **FORMAT suggestions - bolded** denotes format was suggested by one or more attendees:

- **“More breakout sessions with specialized focus and/or opportunities for small group discussions”**
- **“Copies of presentation materials”**
- **“Start at 8:00 a.m. to have time for a full breakfast at the café”**
- “Excursions for those not participating in the golf activity – like for Clark County visit Thunderbirds at Nellis”
- **“No more 7:00 a.m. sessions”**
- “Make sure there are actually breaks”
- “Don’t end after 5:00 p.m.”
- “Panel of speakers with Q&A”
- “The panels weren’t very effective. Its better when there are only 1-2 speakers”
- “A total of 2 ½ days instead of 3 ½ days”
- “It is worth sacrificing 2 CLE credits to start later”
- “First night dinner – CLE with Raggio Award then we could eat but get CLE credit for one hour”
- “Provide possible things to do Thursday night besides golf”
- “Good combination of topics”
- “Need a break on last day that gives time to check-out and take care of luggage”
- “Early morning start is good”
- “Breaks should be 10+ minutes”
- “Have the dinner the first night so there is no time gap. Have the mixer the second night after golf would be less formal we would have an opportunity to go straight from golf to the mixer”
- “We don’t need 15 credits at one conference. About 10 hours would be more appropriate”



SUMMARY OF EVALUATIONS 2018 PROSECUTORS CONFERENCE

42 evaluations received of 119 attendees

(Total breakout attendance: Opioids-53, Elder Abuse-47, Jack & Jill-74)

- “Adherence to 1-hour blocks seemed to rush some of the speakers who obviously didn’t have enough time to speak fully on their topic”
- “Panel sessions seemed to be the least helpful and interesting”
- “I would have liked the application of Carl Latting’s presentation to witnesses”

✚ SUGGESTED IMPROVEMENTS for next conference - **bolded** denotes suggestion was made by one or more attendees:

- “More advanced application as opposed to overviews”
- “Better use of time. Blocking off an entire afternoon for golf is incredibly disrespectful to the time of local (commuting) prosecutors who are forced to get up so early to be here at 7:00 a.m./**get rid of the golf** - a waste of everyone’s time”
- “**Start at 8:00 a.m. or later**; do a working lunch”
- “**Serve a hot breakfast**”
- “Do a happy hour on the first night and no dinner on the second night”
- “More experienced trial prosecutors”
- “**No more 7:00 a.m. sessions**, no introducers, limited bios, add contact info for all attendees, distribute lecture slides via email”
- “I would love brief templates and how they prevailed on new or contentious issues”
- “Maybe some motivational speakers because sometimes being a prosecutor is physically, mentally, and emotionally draining”
- “**Food/snacks/water/coffee in conference room and available all day**”
- “Consolidate dinner with the Raggio Award”
- “Less panels”
- “**Restructure start and end times, notify when food is offered on the agenda, and allow a sufficient break prior to check-out hotel time to check-out** or ask hotel to extend check-out time”
- “Junior prosecutor training/practical trial skills”
- “Keep programs to two days – a Thursday afternoon break is not necessary”
- “Make sure that legislators are more prepared. Maybe pick a few bills prosecutors are pushing or are opposed to and address those”
- “Provide classes more related to prosecuting cases”
- “**Merge mixer and dinner into one event**/don’t waste two nights”
- “Never this hotel again”
- “Confine to focus on practical matters and how to improve practice”
- “**More topics specifically for criminal prosecution**”
- “Diversity of trainers – a lot were from the AG’s office”
- “Improve IT support for speakers”
- “No need to absolutely get 15 CLE – 12 or 13 is fine”
- “Complex blocks should be 1 ½ or 2 hour classes”
- “**Serve fruit** as alternative to muffins/bagels”
- “Reception and dinner so poorly attended. Maybe more hype at conference or do sponsor giveaway AT the sponsored reception”
- “Recognize certain prosecutors for achievements, e.g. trial victory, MILS, advise legislations”



SUMMARY OF EVALUATIONS 2018 PROSECUTORS CONFERENCE

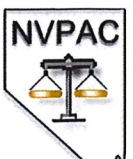
42 evaluations received of 119 attendees

(Total breakout attendance: Opioids-53, Elder Abuse-47, Jack & Jill-74)

- “The handouts for this conference were not organized very well and not helpful to the presentations”

✚ SUGGESTED TOPICS for next conference - **bolded** denotes topic was suggested by one or more attendees:

- “Tech for prosecutors, particularly e-discovery and working with court systems”
- “Ethics from a NV perspective”
- “Trial preparation”
- **“Jury selection”**
- **“Evidentiary issues/evidence”**
- “Drug trafficking and gang trends in the west”
- “Multi-disciplinary teams and implementation of those teams”
- “Restitution collection”
- “New trends in opening and closing arguments”
- “Appealing to judge and/or jury on white collar crime as true crime and not victimless”
- “Domestic violence”
- “Victim interaction”
- “Prevention of burnout”
- “Brady obligations”
- **“Legislative updates/longer time to present”**
- “Nevada Supreme Court updates – main cases”
- “Breakout sessions for 4th, 5th, and 6th amendment issues”
- “How to obtain evidence related to cell phones/computers and how to admit in court”
- “Statute changes”
- “Privacy protections available to prosecutors and where NV law could be amended to broaden protections”
- **“DUI/closing and openings”**
- “Issues in misdemeanor prosecution”
- “Bring a DRE to review possible expert testimony”
- “Fingerprint expert”
- “Best practices for drug courts”
- “New case law”
- “Batson”
- “Discovery”
- “Actual law. Most speakers did nothing to educate DAs on the law and what to do in court”
- “Body cameras/issues”
- “Sexual assault”
- **“Introducing social media at trial”**
- “Mail fraud”
- “Visual aids for trials”
- “Sentencing and how credits are applied at sentencing”



SUMMARY OF EVALUATIONS 2018 PROSECUTORS CONFERENCE

42 evaluations received of 119 attendees
(Total breakout attendance: Opioids-53, Elder Abuse-47, Jack & Jill-74)

✚ SUGGESTED LOCATION for next conference in Clark County, in order:

- 1) Las Vegas – specifically at Red Rock Casino
- 2) Mesquite
- 3) Henderson

✚ Additional COMMENTS - **bolded** denotes comment was made by one or more attendees:

- **“I really enjoyed the conference this year”**
- “Broad topics, relevant information AND a full year’s worth of CLEs - great!”
- “One of the best CLE’s I have been to”
- “I would hope that somehow more people would give full attendance at all events”
- **“Lack of PowerPoints** or derivative summaries limits takeaway value of a number of the presentations”
- “Larger fonts on PowerPoint presentations”
- “Please let us know how we can assist with planning next year’s conference”
- “Thanks! **The materials were well prepared”**
- “Brief bank, central location online to share and discuss legal issues, example filings, etc.”
- “Encourage presenters to provide resource material”
- “I really enjoyed the dinner. Very good job setting that up. Nice time to connect to attorneys in other areas of the state”
- “Location is great”
- “Some of the sessions were informative but lacked practical application”
- “If meals are going to be provided, please make them palatable. Breakfasts of just carbs do not work for most people. If you did not provide breakfast, my jurisdiction would pay me for breakfast, so providing a bad breakfast actually costs us money”
- “Case law provided was awesome”
- “This conference is not as fun as it used to be. Seems the organizer takes herself too serious”
- “The educational value of the conference is very limited. Looking around the room, there were very few new prosecutors. The quality of the presentations and presenters could use some improvement”
- “Materials should be duplex sided to save paper”
- “Pinch hitting presenters were great – way to recruit coach, Patty! Also, kudos to Tarah for her organizational skills and prompt email responses!”

- **SPECIFIC PRESENTATION COMMENTS:**
 - “Boating Under the Influence – fantastic; it is unfortunate that the weather kept us off the water”
 - “Mr. Halsor was informative and entertaining as always... his comments about storytelling were great”
 - “Substance abuse presentation was juvenile, uneducated, and ignorant. Truly a waste of an hour. Zero knowledge about substance abuse and attorneys ... It would have been better to not have this at the end for those



SUMMARY OF EVALUATIONS 2018 PROSECUTORS CONFERENCE

42 evaluations received of 119 attendees

(Total breakout attendance: Opioids-53, Elder Abuse-47, Jack & Jill-74)

of us that need to leave early due to flight schedules - there are not many flights out of Reno”

- “Opioids – provided stats and info about Naloxone, but that didn’t seem to really apply to us in a practical way. We are not in the field dealing with OD’s”
- “Legislative panel a poor use of time”
- “Sovereign citizens – the case study was informative, but the most important aspect would be advice how to deal with them and how prosecutors can protect themselves. Not worth two hours”
- “Art of jury selection a little scattered but somewhat helpful”
- “Ethics – slow but informative”
- “Domestic violence – entertaining”
- “Elder abuse – broad overview but not necessarily instructive on how to handle cases”
- “Jack and Jill of all trades – a little scattered but very informative”
- “DNA – fantastic”
- “Cybersecurity – I would have wanted tips or templates on how to successfully get location data from Google and how to get into phones”
- “Public records – incredibly informative”
- “Generational divide – excellent speaker”



Attachment Three (3)

to

Advisory Council for Prosecuting Attorneys Agenda
November 29, 2018

Budget Status Report

STATE OF NEVADA
Office of the State Controller

Budget Status Report - Transaction Detail for Selected Revenue Source

Fiscal Year: 2019

FYTD Amount: 25,810.00

Fund: 101 GENERAL FUND

Budget Account: 1041 COUNCIL FOR PROSECUTING ATTYS

Revenue Source: 3700 REGISTRATION FEES

Transaction Detail Date Range

From: 07/01/2000 To: 11/13/2018

Doc Number	Date	Amount
CR 030 00008172854	07/06/2018	3,360.00
CR 030 00008172857	07/17/2018	1,435.00
CR 030 00008172860	07/26/2018	245.00
CR 030 00008172858	07/31/2018	205.00
CR 030 00008172862	08/03/2018	205.00
PV 030 00001673975	08/07/2018	-40.00
CR 030 00008172864	08/13/2018	3,400.00
PV 030 00001675734	08/15/2018	-410.00
PV 030 00001675763	08/15/2018	-245.00
CR 030 00008172866	08/17/2018	1,230.00
CR 030 00008172867	08/22/2018	6,395.00
CR 030 00008172869	09/04/2018	3,690.00
CR 030 00008172870	09/07/2018	245.00
CR 030 00008172871	09/12/2018	450.00
PV 030 00001683064	09/20/2018	-40.00
CR 030 00008172872	09/20/2018	2,405.00
PV 030 00001684178	09/28/2018	-205.00
PV 030 00001684183	09/28/2018	-205.00
PV 030 00001684185	09/28/2018	-410.00
PV 030 00001687912	10/11/2018	-205.00
JV 030 10000204060	10/24/2018	3,690.00
JV 030 10000204062	10/24/2018	820.00
JV 030 10000204374	11/02/2018	-205.00
	Total:	25,810.00

STATE OF NEVADA
Office of the State Controller

Budget Status Report - Totals by Object for Selected Category

Fiscal Year: 2019
 General Fund: 101 GENERAL FUND
 Budget Account: 1041 COUNCIL FOR PROSECUTING ATTYS

Code	Code Description	Expended	Encumbered	Pre-encumbered	Obligated
10	PROSECUTORS CONFERENCE	21,925.03	.00	.00	21,925.03

Object	Object Description	Expended	Encumbered	Pre-encumbered	Obligated
7020	OPERATING SUPPLIES	339.67	.00	.00	339.67
7060	CONTRACTS	18,410.64	.00	.00	18,410.64
7199	PRIZES	36.00	.00	.00	36.00
7430	PROFESSIONAL SERVICES	200.00	.00	.00	200.00
7750	NON EMPLOYEE IN STATE TRAVEL	1,443.18	.00	.00	1,443.18
7760	NON EMPLOYEE OUT OF STATE TRAV	1,495.54	.00	.00	1,495.54