



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

Patricia D. Cafferata, Executive Director
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AGENDA

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: January 31, 2017 1:00 – 3:00 p.m.

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

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 December 13, 2016 meeting.** (Attachment One (1) – Draft Meeting Minutes.)
5. **Discussion and possible action on sending a letter to the Director of Department of Corrections James Dzurenda regarding the unavailability of the appropriate drugs to carry out executions/capital punishment.**
6. **Discussion and possible action on coordinating proposed legislation for the 79th Legislative Session in 2017.** Brett Kandt, Chief Deputy Attorney General, John Jones, Chief Deputy District Attorney Clark County and Kristen Erickson, Washoe County Deputy District Attorney. (Attachment Two (2) – List of Attorney General's BDRs).

7. **Discussion and possible action on the Prosecutor’s Conference in September, 2017.**
(Attachment Three (3) – Proposed agenda.)
 8. **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.
 9. **Pursuant to NRS 241A.050.1, discussion of dates for quarterly meetings in 2017:**
Monday, April 24, 2017; and
Monday, November 6, 2017.
 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.
 11. **Adjournment.**
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In accordance with NRS 241.020, this agenda was posted on or before 9:00 a.m. January 25, 2017 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

January 31, 2017

Draft Meeting Minutes of December 13, 2016 Meeting



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

Patricia Cafferata, Executive Director
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Meeting Minutes

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: December 13, 2016 1:00 – 3:00 p.m.

Place of Meeting: Video Conferenced Between:

Attorney General's Office
Mock Courtroom
100 N. Carson Street
Carson City, Nevada 89701

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

Attendees:

Adam Laxalt, Attorney General, Chair
Steve Wolfson, Vice Chair
A.J. DeLap
Karl Hall
Chris Hicks
Art Mallory
Patricia Cafferata, Executive Director

Guests Present:

John Jones
Christopher Lalli
Jack Bullock

Roll Call and self-introduction of members present. (*Agenda Item No. 1*)

The meeting was called to order at approximately 1:00 p.m. Roll Call was taken by Patricia Cafferata. Quorum was present. Members present introduced themselves.

Attorney General Adam Laxalt's Welcome. (*Agenda Item No. 2*)

Attorney General Laxalt welcomed the members and guests.

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*) Art Mallory expressed gratitude to Attorney General Adam Laxalt for visiting the rural counties on his "AG for a Day" tour.

Discussion and possible action to approve the minutes of the September 14, 2016 meeting. (*Agenda Item No. 4*) Chris Hicks moved to approve the minutes from the September 14, 2016 meeting. Karl Hall seconded the motion, and the motion passed unanimously.

Discussion and possible action on Council’s duties on training prosecutors to conduct two to four half-day trainings a year – NRS 241A.070. Patricia Cafferata, Advisory Council Executive Director and Special Assistant Attorney General. (*Agenda Item No. 5*) (*Attachment No. 2 - NRS 241A.*) Patricia Cafferata reported that she attended the National Association of Prosecutor Coordinators meeting December 4–6, 2016 in Biloxi, Mississippi. Her counterparts in other states across the nation offer monthly trainings, not annual conferences. Cafferata queried the group to see if additional training sessions are wanted, and if so, what type of trainings. In July, 2016 a mini-grant of a five (5) hour “impaired driving workshop” in Carson City was well received. In October, 2016 an all-day training session on the Sexual Assault Kit Initiative (SAKI) was attended by prosecutors with videoconference between Carson City and Clark County.

Karl Hall suggested a Continuing Legal Education (CLE) on driving under the influence of marijuana. Cafferata reported to have a mini-conference on this topic scheduled for January 26, 2017 at the Office of the Attorney General in Carson City with travel funds available for up to three (3) individuals to attend. Steve Wolfson inquired Cafferata if the mini-conference on marijuana would be more beneficial if it followed the upcoming legislative session. Chris Hicks suggested doing it at the District Attorney’s Conference. Laxalt asked who conducts the training, and Cafferata answered that the highway patrol does the morning session, and prosecutors Bruce Nelson of the Clark County District Attorney’s Office and Cheryl Wilson of the Washoe County District Attorneys are scheduled to follow in the afternoon. Art Mallory suggested a basic training in January, 2017 and another one later in the year to address legislative changes.

Cafferata mentioned that the Law Enforcement Summit is scheduled for April 6, 2017 at the Las Vegas Metro Police Department (LVMPD) in Clark County and encouraged input from members on topics. Sheriffs, chiefs of police, and district attorneys will be invited. Mallory suggested discussing the electronic filings of police reports by prosecuting attorney’s offices. The group discussed having a JustWare representative pair with an agency representative to discuss the program in a forum. Hicks suggested having a representative from a city attorney’s office and another from a county office discuss their respective programs.

Discussion and possible action on selecting topics for the Prosecutor’s Conference in September, 2017. (*Agenda Item No. 6*) (*Attachment No. 3 – Proposed List of Topics to Discuss*)

Cafferata reported the Prosecutor’s Conference will be held in Laughlin, Nevada in the last weeks of September, 2017. Wolfson suggested child representation as a topic and having Brigid Duffy, Director of Juvenile Division of the Clark County District Attorney’s Office, as a presenter. Other topics suggested by Wolfson included district attorney’s views of the roles as a prosecutor; elder abuse and guardianships; insights from the bench utilizing a district court judge; opioid and substance abuse; and story-telling to win over the jury. Mallory concurred that the elder abuse topic is especially important and that story-telling could be beneficial to the attorneys straight out of law school with limited trial experience. Laxalt and Wolfson agreed that elder abuse may be most beneficial and asked Cafferata to reach out to J.P. Roland, Chief Fraud and Elder Abuse deputy, or Jonathon Krueger, Assistant Chief Fraud and Elder Abuse Deputy, regarding a presentation on the topic. Hicks reported that he held a mini-meeting at Second Judicial District Court for the Washoe County District Attorney’s Office similar to “views from the bench” and it was well received. He also encouraged discussion on the topic of voir dire and jury selection and suggested a training on veterans and diversion courts utilizing the Veteran’s Affairs Office. Mallory concurs that a training on veterans would be beneficial. Brett Kandt suggested having a presentation at the conference immediately following the legislative session with himself, John Jones, and Kristen Erickson to give a legislative update. Hall suggested use of drones by law enforcement as a topic at the prosecutor’s meeting and the group discussed agencies’ use of drones and the consensus was the topic

may be more appropriate at the Law Enforcement Summit. Hall suggested DNA evidence as a topic. Laxalt asked the group if there were any known judges interested in speaking about “views from the bench” and Hicks reported that Hon. Patrick Flannagan may be interested. Cafferata suggested a panel of three (3) judges, including one from the rural counties, Wolfson will contact a judge from Las Vegas.

Discussion and Possible action on coordinating proposed legislation for the 79th Legislative Session in 2017. (*Agenda Item No. 7*) Brett Kandt, Chief Deputy Attorney General, John Jones, Chief Deputy District Attorney Clark County and Kristen Erickson, Washoe County Deputy District Attorney. (Attachment No. 4 – List of Attorney General’s BDRs).

Wolfson expressed concern over the state’s inability to impose the death penalty and wanted to know where the Nevada and Department of Corrections stand on this matter. Hicks seconded Wolfson’s concern. Discussion and possible action of the group will be agendized by Cafferata for the next meeting, January 31, 2017.

Cafferata discussed her attendance at the Nation Prosecutors’ Conference and a “best practices” that district attorneys could adopt. At this time, the group discussed deferring action on “best practices”.

Council members’ comments. Discussion only. (*Agenda Item No. 8*)

Pursuant to NRS 241A.050.1, discussion of dates for quarterly meetings in 2017:

Tuesday, January 31, 2017
Monday, April 24, 2017, and
Monday, November 6, 2017

THIS AGENDA ITEM WAS NOT DISCUSSED.

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. 9*) No public comment from Carson City or Las Vegas.

Adjournment. (*Agenda Item No. 10*)

Mallory motioned to adjourn the meeting. Hicks seconded the motion and it passed unanimously. Meeting adjourned at 1:47 p.m.

Attachment Two (2)

to

Advisory Council for Prosecuting Attorneys Agenda

January 31, 2017

List of Attorney General BDRs

2017 Legislative Session Attorney General's Bill Package

AB 15 (INSURANCE FRAUD) - Amend 686A.291 to make staged accident insurance fraud a category B felony. [Commerce and Labor]

AB 42 (PUBLIC RECORDS) - Amend various provisions of Nevada Public Records Act, NRS Chapter 239. [Government Affairs]

AB 53 (MEDICAID FRAUD) - Amend various provisions regarding Medicaid Fraud to expand subpoena power of MFCU, clarify limitations provisions and bring the Medicaid fraud and theft related offenses into parity with the general fraud and theft related offenses. [Health and Human Services]

AB 55 (SEXUAL ASSAULT KIT INITIATIVE WORKING GROUP) - Requires mandatory submission of rape test kits to crime labs within 30 days; mandatory testing of rape test kits to crime labs within 180 days of submission; annual reporting of crime labs on submissions and testing; and permits the Victims of Crime Fund to reimburse counties for the payment of sexual assault examinations. [Judiciary]

AB 56 (VETERANS COURT) – A justice court or municipal court may establish a program of treatment of veterans and members of the military pursuant to NRS 176A.280 and assign eligible defendants to the program pursuant to the provisions of NRS 176A.285 and .290. [Judiciary]

AB 57 (DOMESTIC VIOLENCE HOMICIDES) - Amend NRS 259.045 to require that when a defendant is charged with the murder or manslaughter of his/her domestic partner, the parents or guardian of a decedent may be notified of a decedent's death and may receive a copy of the coroner's report. [Government Affairs]

AB 58 (PROTECTION ORDERS) - Amend NRS 33.100 to enhance penalty statute for repeat violations of a domestic violence temporary protection order from a misdemeanor to a gross misdemeanor, and for repeat violations of a domestic violence extended protection order from a misdemeanor to a felony. [Judiciary]

AB 59 (CONDITIONS TO LIFETIME SUPERVISION) - Amend NRS 213.1243 to expand the statutorily enumerated conditions that may be imposed upon sex offenders subject to lifetime supervision (in response to *McNeill v. State*, 132 Nev. Ad. Op. 54). [Corrections, Parole, and Probation]

AB 62 (TOBACCO) - Amend various provisions of NRS Chapter 370 to comply with Master Settlement Agreement re: tobacco diligent enforcement. [Taxation]

AB 73 (HUMAN TRAFFICKING) - Amend NRS 49.2544 to add human trafficking to the definition of "victim" for purposes of the statutory privilege set forth in NRS

49.2547; amend NRS 201.354 to make the knowing solicitation of a child under the age of 14 for prostitution punishable as sex trafficking under NRS 201.300. [Judiciary]

SB 6 (ASSESSOR'S LIST) - Amend NRS 250.140 to add prosecutors (as defined in NRS 241A.030) to list of persons that may request information contained in the records of a county assessor be kept confidential. [Government Affairs]

SB 11 (INMATES TO EXHAUST ALL ADMINISTRATIVE REMEDIES) - Amend NRS Chapter 34 and Chapter 209 to require inmates to exhaust all administrative remedies in challenging the computation of time served before filing a postconviction petition for writ of habeas corpus. [Judiciary].

SB 23 (ADMINISTRATIVE PROCEDURE) - Amend NRS 233B.130 to clarify when a petition for judicial review must be served upon the Attorney General. [Government Affairs]

SB 25 (AG DV REORGANIZATION) - Reorganize and consolidate the functions of the Office of the Attorney General relative to domestic violence. [Government Affairs]

SB 30 (ETHICS) - Amend NRS 281A.400 to prohibit Attorney General from accepting any gift. [Legislative Operations and Elections]

SB 55 (REGULATORY BODIES) - Add provision to NRS Chapter 622 for process when license issued in error. [Commerce, Labor and Energy]

SB 59 (LAW ENFORCEMENT REPORT TO PMP) - Substance Abuse Working Group recommendations – enact mandate for law enforcement to report to the Prescription-Monitoring Program certain controlled-substance violations. [Health and Human Services]

SB 61 (REMITTITURS) - Amend NRS 34.830 to require the Nevada Supreme Court Clerk to serve a remittitur, issued in a state post-conviction habeas petition, on all parties including petitioner (to comply with recent Ninth Circuit decisions). [Judiciary]

SB 62 (DOMESTIC VIOLENCE) - Amend NRS 200.485(1)(c) (Battery which Constitutes Domestic Violence) to make “once a felon, always a felon” for subsequent offenses. [Judiciary]

SB 68 (MONEY LAUNDERING) - Amend NRS Chapter 207 to enact anti-money laundering provisions that mirror federal law. [Judiciary]

Attachment Three (3)

to

Advisory Council for Prosecuting Attorneys Agenda

January 31, 2017

Proposed Agenda Items

September, 2017 Prosecutor's Conference

Advisory Council for Prosecuting Attorneys – January 31, 2017 Meeting

ATTACHMENT THREE

2017 Prosecutors Conference Topics of Discussion:

Agenda items proposed:

1. District Attorneys views on the role of the prosecutor,
2. Elder Abuse,
3. Child Representation and DCFS,
4. DNA evidence,
5. Insights from the Bench,
6. Storytelling to win over the jury,
7. Voir Dire and Jury Selection,
8. Prosecuting cases in rural jurisdictions,
9. Domestic Violence prosecutions,
10. Update on legislation (2017) Veterans and PTSD,
11. Use of drones,
12. Opioid and substance abuse by attorneys (1 hour CLE) and Ethics (2 hours CLE),
13. CLE for all the topics.

Other Items:

1. Preference for breaks: 10 minutes every hour or 15 minutes in the morning and afternoon?
2. Bill Raggio Prosecutor of Year award, who nominates, when vote taken?
3. Invite other states to the conference?
4. Whether to host a Hospitality Suite?
5. Provide charging stations?
6. Members' suggested topics or deletions