



State of Nevada
ADVISORY COUNCIL FOR PROSECUTING
ATTORNEYS

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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 2013 VAWA (Violence Against Women Act) Reauthorization will take place September 30, 2018, 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. 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. Sanchez, Office of the Attorney General.

DRAFT