

ATTACHMENT 1

TO

Nevada Prosecuting Advisory Council

MARCH 24, 2020

Draft Minutes to December 13, 2019
Meeting



**STATE OF NEVADA
ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS
100 North Carson Street
Carson City, Nevada 89701**

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DRAFT MEETING MINUTES

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: December 13, 2019 • 2:30 pm.

Place of Meeting: Attorney General Office
Conference Room 4500
555 E. Washington Ave.
Las Vegas, NV 89101

Members Present:
Aaron D. Ford, Attorney General, Chair
Theresa Haar, Special Assistant Attorney General,
Executive Director
Steve Wolfson, Clark County District Attorney
Karl Hall, Reno City Attorney
Robert Sweetin, Mesquite City Attorney
A.J. Delap, LVMPD
Art Mallory, Churchill District Attorney

Guests Present:
Jennifer Noble, Washoe County District Attorney
Anela Kaheaku, Attorney General's Office
Mark Jackson, Douglas County DA

1. **Call to Order and Roll Call.**
2. **Public Comment.**

Public comment shall be limited to five (5) minutes per person. 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.

None

3. **Approval of minutes of September 12, 2019 meeting. (For possible action).**
(Attachment One (1) – Minutes from September 12, 2019 Meeting).

Steve Wolfson moved to approve the minutes of the August 14, 2019 meeting and A.J. Delap seconded the motion, with no opposition, the minutes were approved.

4. **Discussion of Mission of the Advisory Council for Prosecuting Attorneys. (Discussion only).** SAAG Haar discussed the statutory mission from September's meeting and wants to expand on that discussion to make them into actual objectives of what to expect in the upcoming year.

AG Ford discussed that at the previous meeting there was discussion regarding the advisory council becoming a resource for prosecuting attorneys across the state and putting together CLE's or other sources of information. He believes that this remains an opportunity for NVPAC as good CLE's are given at the conferences and should be expanded upon.

AG Ford brought up the discussion regarding *Anderson* and that there are some opportunities there and discussions regarding *Anderson* from a CLE perspective that can be utilized from a prosecuting attorney stand point, jury instructions etc. that should the opportunity present that sometime at the beginning of the year. DA Wolfson agreed that it would be a good idea to revisit after the beginning of the year to be able to share thoughts and work product and see where this should go from there.

It was suggested that a discussion on *Anderson* should be put on calendar and reaching out to those who are not present as well as those who are about holding a CLE. DA Wolfson suggested that Chief Deputy District Attorney Nell Christiansen who provides information and CLE courses for his office be utilized as a source to hold CLE's. SAAG Haar confirmed DA Christiansen's involvement with CLE and that that information is forwarded to the AGO for the opportunity for attorneys to attend those CLE's. SAAG Haar informed the council that she is continuing to coordinate other trial training and other litigation training for newer attorneys or attorneys who do not do litigation that often.

AG Ford brought up a discussion regarding referral process for cases between agencies. DA Wolfson stated that when they have referrals, his office generally notifies the AGO and gives a heads up before the referral. AG Ford stated that there are some occasions that referrals are not forwarded and that it is important that there is a line of communication between all agencies with regards to the referrals. It was suggested that SAAG Haar gather information from the counsel on how to proceed with standardizing the referral process.

5. **Discussion of NRS 200.485(4) sentencing. (Discussion only).**

DA Jennifer Noble reviews the NRS for the council. She states that as the statute is drafted now it is a little confusing, as it does not have any discretion for probation. There is concern that counseling that is mandatory with respect to the other domestic battery offenses that is numerated in the statute the way it is constructed doesn't apply. She states that this is

something the council should think about in regards to the next session and that the NRS should be cleaned up.

AG Ford agrees with DA Noble's statement. He discussed that this is a good idea to have a discussion and start communicating this issue to some of those in legislature right now and have them begin to think about going forward.

DA Noble adds a statement regarding probation and whether it is available for a particular offense and the way her office reads it, it doesn't appear to be. They would like to have the flexibility for probation to be an option if the case warrants it.

6. **Closing Remarks. (Discussion only).**

AG Aaron Ford, thanked everyone for attending.

7. **Public Comment.**

DA Mark Jackson believes that issue of reciprocity with the State of Nevada dealing with Bar admissions is something the Council needs to look at. He discusses that he has had some openings in his office over the last two years and they are not getting any good applicants applying for positions. He has spoken with several other District Attorneys, City Attorneys and other attorneys from other states and they are hardly getting any applications for their open positions. He states there is a sufficient amount of attorneys out there however, because of the growth of the State there is approximately 245 new attorney jobs opening per year and that number will continue thru 2024. Boyd graduates about 100 per year and even with those graduates, there is not enough attorneys to fill the void. He states that we need to work together collectively with all jurisdictions, to come up with some plan to attract applicants into prosecutors' offices across the State.

AG Ford asks if this is related to reciprocity. DA Jackson states that he is unsure if it does relate to reciprocity or more to item #3 about the mission but he believes that it should be discussed.

DA Wolfson adds that their offices has a lot of Boyd graduates and it is because of DA Christiansen involvement with Boyd Law School. In the summer, his office has interns from Boyd because Boyd aggressively places the students in offices. He suggests that this might be something for everyone to consider, have someone reach out to Boyd and have students placed in their office during the summer. Another strategy to consider is to make their positions PERS exempt. This may open up the offer to retired attorneys to work part time or full time and getting positions declared a "state of emergency" so that retired persons will receive their full PERS benefit might be a good way of getting attorneys to apply.

DA Jackson states that a "state of emergency" needs to be approved by the Board in his jurisdiction and at this time they are not willing to do that because of fiscal concerns. He is open to the idea of internships from Boyd and asks Clark County for an invite and

introduction to Boyd and perhaps other jurisdictions would want to participate. He also asks that perhaps training should be given in association with that.

SAAG Haar brought up Nevada Supreme Court Rule 42 subpart C rural prosecutors and public defenders can serve up to two (2) years if their licensed in another jurisdiction and not licensed in Nevada. This may be helpful in fulfilling vacancies.

AG Ford suggests that this Council/Executive Director may want to hold a reception for Boyd Law School students about careers as a District Attorney/Prosecutor statewide.

DA Wolfson states that DA Christiansen goes out of state for recruitment to other law schools. He suggest that she be a point of contact for those who want to either get information regarding recruitment in other states, give their information to her for her to promote for them or perhaps go with her to make initial contacts with other law schools.

AG Ford suggests that they can get in touch with First Assistant Rachel Anderson for more information on internships. She can help them with this issue.

AG Ford wanted to state for public comment purposes that when he was at the National Association for Attorney Generals meeting this past week an advocacy group concerned about *Anderson* approached him regarding whether these cases that are now being charged as simple batteries are being uploaded into the next system for purposes of being prohibited firearms purposes for federal law. The contention from that group was that there still precedent for the domestic battery things that are pled down to still be uploaded for federal prohibition purposes that we might want to consider. He directs the Executive Director to research whether it is viable to ensure that is still happening. He asks for a memo be made to prove to him that other jurisdictions are operating that way.

AG Ford brings up that there is a recall petition going on with Sherriff Alan in Humbolt County related to “sanctuary jurisdictions” and whether the red flag law and background check law is going to be enforced in those jurisdictions. He mentions this so there may be potential open discussion relating to personal liability for the Sherriff’s and/or County Commissions who are refusing to enforce these red flag laws and background check laws.

8. **Adjournment.**

AG Ford entertained a motion to adjourn and Steve Wolfson 2nd.

Minutes respectfully submitted by Anela Kaheaku, Legal Secretary II