



State of Nevada
ADVISORY COUNCIL FOR
PROSECUTING ATTORNEYS
100 North Carson Street
Carson City, Nevada 89705

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

AGENDA

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: September 14, 2016 – 7:00 a.m.

Place of Meeting: Prosecutor’s Conference
Hard Rock Hotel
Revolution A Meeting Room
50 Highway 50
South Lake Tahoe, Nevada

Please Note: The Advisory Council for Prosecuting Attorneys may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate physically handicapped persons, who wish to attend this meeting. Please contact Patricia D. Cafferata, Advisory Council Executive Director, at (775) 684-1136 or pcafferata@ag.nv.gov in advance, so that arrangements can be made.

1. Call to Order and Roll Call.
2. Attorney General Adam Laxalt’s Welcome. Self-introduction of members present.
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.
4. Discussion and possible action to approve the minutes of the April 20, 2016 meeting. (Attachment One (1) – Draft Meeting Minutes.)
5. Discussion and possible action on Council’s duties on training prosecutors and on developing policies for conducting criminal and civil prosecutions – NRS 241A.070. Patricia Cafferata, Advisory Council Executive Director and Special Assistant Attorney General. (Attachment Two (2) - NRS 241A.)
6. Discussion and possible action on coordinating the development of proposed legislation for the 79th Legislative Session in 2017. Brett Kandt, Chief Deputy Attorney General and John Jones, Chief Deputy District Attorney Clark County.

7. Council members' comments. 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.
8. Discussion of dates for quarterly meetings in 2017 – NRS 241A.050.1. (Attachment Two (2) - NRS 241A.)
9. 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.
10. Adjournment.

In accordance with NRS 241.020, this agenda was posted on or before 9:00 a.m. September 9, 2016 online at www.nvpac.nv.gov and at the following locations:

- Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701
- Office of the Attorney General, 5450 Kietzke Lane, Suite 202, Reno, NV 89511
- Office of the Attorney General, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, NV 89101
- First Judicial District Court (Carson City), 885 East Musser Street, Carson City, Nevada 89701
- Second Judicial District Court (Washoe County), 1 South Sierra Street, Reno, NV 89520
- Las Vegas Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89155

Meeting materials may be requested from Patricia D. Cafferata, Advisory Council Executive Director, at (775) 684-1136 or pcafferata@ag.nv.gov, and obtained from the Office of the Attorney General at any of the first three (3) office locations listed above.

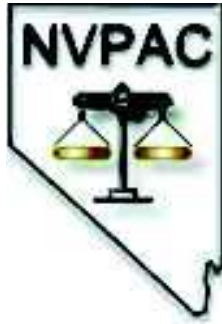
Attachment One (1)

to

Advisory Council for Prosecuting Attorneys Agenda

September 14, 2016

Draft Meeting Minutes of April 20, 2016 Meeting



State of Nevada
ADVISORY COUNCIL FOR
PROSECUTING ATTORNEYS
100 North Carson Street
Carson City, Nevada 89705

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

MEETING MINUTES

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: April 20, 2016 – 1:00 pm

Place of Meeting: Video Conferenced Between:

Attorney General's Office
Mock Courtroom Room
100 N. Carson Street
Carson City Nevada

Attorney General's Office
Sawyer Building, Room 4500
555 E. Washington Avenue
Las Vegas, Nevada

Attendees:

Adam Laxalt, Attorney General
Patricia Cafferata, Executive Director
A.J. DeLap
Chris Hicks – via Bruce Hahn by Proxy
Art Mallory – via Lane Mills by Proxy
Josh Reid – via Marc Schifalacqua by Proxy
Steve Wolfson
Chris Lalli
John Jones

Members Absent:

Karl Hall

1. **Attorney General Adam Laxalt's Welcome.**
2. **Call to Order and Roll Call.**
Attorney General Adam Laxalt called the meeting to order at 1:00 p.m. Quorum was present.
3. **Public Comment**
No public comment.
4. **Discussion and possible action to approve the minutes of the February 17, 2015 meeting.**
Lane Mills moved to approve the minutes from the February 17, 2015 meeting. Steve Wolfson seconded the motion, and motion passed unanimously.

5. Executive Director Patricia Cafferata's report.

Cafferata stated that Governor Sandoval reappointed A.J. Delap to the Council.

Discussion was held about the schedule for the next Prosecutors' Conference set for September 13-15, 2016 at the Hard Rock Resort at Stateline, Lake Tahoe.

Suggestions were made for extending the hours of the conference in order to complete the maximum number of CLE credits. Current requirements are for 10 hours of general education credit, 2 hours of ethics credit, and 1 hour of substance abuse (every three years) credit.

Cafferata reported that an application has been made for a grant to train prosecutors on Impaired Driving cases.

Cafferata attended a NAAGTRI conference on Opioid Abuse and is working with the Attorney General's Substance Abuse Working Group and the Coalition against Prescription Drug Abuse.

6. Elect Chair and Vice-Chair for one term beginning July 1.

Laxalt agreed to remain as Chair. Steve Wolfson was nominated as Vice-Chair. Lane Mills moved to approve the nominations. Bruce Hahn seconded the motion, it was approved unanimously.

7. Discussion on Council's duties set forth in NRS 241A.070.

a. Develop and carry out a program for training and assisting prosecutors in conducting criminal and civil prosecutions:

- i. Discussion on a tentative agenda for Prosecutors' Conference. Cafferata reported she has been in contact with NAAG who offered four 1.5 hour presentations on trial advocacy training at the conference. Steve Wolfson commented that Clark County already offers comprehensive trial advocacy training to his new hires.
- ii. Discussion regarding suggested other topics to consider included a more narrow scope, such as cross examination of a defense expert, DNA evidence or encryption.
- iii. Council discussed the need for a varied format of lectures, panel discussions and break-out sessions. Chris Lalli added that he enjoyed the format of the last Law Enforcement Summit.

b. Coordinate the development of policies for conducting criminal and civil prosecutions:

Discussion regarding the possibility that other commissions, boards and councils offer training and what this council's role should be.

c. Coordinate the development of proposed legislation for the 79th Legislative Session in 2017:

- i. **Discussion and possible action on bills passed by the Legislature in 2015, in particular AB 193 and creating a log for documenting the use of both hearsay provisions and the audiovisual provisions at preliminary hearings.**

The council discussed the problems with transmission of the logs via email and the need to keep the logs as confidential if possible. There was

general consensus that the logs should remain in-house with each district attorney. The council discussed on this legislation the usage of AB 193 and the potential for expansion. Further discussion was tabled.

ii. Discussion and possible action on various legislative proposals for the Legislative session in 2017.

Laxalt stated the Sexual Assault Working Group just met and expressed the goal of attempting to relax the evidentiary standard of the admission of sexual assault kits during pretrial proceedings. The ability to utilize affidavits during pretrial proceedings rather than live testimony would greatly reduce the cost.

The Attorney General found the funds to process nearly every kit in the state and is currently working on grants that would allow the hiring of additional attorneys and investigators, when these cases come to prosecution. Laxalt added that the cost of prosecuting each case, especially the colder cases, could be in excess of \$10,000.

Chris Lalli brought up the topic of submitting a placeholder bill (BDR) titled "Sexual Assault". The council agreed and discussed how that would be accomplished. Laxalt suggested the council discuss the issue with Brett Kandt.

Steve Wolfson stated he would like to see the Veterans Court statutes reviewed and updated, so as to not be in conflict with other statutes.

8. Council members' comments.

No additional comments

9. Discussion for possible action to set the council's quarterly meetings on August 25, 2016, the day of the AG's Law Enforcement Summit, and on one of the days of the Prosecutors' Conference from September 13-15, 2016. NRS 241A.050.1.

Discussion as to whether the council should set this meeting for the end of the next Law Enforcement or at the Prosecutors' Conference. It was decided to hold it in conjunction with the Prosecutor's Conference. The Council set December 8, 2016 for the last quarterly meeting of the year. Cafferata will send emails with details to the council members.

10. Public Comment

No public comment.

11. Adjournment

Lane Mills moved to adjourn and Wolfson seconded. The motion was approved unanimously. The meeting was adjourned at approximately 1:50 p.m.

Minutes respectfully submitted by Heather Cooney, Office of the Attorney General.

Attachment Two (2)

to

Advisory Council for Prosecuting Attorneys Agenda

September 14, 2016

NRS Chapter 241A

CHAPTER 241A - ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS

NRS 241A.010	Definitions.
NRS 241A.020	“Council” defined.
NRS 241A.030	“Prosecutor” defined.
NRS 241A.040	Creation; membership; election of officers; terms of members; vacancies; members serve without compensation; members holding public office or employed by governmental entity.
NRS 241A.050	Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.
NRS 241A.060	Executive Director: Appointment; qualifications; duties.
NRS 241A.070	General duties of Council.
NRS 241A.080	Account for Advisory Council for Prosecuting Attorneys: Creation; use.
NRS 241A.090	Gifts, grants, appropriations or donations; deposit of money in designated Account.

NRS 241A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 241A.020](#) and [241A.030](#) have the meanings ascribed to them in those sections.

(Added to NRS by [1997, 3246](#))

NRS 241A.020 “Council” defined. “Council” means the Advisory Council for Prosecuting Attorneys.

(Added to NRS by [1997, 3246](#))

NRS 241A.030 “Prosecutor” defined. “Prosecutor” means:

1. The Attorney General;
2. The district attorney of a county;
3. The city attorney of an incorporated city; or
4. Any deputy attorney or other attorney or person employed by the Attorney General or a district attorney or city attorney.

(Added to NRS by [1997, 3246](#))

NRS 241A.040 Creation; membership; election of officers; terms of members; vacancies; members serve without compensation; members holding public office or employed by governmental entity.

1. The Advisory Council for Prosecuting Attorneys, consisting of seven members, is hereby created. The Council consists of:

- (a) The Attorney General who serves as an ex officio member of the Council;
- (b) Three members who are district attorneys appointed by the governing body of the Nevada District Attorneys Association;
- (c) Two members who are city attorneys of incorporated cities appointed by the governing body of the Nevada League of Cities; and
- (d) One member who is employed as a peace officer by a law enforcement agency in this state appointed by the Governor.

Ê If the Nevada District Attorneys Association or Nevada League of Cities ceases to exist, the appointment required by this subsection must be made by its successor organization or, if there is no successor organization, by the Governor.

2. The members of the Council shall elect a Chair and Vice Chair by a majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the office of Chair, the members of the Council shall elect a Chair from among its members for the remainder of the unexpired term.

3. After the initial terms, each member of the Council who is appointed serves for a term of 4 years unless a member vacates the public office which qualified the member for appointment to the Council. A member of the Council who vacates his or her public office continues to serve on the Council until the member's replacement on the Council is appointed. A member may be reappointed.

4. A vacancy on the Council must be filled in the same manner as the original appointment.

5. Each member of the Council:

- (a) Serves without compensation; and
- (b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Each member of the Council who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Council to make up the time the member is absent from work to carry out his or her duties as a

member, and shall not require the member to take annual vacation or compensatory time for the absence.

(Added to NRS by [1997, 3247](#))

NRS 241A.050 Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.

1. The members of the Council shall meet at least quarterly and at the times and places specified by a call of the Chair or a majority of the members of the Council.

2. Except as otherwise provided in subsection 3, a member of the Council may designate in writing a person to represent the member at a meeting of the Council. A representative designated pursuant to this subsection who attends the meeting of the Council for which the representative is designated:

(a) Shall be deemed to be a member of the Council for the purpose of determining a quorum at the meeting; and

(b) May vote on any matter which is voted on by the regular members of the Council at the meeting.

3. The Attorney General may designate a representative to serve in his or her place on the Council or to attend a meeting of the Council in his or her place.

4. Four members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Notwithstanding any other provision of law, county ordinance or city charter, a member of the Council:

(a) Is not disqualified from holding a public office or from public employment; and

(b) Does not forfeit any such public office or employment, ^Ê because of his or her membership on the Council.

(Added to NRS by [1997, 3247](#))

NRS 241A.060 Executive Director: Appointment; qualifications; duties.

1. Upon the approval of all its members, the Council shall appoint an Executive Director. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Council. The Executive Director must be:

(a) An attorney licensed to practice law in this State; and

(b) Appointed on the basis of:

(1) His or her professional ability and experience in conducting or supervising criminal and civil prosecutions in this State; and

(2) His or her understanding of criminal law, evidence and the rules and procedures of the courts of this State.

2. The Executive Director shall:

- (a) Carry out the policies of and duties assigned to the Executive Director by the Council;
 - (b) Prepare and administer the budget of the Council; and
 - (c) Act as the nonvoting recording Secretary for the Council.
- (Added to NRS by [1997, 3248](#))

NRS 241A.070 General duties of Council. The Council shall:

1. Develop and carry out a program for training and assisting prosecutors in conducting criminal and civil prosecutions in this State;
 2. Coordinate the development of policies for conducting criminal and civil prosecutions in this State;
 3. Coordinate the development of proposed legislation for submission to the Legislature; and
 4. Authorize the payment of expenses incurred in carrying out the provisions of [NRS 241A.010](#) to [241A.090](#), inclusive.
- (Added to NRS by [1997, 3248](#))

NRS 241A.080 Account for Advisory Council for Prosecuting Attorneys: Creation; use.

1. The account for the Advisory Council for Prosecuting Attorneys is hereby created in the State General Fund. The Council shall administer the Account.
 2. The money in the Account must only be used to carry out the provisions of [NRS 241A.010](#) to [241A.090](#), inclusive, and pay the expenses incurred by the Council in the discharge of its duties, including:
 - (a) The payment of expenses for the preparation of motions and briefs and for clerical or legal assistance that is provided to a prosecutor for a criminal or civil prosecution in this state; and
 - (b) Reimbursement for any extraordinary or unanticipated expenses incurred by a prosecutor as a result of conducting a criminal or civil prosecution in this state, including any expenses related to the appointment of a special prosecutor for that prosecution.
 3. All claims against the Account must be paid as other claims against the State are paid.
 4. The money in the Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.
- (Added to NRS by [1997, 3248](#))

NRS 241A.090 Gifts, grants, appropriations or donations; deposit of money in designated Account.

1. The Council may apply for any available grants and accept any gifts, grants, appropriations or donations to assist the Council in carrying out its duties pursuant to the provisions of [NRS 241A.010](#) to [241A.090](#), inclusive.

2. Any money received by the Council must be deposited in the Account for the Advisory Council for Prosecuting Attorneys created pursuant to [NRS 241A.080](#).

(Added to NRS by [1997, 3248](#))