



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

Theresa Haar, Special Assistant Attorney General
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NOTICE OF PUBLIC MEETING AND AGENDA

Organization: **Advisory Council for Prosecuting Attorneys**

Date and Time of Meeting: **September 28, 2020 • 2:00 p.m.**

Place of Meeting: Telephonic Conference Call
 Number: 605-313-5111
 Access code: 468822

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 Theresa Haar, Special Assistant Attorney General, at (702) 486-3792 or aginfo@ag.nv.gov in advance, so that arrangements can be made.

1. **Call to Order and Roll Call.**
2. **Public Comment.**
For discussion only. 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.
3. **Approval of minutes of June 24, 2020 meeting. (For possible action).** Attachment 1 – Minutes from June 24, 2020 Meeting.
4. **Welcome newest board member. (For discussion).**
Introduction of Braden Schrag as newest member of NVPAC.
5. **Discussion of Notice of Remand in Criminal Cases. (For discussion and possible action).**
Nevada Department of Corrections is requesting a process to be implemented if an inmate in NDOC custody has had their conviction overturned on appeal and their case is being remanded back to District Court.

6. **Discussion of post-Andersen domestic battery jury trials. (For discussion and possible action).**

Discussion of status of domestic battery jury trials in the year since the *Andersen* decision.

7. **Public Comment.**

For discussion Only. Action may not be taken on any matter brought up 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

8. **Adjournment.**

In accordance with NRS 241.020, this agenda was posted on or before September 23, 2020 online at www.nvpac.nv.gov and at the following locations:

- Office of the Attorney General, 100 N. 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 E. Washington Ave., Las Vegas, NV 89101
- Legislative Building, 401 N. Carson Street, Carson City, NV 89701
- Nevada State Capitol Building, 101 N. Carson Street, Carson City, NV 89701
- Nevada State Library, 100 N. Stewart Street, Carson City, NV 89701

Meeting materials may be requested from Theresa Haar, Special Assistant Attorney General, at (702) 486-3792 or aginfo@ag.nv.gov in, and obtained from the Office of the Attorney General at any of the first three (3) locations listed above.

ATTACHMENT 1

TO

Advisory Council for Prosecuting Attorneys

September 2020

Draft Minutes to June 24, 2020 Meeting



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

Theresa M. Haar, Special Assistant Attorney General
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DRAFT MEETING MINUTES

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: June 24, 2020 • 2:00 p.m.

Place of Meeting: Telephonic Conference Call
Number: 605-313-5111
Access code: 468822

Members Present:

Aaron D. Ford, Attorney General, Chair
Theresa Haar, Special Assistant Attorney General,
Executive Director
Christopher Hicks, Washoe County District Attorney
Karl Hall, Reno City Attorney
Karl Hall as proxy for Robert Sweetin, Mesquite City
Attorney
AJ Delap, LVMPD
Art Mallory, Churchill District Attorney
Steve Wolfson, Clark County District Attorney

Guests Present:

Anela Kaheaku, Attorney General's Office
Jenny Nobel, District Attorney
John Jones

- 1. Call to Order and Roll Call.**
Meeting called to order at 2:00 p.m., Theresa Haar called roll and confirmed there was a quorum present.
- 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 March 24, 2020 meeting. (For possible action).** (Attachment One (1) – Minutes from March 24, 2020 Meeting).

Mr. Hicks moved to approve the minutes of the March 24, 2020 meeting and Mr. Mallory seconded the motion, with no opposition, the minutes were approved.

4. **Discussion of 2021 Legislative Session BDRs. (For discussion and possible action).** Bill Draft Requests for the 2021 Legislative Session are due to the Legislative Counsel Bureau by September 1, 2020.

Ms. Haar reminds everyone that with everything else going, don't forget that the BDR due dates are upcoming. A couple of people have reached out and asked for the AG to take the lead on some of their BDR's and opens up the meeting for anyone who may have questions or comments regarding the BDR process or anything else regarding the upcoming leg session.

Ms. Nobel request review of language regarding Chapter 199 of the NRS. Ms. Haar asks about prior conversations regarding language on domestic battery on a pregnant person and confusion on sentencing and if they were looking for review of those items also. Ms. Nobel thanks Ms. Haar for the reminder that they would like the AG to review that language also and will forward her the information. Ms. Haar states that Marsha Blockwood and Nick Vaskov from the City of Henderson have proposed language to deal with post Andersen decision. John Jones had also reached out to discuss larger topics as well.

John Jones asks if the AG will be taking the lead on post Andersen BDR's or is Assemblywoman Winn be taking the lead. Ms. Haar states that it has not been made clear who is going to be taking the lead as yet.

Steve Wolfson asks if they, as Nevada Prosecuting Attorney Committee, should consider being proactive with the legislature and perhaps introducing some bills in light of what is happening in the country and rather than be potentially be on the defense, are there any issues that they feel would be appropriate to introduce at the next session. Perhaps that could earn some good faith, by being proactive in certain items of reform. He throws this out there as a suggestion.

AG Ford states that he appreciates the suggestion. He asks for a brainstorm session and opens up the forum for discussion with no recommendations coming forth from this discussion. He states that he can share some of the things that he has heard from a perspective and others may want to add things and perhaps from that point a discussion may be held with other entities and what was discussed at this meeting be shared with them. AG Ford states that the AGO has been holding the Justice and Injustice Forum that has held four panels with a fifth being held this upcoming Sunday. It includes law enforcement agencies and entities and organizations that represents executives and officers and individuals from the community that has an interest in police reform discussions. Some of the items that have been suggested including forwarding to the AGO the ability to institute a pattern and practice investigations. Congress is considering right now in their legislation

on policing to give State AG's that authority, to allow some level at the State level for that jurisdiction. Another idea that is up for discussion is some form of concurrent jurisdiction with the AGO and the DA's in relation to the prosecution of policeman's conduct claims. Another discussion around police reform related to banning police choke holds or limiting its use. There have been discussions implementing and requiring a duty to intervene by police officers. These discussions have been around ensuring that enforcement of that duty to intervene is in place to give the community the confidence that the police departments are weeding out the bad apples. These are all brainstorming ideas that have come up and are a starting point for discussion.

Ms. Haar states that she can provide a listing of these topics to the committee if there is some interest.

Mr. Hall states that he would like to see the list and suggests that the list include direction for public records requests.

Mr. Mallory states that for some of the rural counties that don't have access to the resources because they are smaller, it might be a good idea to share the ideas with them the facts and figures and things like that so that they have something to look at and work on.

Mr. Wolfson asks if AG Ford is at liberty to let this committee know what type of criminal justice reform, if any, may be agenzized for a proposed special legislative session.

AG Ford puts forth an educated guess but does not know for sure that these items may be on the agenda: pattern and practice authorization, concurrent authority jurisdiction, and choke hold/knee hold ban or limited use.

Ms. Haar states that the other major topic is the duty for law enforcement to intervene.

AG Ford relates the list from 8 Can't Wait and give the website for others to go onto to review. (8cantwait.org)

Mr. Hicks states that there has not been a District Attorney's Association meeting in some time and he will reach out to the current President Mike McDonald and see if he can convene a meeting to talk, along with AG Ford regarding these issues. Timing will be an issue. Is there an idea or clarity on the timing of the special session?

AG Ford states that it could be the first week of July or the second week of July, but he will keep everyone posted. In the meantime, we should keep with the time frame of July 5 to try to get together any bullet points that have been discussed to go over.

Mr. Wolfson states the special session is limited in time and there are other issues to be discussed and his concern in regard to criminal justice reform, he thinks many of the things are very worthy of discussion and eventual implementation. We don't want to rush or jam their way through these topics. Many of them require in depth discussions. The concern is

that if one of the topics is given a 3-hour session and then legislators are asked to vote on something without a proper vetting, he doesn't want to see something crafted in haste.

AG Ford acknowledges Mr. Wolfson's concern and agrees. There very well may be a very limited discussion on police reform by the Governor who dictates what is on the agenda in the special legislative session. It is important that individually and as a committee to find some time to come up with bullet points/language that can be recommended to the extent that if given the opportunity to speak about these matters can be done so.

AG Ford discusses 8 Can't Wait website. He revisits some of the topics already discussed and lists other items that are listed on the website.

5. **Discussion of 2020 Prosecutor's Conference. (For discussion and possible action).**

Ms. Haar states that the Conference was to be held in September, but because of COVID-19 and budget concerns, it will not be held in person this year. She would like to discuss alternatives of what would be of interest to everyone. She would like to keep providing education and resources to all the prosecutors and wants to make sure that everyone has a chance to get in all their CLE credits. Ms. Haar would like to move this to an online platform and understands that in-house Clark County DA's office has done a number of CLE's for their own prosecutors. This has been done in Washoe County for their attorney's as well. She asks if there is any thoughts or ideas or other online CLE type classes that anyone would have a suggestion on.

Ms. Noble states that they have been doing in-house CLE for a few years. They have been working on a CLE covering specific points on SB 236 and when completed can make it available for prosecutors across the state, it's about one and a half hours long.

Mr. Mallory states that he believes the rural's would be most appreciative for the opportunity to take part in some of those CLE's. It would benefit them greatly at little cost.

Ms. Haar states that if anyone has additional topics or presentations that would like to be seen, she would still like to have a wide variety of presenters and topics that are normally given at the conference, please reach out to her.

6. **Public Comment. (For discussion only)**

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AG Ford asks if there are any other comments. None.

Motion to adjourn by Mr. Mallory and seconded by Mr. Hicks.

7. **Adjournment.**
Adjourned at 2:31pm

Minutes respectfully submitted by Anela Kaheaku, Legal Secretary II

DRAFT