



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

Patricia Cafferata, Executive Director
pcafferata@ag.nv.gov
775-684-1136

AGENDA

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: April 20, 2016 – 1:00 pm

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

Attorney General's Office
5450 Kietzke Lane, Suite 202
Reno, 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 February 17, 2015 meeting. (Attachment One (1) – Draft Meeting Minutes.)
5. Executive Director Patricia Cafferata's report.
 - a. Governor Sandoval reappointed A.J. Delap to the Council.
 - b. Next Prosecutors' Conference is set for September 13-15, 2016 at the Hard Rock Resort at Stateline, Lake Tahoe.
 - c. Applied for a grant to train prosecutors on Impaired Driving cases.
 - d. Attended a NAAGTRI conference on Opioid Abuse. Working with the AG's Substance Abuse Working Group and the Coalition against Prescription Drug Abuse.
 - e. Forwarded to the members relevant information from the National Association of Prosecutors and National District Attorneys Association on criminal matters.

6. Elect Chair and Vice-Chair for one term beginning July 1. (See Attachment Two (2) – NRS 241A.040.2)
7. Discussion and possible action on Council’s duties set forth in NRS 241A.070:
 - a. Develop and carry out a program for training and assisting prosecutors in conducting criminal and civil prosecutions:
 - i. Tentative agenda for Prosecutors’ Conference will include sessions on domestic violence, legal writing of persuasive briefs and motions, ethics, impaired driving, guardianships and elder abuse.
 - ii. Suggested other topics to consider: trial techniques, prosecuting cyber- crimes, encryption, and investigation and prosecuting opioid abuse, and other related topics.
 - iii. Discussion of format for conference, lectures, panel discussions, break-out sessions, other arrangements.
 - iv. Discussion of volunteers to make some of the presentations.
 - b. Coordinate the development of policies for conducting criminal and civil prosecutions:
 - c. Coordinate the development of proposed legislation for the 79th Legislative Session in 2017:
 - i. Discussion and possible action on bills passed by the Legislature in 2015, in particular AB 193 and creating a log for documenting the use of both hearsay provisions and the audiovisual provisions at preliminary hearings.
 - ii. Discussion and possible action on various legislative proposals for the Legislative session in 2017.
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. Discussion for possible action to set the council’s quarterly meetings on August 25, 2016, the day of the AG’s Law Enforcement Summit, and on one of the days of the Prosecutors’ Conference from September 13-15, 2016. NRS 241A.050.1.
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.

In accordance with NRS 241.020, this agenda was posted on or before 9:00 am April 15, 2016 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) locations listed above.

Attachment One (1)

to

Advisory Council for Prosecuting Attorneys Agenda

April 20, 2016

Draft Meeting Minutes of February 17, 2016 Meeting



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

Patricia Cafferata, Executive Director
pcafferata@ag.nv.gov
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Meeting Minutes

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: February 17, 2016 – 4:00 pm

Place of Meeting: Elko Conference Center
724 Moren Way
Elko, NV 89801

Attendees:

Adam Laxalt, Attorney General
Karl Hall
Chris Hicks
Art Mallory – via Lane Mills by Proxy
Steve Wolfson – via Christopher Lalli by Proxy
Patricia Cafferata, Executive Director

Absent:

A.J. Delap
Josh Reid

- 1. Attorney General Adam Laxalt's Welcome.**
- 2. Call to Order and Roll Call.**
AG Laxalt called the meeting to order at 4:00 p.m. Quorum was present.
- 3. Public Comment**
None.
- 4. Discussion for possible action to approve the minutes of the December 11, 2015 meeting.**
Christopher Lalli moved to approve the minutes from December 11, 2015 meeting. Chris Hicks seconded the motion, and the motion was approved unanimously. Minutes Approved.
- 5. Executive Director's Patricia Cafferata's Report.**
Cafferata stated it would be best if the District Attorney's Association and the Advisory Council for Prosecuting Attorneys scheduled their meetings concurrent with the next Attorney General's Law Enforcement Summit. Discussion was held regarding possible dates, and late August or October, 2016 was preferred. Laxalt announced the next Summit will be in Carson City, teleconferenced to Las Vegas. Approximately every third Summit will be in the rurals.

6. Discussion and possible action on Council's duties set forth in NRS 241A.070.

a. Develop and carry out a program for training and assisting prosecutors in conducting criminal and civil prosecutions.

Cafferata reported she is applying for a grant to train prosecutors on the subjects of impaired Driving, including driving under the influence of alcohol and marijuana.

i. Discussion and possible action to schedule training on Domestic Violence and sexual assault cases.

Training regarding Domestic Violence cases is historically done at the Prosecutors Conference.

ii. Discussion and action on offering a legal writing course.

The subject of legal writing training was discussed, concern was expressed that there probably would not be a great deal of interest in this subject. Laxalt reported that the Attorney General's Solicitor General's Office has very talented legal writers, perhaps the AG's office can come up with a short training, one to two hours, possibly to take place at the Prosecutors' Conference.

iii. Discussion and possible action on the location and topics for the next Prosecutors' Conference in the fall.

Training on Guardianships, Elder Abuse, and Prison Math were suggested topics for the next Prosecutors' Conference.

b. Coordinate the development of policies for conducting criminal and civil prosecutions.

i. Discussion and possible action to cosponsoring the Civil Attorneys' Conference on May 11-13, 2016 at Lake Tahoe.

The topic of cosponsoring the Civil Attorneys' Conference on May 11-13, 2016 at Lake Tahoe and on paying \$1,000.00 for printing and mailing costs of the conference was discussed. Chris Hicks moved to cosponsor and contribute the \$1,000.00. Karl Hall seconded the motion. Motion passed unanimously.

d. Coordinate the development of proposed legislation for the 79th Legislative Session in 2017.

i. Discussion and possible action on bills passed by the Legislature in 2015, in particular AB 193, and whether all the offices should each create a log or statewide protocol should be developed for documenting the use of both hearsay provisions and the audiovisual provisions at preliminary hearings.

Laxalt stated that it was his understanding that both Clark and Washoe Counties were already tracking this information, but there had only been one instance of the use of hearsay, while audiovisual provisions had not been used. Patty Cafferata will compile this information in anticipation of next legislative session. Lalli stated that Clark County created a log and would forward it for others to use as an example.

ii. Discussion and possible action on various legislative proposals for the Legislative session in 2017, In particular, Clark District Attorney Steven Wolfson believes that NRS 176A.280 on veterans courts needs to be clarified.

Lalli stated that veterans charged with DUI and Domestic Violence are not allowed to go through Vet Courts. Clark County wants to modify statutes to avail them to the Vet Courts. Hall stated there are two conflicting statutes, and clarification needs to be made. Currently, only District Courts can operate a Vet Court, amendments need to be made to include Justice Courts.

The committee also discussed legislation on gamblers courts and elder abuse. Clark County will come up with some draft language and keep the other counties in the loop. Laxalt stated the AG's office will assist with these issues.

7. Council members' comments.

No additional comments.

8. Discussion for possible action to set the council's next quarterly meeting date.

Pursuant to discussion regarding the meeting date, it was determined that late April or early May would be best. Cafferata will send emails to determine a specific date.

9. Public Comment.

No Public Comment.

10. Adjournment.

Christopher Lalli moved to adjourn the meeting. Christopher Hicks seconded. Motion was approved unanimously and the meeting was adjourned.

Minutes respectfully submitted by Janice Riherd, Office of the Nevada Attorney General.

Attachment Two (2)

to

Advisory Council for Prosecuting Attorneys Agenda

April 20, 2016

NRS Chapter 241A

CHAPTER 241A - ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS

NRS 241A.010	Definitions.
NRS 241A.020	“Council” defined.
NRS 241A.030	“Prosecutor” defined.
NRS 241A.040	Creation; membership; election of officers; terms of members; vacancies; members serve without compensation; members holding public office or employed by governmental entity.
NRS 241A.050	Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.
NRS 241A.060	Executive Director: Appointment; qualifications; duties.
NRS 241A.070	General duties of Council.
NRS 241A.080	Account for Advisory Council for Prosecuting Attorneys: Creation; use.
NRS 241A.090	Gifts, grants, appropriations or donations; deposit of money in designated Account.

NRS 241A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 241A.020](#) and [241A.030](#) have the meanings ascribed to them in those sections.

(Added to NRS by [1997, 3246](#))

NRS 241A.020 “Council” defined. “Council” means the Advisory Council for Prosecuting Attorneys.

(Added to NRS by [1997, 3246](#))

NRS 241A.030 “Prosecutor” defined. “Prosecutor” means:

1. The Attorney General;
2. The district attorney of a county;
3. The city attorney of an incorporated city; or
4. Any deputy attorney or other attorney or person employed by the Attorney General or a district attorney or city attorney.

(Added to NRS by [1997, 3246](#))

NRS 241A.040 Creation; membership; election of officers; terms of members; vacancies; members serve without compensation; members holding public office or employed by governmental entity.

1. The Advisory Council for Prosecuting Attorneys, consisting of seven members, is hereby created. The Council consists of:

(a) The Attorney General who serves as an ex officio member of the Council;

(b) Three members who are district attorneys appointed by the governing body of the Nevada District Attorneys Association;

(c) Two members who are city attorneys of incorporated cities appointed by the governing body of the Nevada League of Cities; and

(d) One member who is employed as a peace officer by a law enforcement agency in this state appointed by the Governor.

Ê If the Nevada District Attorneys Association or Nevada League of Cities ceases to exist, the appointment required by this subsection must be made by its successor organization or, if there is no successor organization, by the Governor.

2. The members of the Council shall elect a Chair and Vice Chair by a majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the office of Chair, the members of the Council shall elect a Chair from among its members for the remainder of the unexpired term.

3. After the initial terms, each member of the Council who is appointed serves for a term of 4 years unless a member vacates the public office which qualified the member for appointment to the Council. A member of the Council who vacates his or her public office continues to serve on the Council until the member's replacement on the Council is appointed. A member may be reappointed.

4. A vacancy on the Council must be filled in the same manner as the original appointment.

5. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Each member of the Council who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Council to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

(Added to NRS by [1997, 3247](#))

NRS 241A.050 Meetings; designation of representative; quorum; effect of membership upon holding public office or public employment.

1. The members of the Council shall meet at least quarterly and at the times and places specified by a call of the Chair or a majority of the members of the Council.

2. Except as otherwise provided in subsection 3, a member of the Council may designate in writing a person to represent the member at a meeting of the Council. A representative designated pursuant to this subsection who attends the meeting of the Council for which the representative is designated:

(a) Shall be deemed to be a member of the Council for the purpose of determining a quorum at the meeting; and

(b) May vote on any matter which is voted on by the regular members of the Council at the meeting.

3. The Attorney General may designate a representative to serve in his or her place on the Council or to attend a meeting of the Council in his or her place.

4. Four members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Notwithstanding any other provision of law, county ordinance or city charter, a member of the Council:

(a) Is not disqualified from holding a public office or from public employment; and

(b) Does not forfeit any such public office or employment,

Ê because of his or her membership on the Council.

(Added to NRS by [1997, 3247](#))

NRS 241A.060 Executive Director: Appointment; qualifications; duties.

1. Upon the approval of all its members, the Council shall appoint an Executive Director. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Council. The Executive Director must be:

(a) An attorney licensed to practice law in this State; and

(b) Appointed on the basis of:

(1) His or her professional ability and experience in conducting or supervising criminal and civil prosecutions in this State; and

(2) His or her understanding of criminal law, evidence and the rules and procedures of the courts of this State.

2. The Executive Director shall:

(a) Carry out the policies of and duties assigned to the Executive Director by the Council;

(b) Prepare and administer the budget of the Council; and

(c) Act as the nonvoting recording Secretary for the Council.

(Added to NRS by [1997, 3248](#))

NRS 241A.070 General duties of Council. The Council shall:

1. Develop and carry out a program for training and assisting prosecutors in conducting criminal and civil prosecutions in this State;

2. Coordinate the development of policies for conducting criminal and civil prosecutions in this State;

3. Coordinate the development of proposed legislation for submission to the Legislature; and

4. Authorize the payment of expenses incurred in carrying out the provisions of [NRS 241A.010](#) to [241A.090](#), inclusive.

(Added to NRS by [1997, 3248](#))

NRS 241A.080 Account for Advisory Council for Prosecuting Attorneys: Creation; use.

1. The account for the Advisory Council for Prosecuting Attorneys is hereby created in the State General Fund. The Council shall administer the Account.

2. The money in the Account must only be used to carry out the provisions of [NRS 241A.010](#) to [241A.090](#), inclusive, and pay the expenses incurred by the Council in the discharge of its duties, including:

(a) The payment of expenses for the preparation of motions and briefs and for clerical or legal assistance that is provided to a prosecutor for a criminal or civil prosecution in this state; and

(b) Reimbursement for any extraordinary or unanticipated expenses incurred by a prosecutor as a result of conducting a criminal or civil prosecution in this state, including any expenses related to the appointment of a special prosecutor for that prosecution.

3. All claims against the Account must be paid as other claims against the State are paid.

4. The money in the Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

(Added to NRS by [1997, 3248](#))

NRS 241A.090 Gifts, grants, appropriations or donations; deposit of money in designated Account.

1. The Council may apply for any available grants and accept any gifts, grants, appropriations or donations to assist the Council in carrying out its duties pursuant to the provisions of [NRS 241A.010](#) to [241A.090](#), inclusive.

2. Any money received by the Council must be deposited in the Account for the Advisory Council for Prosecuting Attorneys created pursuant to [NRS 241A.080](#).

(Added to NRS by [1997, 3248](#))