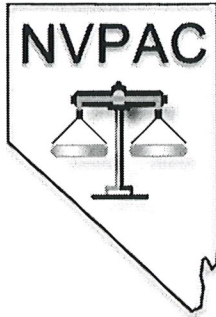


Attachment One (1)

to

Advisory Council for Prosecuting Attorneys Agenda
April 19, 2018

Minutes of January 17, 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: January 17, 2018 at 10:00 a.m.

Place of Meeting: Video Conference Between:

Office of the Attorney General
Mock Courtroom
100 N. Carson Street
Carson City, Nevada 89701

Office of the Attorney General
Grant Sawyer Building
555 E. Washington Ave., Suite 3315
Las Vegas, Nevada 89101

Members Present:

Adam Laxalt, Attorney General, Chair
A.J. Delap
Karl Hall
Chris Hicks
Chris Lalli by proxy for Steve Wolfson
Arthur Mallory
Robert Sweetin
Patty Cafferata, Executive Director

Guests Present:

John Jones, Jr., Clark County District Attorney's Office
Brett Kandt, State Board of Pharmacy
Taylor Musselman, Attorney General's Office
Nicole O'Banion, Attorney General's Office
Tarah Sanchez, Attorney General's Office

1. Call to Order and Roll Call.

(Agenda Item No. 1)

The meeting was called to order at approximately 10:05 a.m. Roll call was taken by Taylor Musselman. A quorum was present.

2. Attorney General Adam Laxalt's Welcome. Self-introduction of members present.

(Agenda Item No. 2)

Attorney General Adam Laxalt welcomed the members, and everyone 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 possible action to approve the November 20, 2017 minutes.

(Agenda Item No. 4)

Chris Lalli moved to approve the minutes from November 20, 2017. Arthur Mallory seconded the motion, and the motion passed unanimously.

5. Discussion and possible action on co-sponsor of \$1,000 to the 2018 Nevada Government Civil Attorneys Conference at Lake Tahoe May 16-18, 2018.

(Agenda Item No. 5)

Brett Kandt, Chairman of the State Bar Public Lawyers Section, requested a \$1,000 donation for financial assistance for the 2018 Nevada Government Civil Attorneys Conference's costs. The donation will help keep the costs down for attendees. Lalli moved to approve the \$1,000 co-sponsor donation to the Nevada Government Civil Attorneys Conference. Robert Sweetin seconded the motion, and the motion passed unanimously.

6. Report on Summary of Evaluations from 2017 Prosecutors Conference.

(Agenda Item No. 6)

Patty Cafferata and Tarah Sanchez reported that out of the 70 attendees, 30 evaluations were submitted, revealing that the judge's panel and having to travel to Laughlin were not well received.

7. Discussion for possible action on topics for 2018 Prosecutors Conference agenda.

(Agenda Item No. 7)

Cafferata reminded the group they suggested action from the previous meeting to have a statewide survey sent to all district attorneys, who would then send the surveys to their respective deputies for comment. Out of the 300 prosecutors in the state of Nevada, 11 surveys were sent back with feedback. Laxalt and Mallory recommended having the surveys re-distributed to collect more information. Chris Hicks and Lalli pointed out that the suggested topics specified on the evaluations from the 2017 Conference are a good start for the 2018 agenda. Lalli told the group his training deputy is a great resource for suggested topics. Cafferata confirmed she will have the surveys resent before the April 18th meeting. Furthermore, Cafferata confirmed that her assistant Tarah Sanchez has been in contact with hotels in Lake Tahoe to get bids for the Conference for the first two weeks in September.

8. Briefing on new training on investigation and prosecution of domestic violence cases.

(Agenda Item No. 8)

Nicole O'Banion, Domestic Violence Ombudsman for the Attorney General's Office, reported on the domestic violence training in Elko on February 13th and 14th. The agenda includes the law enforcement field guide, produced by UNR and co-authored by Sgt. John Riley from the Fallon Police Department; victim's rights and the Nevada Victims of Crime Program presented by Victim Advocate Frankee Haynes with the Carson City District Attorney's Office; a presentation on strangulation by Ellysa Hendriksen, the Attorney General's rural Deputy Attorney General; and finally, evidence-based prosecution of domestic violence cases by Melissa Brown, White Pine County Deputy District Attorney. O'Banion has applied for CLE accreditation and POST approval for the training. POST requires a course synopsis, objectives and attachments, biographies of each presenter,

a final exam, and a post-course number to be listed on the certificates for all participants. O'Banion expressed her excitement of the cross-section of agencies that are all participating, including a handful of district attorneys from the surrounding areas, law enforcement, several tribal police officers, system advocates, and Indian Child Welfare Act (ICWA) advocates. Forty of the 60 seats have been filled thus far. O'Banion confirmed she has sent a synopsis of the training to Robin Sweet, Director and Nevada State Court Administrator, who agreed to disseminate the training information to each court.

9. Discussion for possible action on review of NVPAC website: <http://nvpac.nv.gov/>

(Agenda Item No. 9)

Cafferata stated the NVPAC website is out-of-date (last updated in 2001) and that most of the information listed is incorrect. Laxalt recommended having the mission statement reviewed and edited by each member of the Council. The revisions and suggestions will be discussed at the next meeting in April. Laxalt proposed the website does not need to be so comprehensive. Hicks and Sweetin agreed the website would most likely not be utilized by prosecutors. The general public might check the website for information regarding prosecuting attorneys. Laxalt stated building up the website would be a waste of time, and the updates should reflect the mission statement and a summary of what the Advisory Council for Prosecuting Attorneys actually does. Cafferata stated that the Open Meeting Law requires the meeting agendas and minutes be posted on a website; however, the website can be streamlined to a minimum list of Council members, district attorneys and city attorneys, agendas and minutes, and an explanation of the Council.

10. Meetings set for 2018 at 10:00 a.m. in the Attorney General's offices in Carson City and Las Vegas:

(Agenda Item No. 10)

- **April 18, 2018**
- **July 12, 2018**
- **October 17, 2018**

11. 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. 11)

No public comment.

12. Adjournment.

(Agenda Item No. 12)

Attorney General Laxalt moved adjourn at approximately 10:30 a.m. Hicks seconded the motion, and the motion passed unanimously.

Minutes respectfully submitted by Taylor Musselman and Tarah Sanchez, Office of the Attorney General

Attachment Two (2)

to

Advisory Council for Prosecuting Attorneys Agenda
April 19, 2018

*Updated Summary of Questionnaires
For 2018 Prosecutors Conference*

SUMMARY OF QUESTIONNAIRES
RE: 2018 PROSECUTORS CONFERENCE

(Data from 30 completed questionnaires)

✚ **Suggestions for the MOST MEANINGFUL TOPICS (all) – bolded** denotes the suggestion was made by more than one person:

- Domestic violence
- Trial advocacy
- Statewide discovery
- Statewide criminal prosecution rules
- **Legislation and legislative changes**
- **Marijuana updates/DUI**
- Working through any collateral consequences and/or needed paradigm shift for Nevada prosecutors
- **Trial strategy/evidence (document, hearsay, et cetera)**
- **Evidence issues/strategies**
- Ethical considerations and the media/political pressure to prosecute
- The role of prosecutors in reforming the racial disparities in criminal justice
- A discussion about discretion, particularly when Diversion is an appropriate outcome
- Charging complex theories/co-defendants
- Witness preparation for trial – what or what not to do with pre-trialing witnesses, how to work with law enforcement and crime lab to ensure everyone is working to get the evidence you need for trial
- Best practices for using victim advocates or other assets
- Advanced criminal procedure
- Common defense tactics and how to deal with them
- Life/death practices
- Time management while prosecuting cases involving body camera evidence
- The use and implementation of policy, procedure and protocol in regard to discovery
- Public records requests involving the subject of bodycam footage
- Surveillance evidence
- Methods of altering cell phone video
- Addicts possessing firearms and if those cases are prosecuted
- Standard jury instructions
- Using PowerPoint
- How to keep your boss happy

✚ **Suggestions for the TOP THREE CRIMES, in order:**

1. Impaired driving - marijuana
 2. Domestic violence
 3. Child sexual assault (one person commented: “specifically evidence and testimony without using the child”)
- Other crimes which had more than one vote:
 - Elder abuse
 - Misuse of drones
 - Sexual assault

SUMMARY OF QUESTIONNAIRES
RE: 2018 PROSECUTORS CONFERENCE

(Data from 30 completed questionnaires)

✦ **Suggestions for the TOP THREE TRIAL ADVOCACY TOPICS, in order:**

1. Evidentiary matters
2. Cross examination **tied with** expert witnesses
3. Jury selection/voir dire

✦ **Suggested TYPES OF SPEAKERS, in order:**

1. Nevada Supreme Court Judges
2. State and/or Federal Task Force Participants (examples provided: FBI/DEA, Domestic Violence, Drugs & Sex Crimes, Attorneys) **tied with** Street Deputy Law Enforcement Officers
3. U.S. Attorneys
- Other types of speakers which had several votes:
 - Investigators
 - Defense Lawyers

✦ **Suggestions for the BEST MONTH FOR THE CONFERENCE, in order:**

1. September
2. August
3. No preference
4. May **tied with** June

✦ **Is receiving all the REQUIRED HOURS FOR CLES important?**

- The majority responded YES
 - Several people commented about the importance of substance abuse and ethics CLEs

✦ **Is Wednesday through Friday GOOD DAYS?**

- The majority responded YES
- One person commented: “Wednesdays are the busiest court days in Washoe County”

✦ **Suggestions for OTHER ACTIVITIES to be included:**

- “Include an event on the lake – e.g. a hike in lieu of golf”
- “Fewer activities. No need for golf or multiple dinners”
- “Panel discussion and/or Q&A with elected DAs”
- “A guided tour to a local national park or historical site”
- “Break-out sessions”
- “Hands-on skills”
- “...have tables set up where each table has a different topic and a moderator and you would come in, grab breakfast and talk about that topic with other lawyers... sets a networking opportunity... it would be a good opportunity to allow people to talk about topics they are interested in or not otherwise covered, e.g. trial software table, first jury trial table. It would be effective to seed the tables with a couple people that have experience on the topic...”

SUMMARY OF QUESTIONNAIRES
RE: 2018 PROSECUTORS CONFERENCE

(Data from 30 completed questionnaires)

✦ **ADDITIONAL COMMENTS:**

- “Always like the Conference in the 2nd week of September”
- “Please get some Diet Coke for these sessions. Also, I think an effort could be made to treat attendees at these conferences more like adults. We don’t need to stand up and introduce ourselves, or do group discussions on an assigned topic, or be made to answer obvious questions”

Attachment Three (3)

to

Advisory Council for Prosecuting Attorneys Agenda
April 19, 2018

*Suggested Trainings from Clark County Deputy
District Attorney Nell Christensen*

Suggestions for 2018 Prosecutors Conference

- Prison Math
- Case Law Update
- Refresher on DW crimes and enhancements after pneumatic firearm law change
- 5th / 6th Amendment / Miranda refresher
- What to do when a witness invokes the 5th on the stand
- Batson
- Prosecutorial Misconduct
- Outside experts discussing Trial Techniques, Trial Strategy, Oral Advocacy
- Outside experts discussing Jury Selection
- Venire fair cross section issues
- Jury Instructions
- Jury questions and how to respond
- Requesting a jury instruction based on arguments of counsel - when and how
- Juror misconduct prior to close, post close prior to verdict, after verdict
- Requesting a stay to file a writ
- Newly discovered evidence of guilt and/or innocence
- How to handle things that come up in trial such as:
 - What to do if defendant flees in the middle of trial
 - Misconduct by the defendant or counsel in the presence of the jury
- Use of cell phone evidence



PROGRAM NOTIFICATION FORM FOR ACCREDITED PROVIDERS OF NEVADA CLE BOARD

Nevada Board of Continuing Legal Education

Phone - 775.329.4443
Email - nevadacleboard@spcglobal.net

Provider Name: Clark County District Attorney's Office

Provider ID#: 807

Telephone: 702-671-2846

email: nell.christensen@clarkcountyda.com

When reporting programs to the CLE Board, the following information must be received 30 days prior to program date for live programs, or the availability date for alternate format programs.

Program Date	Program Title	Location (City, ST)	Registration Fee	Type of Law	Program Fee	Delivery Method	Start Time	Total Hours	Sub. Abuse Hours	Ethics Hours
3/8/18	Criminal Discovery Practice	Las Vegas, NV	n/a		N/A	L P	1pm	4	0	0
3/9/18	Trial Ad: Voir Dire	Las Vegas, NV	n/a		N/A	L P	9am	3	0	0
3/6/18	Trial Ad: Opening Statements	Las Vegas, NV	n/a		N/A	L P	9:30am	2.5	0	.5
3/6/18	Trial Ad: Communication Theory and Oral Advocacy	Las Vegas, NV	n/a		N/A	LP	1pm	4	0	0
3/19/18	Trial Ad: Direct Examination	Las Vegas, NV	n/a		N/A	L P	1pm	2.5	0	0
3/20/18	Trial Ad: Cross Examination	Las Vegas, NV	n/a		N/A	L P	1pm	3	0	0
3/21/18	Trial Ad: Closing Argument	Las Vegas, NV	n/a		N/A	L P	1pm	2.5	0	.5
3/22/18	Trial Ad: Rebuttal Argument	Las Vegas, NV	n/a		N/A	L P	1pm	2	0	0

DELIVERY METHOD CODES

LP - Faculty in room w/participants (live) AF (not live)

Signature: *Nell Christensen*

Date: 2/8/18

CLE /TRAINING OFFERINGS 2016 — Requires 12 per year - 10 general & 2 ethics

- **1/21/16: Nevada State Bar Counsel on Ethics**, presented by Phillip Pattee, Assistant Bar Counsel
 - 1.5 Ethics credits (RECORDED)
- **1/28/16: Using Cell Phone Evidence**, presented by Marc DiGiacomo
 - 1.5 credits (RECORDED)
- **2/18/16: Familiarizing Yourself with Firearms**, presented by Rick Meade and Andy Locher, Metro Firearms Specialists
 - 2.0 credits (RECORDED)
- **3/10/16: Interlocutory Appeals**, presented by Steve Owens
 - 1.0 credits Applied (RECORDED)
- **4/14/16: Team Chief HR Training (Part I)**
- **4/21/16: Team Chief Policy Training (Part II)**
- **4/21/16: Substance Abuse CLE**, presented by Kristine Kuzemka and Mitch Cobeaga
 - 1.0 substance abuse
- **4/22/16: Juvenile – Working With VWAC**
 - 1.0 credit
- **4/28/16: Team Chief Policy Training (Part II)**
- **5/5/16: Prosecuting Child Abuse Cases – The Statute, and Understanding and Explaining Injuries**, presented by Dena Rinetti
 - 1.5 credits (RECORDED)
- **5/12/16: Criminal Discovery Practice / LVMPD Forensic Lab Discovery**, presented by Marc DiGiacomo, Pam Weckerly, and Robert Daskas, and Stephana Larkin (LVMPD Forensic Scientist)
 - 1.5, including 1.0 ethics
- **6/2/16: The Process of PSI Writing – P&P**, presented by Nora Antonucci, DPS/Parole and Probation
 - 1.5 credits (RECORDED)
- **6/23/16: Metro's Real Time Crime Center**, presented by Officer Joseph Marshall
 - 1.0 credits (RECORDED)
- **7/14/16: Summary of Metro's Academy Training on Use of Force**, presented by Officer Carlos Miranda
 - 2.0 credits (RECORDED)
- **8/18 or 8/19/16: Training on NV Pretrial Risk Assessment Tool**
 - 3.0 credits (RECORDED)
- **8/24/16: Chronic Nuisance Problems on the Tourist Corridor**, presented by Officer David Garris, and Officer Michelle Wilson from the Convention Center Area Command
 - 1.5 credits (RECORDED)
- **9/8/16: Controlled Substances – Field Investigations**, presented by Tina Talim, Mike Noble, K9 Officer
 - 1.0 credits (RECORDED)
- **9/22/2016: The Defense Perspective**, presented by Jin Kim, Tierra Jones, Michael Giles, Abbie Frierson, Jason Frierson
 - 1.5 credits, including 0.5 ethics
- **9/29/ 2016: Advanced Firearms Forensics**, presented by Angel Moses
 - 1.0 credits (RECORDED)
- **9/30/16: A Survey of Conviction Review Units Nationwide**, presented by Nell Christensen
 - 1.0 ethics credits (RECORDED)
- **10/6/16: Batson / Structural Error A Discussion of Recent Decisions Involving Batson**, presented by Ryan MacDonald & Steve Owens
 - 1.0 credits

UPCOMING CLEs:

- **11/ /2016: A Discussion of Uncharged Bad Acts**, presented by Steven Rose
- **11/ /2016: SW Duty and Other Interactions With Law Enforcement and Prosecutorial Immunity**, presented by Lucinda Coumou, Yolanda Givens
- **2017: Internet Investigations**, presented by Marco & Craig Fabert
- **2017: DA Juvenile** (Ron Cordes, Janne Hanrahan, Brigid Duffy / PANEL too)
 - Maybe Mary Kay and Lisa too on a panel
- **2017: Drug Courts in the Eighth Judicial District**, presented by Justice of the Peace Cynthia Cruz & District Court Judge Carolyn Ellsworth

CLE /TRAINING 2017

- **1/11/2017: Our Investigator Training on Use of Force**, presented by Marco Rafalovich, Investigator
 - 2.0
- **2/28/17: "Information is Power – Child Welfare Unit's Assistance"**, presented by Ron Cordes, Chief Deputy District Attorney
 - 2.0 , including 1.5 general and .5 ethics
- **3/7/17: SCRAM Devices and Their Use in Criminal Cases**, presented by Kenneth Comstock, Program Manager, SCRAM of Nevada
 - .5 credits
- **3/9/17: SW Duty and Other Interactions With Law Enforcement and Prosecutorial Immunity**, presented by Lucinda Coumou, Yolanda Givens, Bob Gower
 - 2.0 ethics
- **4/11/17: Gang Prosecutions**, presented by Matthew Zucker - CCDC CO - LVMPD Detention Services Division Gang Special Investigations
 - 2.0 credits
- **5/11/17: Secondary Trauma: Compassion Fatigue and Strategic Resiliency**, presented by Dr. M. Alexis Kennedy, Associate Professor, Department of Criminal Justice UNLV
 - 2.0 credits, - substance abuse, addictive disorders and/or mental health credit
- **6/8/17: Update on Community Court**, presented by Lynn Robinson
 - 1.0 credit
- **7/10/17: LVMPD Financial Crimes – Skimmers, Payment Cards, Checks and ID Theft**, presented by Detective Michael Gomez
 - 1.5 credits
- **7/13/17: Legislative Update 2017**, presented by John Jones & Brigid Duffy
 - 1.5 credits
- **7/18/17: The NDOC Office of Inspector General**, presented by James Jones, Supervisory Criminal Investigator, Office of the Inspector General, NDOC
 - 1.5 credits
- **7/20/17: Complex Trauma in Direct Service**, presented by Esther Brown
 - 2.0 credits, including 1.0 Substance Abuse
- **7/26/17: Metro Forfeitures**, presented by Matt Christian, LVMPD
 - 1.5 credits
- **8/29/17: CCDC Forms of Supervised Release: House Arrest, Electronic Monitoring**, presented by Captain Bill Teel from CCDC
 - 0.5 credits
- **10/16/17: GPS Search Warrant Preparation and Monitoring**, presented by LVMPD Detective Justin Zinger
 - Post ID# PO761065
 - 2.5 credits
- **10/19/17: STR mix DNA Lab Training**, presented by Jessica Charak & others
 - 2.0 credits
- **11/9/17: Metro Use of Force Investigations - F.I.T. and C.I.R.T.**, presented by detectives from Metro's Critical Incident Review Team and Force Investigative Team (Joe Patton, Rick Golgart, Kyle Ward)
 - 1.5 credits
- **12/13/17: Metro's Implementation of ShotSpotter Sensor Deployment Services**, presented by Officer Joseph Marshall, RTCC
 - 1.0 credit