



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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775-684-1136

AGENDA

Organization: **Advisory Council for Prosecuting Attorneys**

Date and Time of Meeting: **April 24, 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 January 31, 2017 meeting.** (Attachment One (1) – Draft Meeting Minutes.)
5. **Report on death penalty research, per request at last meeting.** (Attachment Two (2) – Death Penalty Information.) Patty Cafferata.
6. **Election of Chair and Vice Chair for one year term beginning July 1, 2017.**
7. **Discussion and possible action on Prosecutors Conference in September 2017.**

8. **Discussion and possible action on the procedure for nominating a prosecutor for the Bill Raggio award who has contributed significantly to the improvement of the administration of justice in Nevada.**
 9. **Discussion and possible action on spending forfeiture funds on the Law Enforcement Summit. (NRS 241A.070.1.)**
 10. **Discussion and action on possible \$1,000 donation to the Attorney General and Nevada State Bar's Civil Conference in May 2017. Brett Kandt.**
 11. **Next meetings: During the Prosecutors Conference in September and November 6, 2017 at 10 a.m. in Attorney General's offices.**
 12. **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.
 13. **Adjournment.**
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In accordance with NRS 241.020, this agenda was posted on or before 9:00 a.m. April 18, 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

April 24, 2017

Draft Meeting Minutes of January 31, 2017 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
775-684-1136

Meeting Minutes

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
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
Patricia Cafferata, Executive Director
A.J. DeLap
Karl Hall
Chris Hicks
Art Mallory

Guests Present:

Kristen Erickson
John Jones
Christopher Lalli
Jennifer Noble
Lane Mills

1. Call to Order and Roll Call.

The meeting was called to order at approximately 1:00 pm. Patricia Cafferata took roll call, and quorum was present.

2. Attorney General Laxalt's Welcome. Self-introduction of members present.

Attorney General Laxalt welcomed the members and guests and members 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.

None.

4. Discussion and possible action to approve the minutes of the December 16, 2016 meeting.

Art Mallory moved to approve the minutes from the December 16, 2016 meeting. Chris Hicks seconded the motion, and the motion passed unanimously.

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.

Steve Wolfson suggested at the last meeting to send a letter to Director James Dzurenda regarding the unavailability of drugs to carry out executions in the State. Wolfson reported he authored a letter sent on or about January 9, 2017, and has not received a response from the Director. Laxalt expressed concern that it has been three weeks and Director Dzurenda had not responded to Wolfson's January 9, 2017 letter. Wolfson confirmed that Dzurenda received the letter.

Wolfson explained the Nevada District Attorneys Association voted to authorize President Chris Hicks to send a letter on behalf of the NDAA to Director Dzurenda. The letter was to inquire about his efforts to obtain the drug needed in the event Nevada had to implement the death penalty and/or what other steps he is taking pursuant. Hicks stated he would share his letter with Cafferata for Advisory Council records. Wolfson asked Laxalt if he had any additional information. Laxalt indicated that he knew that the prison was working on it, but had no other information.

Mallory stated a vote was taken at the NDAA resulting in 100% in favor of keeping the death penalty. Laxalt inquired whether anyone was aware of any proposed legislation or discussion of such regarding an alternative to drugs to implement the death penalty. Wolfson suggested an informal check of other states and their methods of execution. Cafferata indicated she had information she could provide on that topic at the next meeting.

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 were present. Mallory asked John Jones whether there was anything to add to the discussion that would specifically impact the Attorney General's office, the district attorneys or the city attorneys. Jones stated that with respect to the DUI changes, the marijuana metabolite could be changed or eliminated that would impact prosecutions.

7. Discussion and possible action on the Prosecutors Conference in September 2017.

Cafferata stated that the topic of marijuana will be added to the agenda. She has been coordinating other trainings that last 50 minutes per subject, with a 10-minute break between topics and no long break in the middle of the morning and afternoon. It seems to work well. She would like to set the schedule up the next Prosecutors Conference agenda in that manner, if everyone agrees. Mallory stated taking a short break every hour is the military model, which keeps students attention better. Last conference, in transition from Brett Kandt to Cafferata, she was unaware of the process for nominations for the Raggio Prosecutor of the Year award. In the past, Kandt sent out nomination forms to District Attorneys and to members of the Council and formal nominees are collected. Laxalt inquired if nominees were line prosecutors. Responses indicated it could be anyone. He asked whether there could be two, one in the North and one in the South each year. Hicks' response is that it is considered a momentous award, a professional achievement, and has even been given to federal judges that were acting DAs back in the 70s and 80s. Preference is to alternate between the North and South each year. Wolfson suggested continuing tradition of alternating, referring nominations to Cafferata. Nominations should include list of achievements.

Cafferata noted that other states invite other states to their conferences, bringing in extra income, and inquired if the council would like to extend invitations to other states. Wolfson stated that the conferences are well attended, so no need to invite other states.

Discussion regarding that the cost of conference tuition per lawyer has doubled. This cost has devastated travel budgets. Some counties pay tuition, but not other travel costs. Cafferata stated the cost of the conference has never been fully charged to the attendees. Negotiation with venues is done to try to keep costs down. A few speakers, but not all, charge for their presentations. The conferences do not make a huge profit, the 2016 Conference made a total profit of \$1,000. Mallory stated Kandt was able to obtain grants; Cafferata agreed to look into obtaining grant money. Whether a hospitality suite is necessary was discussed because few took advantage of it last year. There was a conflict between the hospitality suite and the golf event. The suggestion was made that maybe charges could be reduced by the hotel, if a hospitality suite was not provided. Cafferata inquired if charging stations for phones and laptops should be provided, Cafferata will investigate to find out if there is a cost for such services.

A suggested schedule of four hours on Wednesday afternoon, four hours Thursday morning, all day Friday. Wolfson suggested Cafferata put together a framework. He can provide prosecutors, for such topics as elder abuse, rural prosecutions, and domestic abuse. Hicks stated he would be willing to contribute speakers as well. He stated his office had Veterans Affairs/PTSD Troy Storman come and speak to his investigators, advocates, and deputy DAs. He found it beneficial and believes Storman would be happy to participate in the conference. Mallory mentioned many Nevada attorneys are admitted in California. California attorneys have a yearly Drug CLE requirement. Nevada has an every three-year requirement. This could be an agenda item. Drones might be a preferred topic for the Law Enforcement Summit April 6, 2017 and not for the Prosecutors Conference. The Council will revisit the Prosecutor Conference topics after the Law Enforcement Summit.

- 8. Council Members' comments. Discussion only.** (Actions 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.
 - 9. Pursuant to NRS 241A.050.1, discussion of dates for quarterly meetings in 2017.**
Next meetings are scheduled for:
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.
None.
 - 11. Adjournment.**
Mallory motioned to adjourn the meeting. Hicks seconded the motion and it passed unanimously. Meeting adjourned.
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Attachment Two (2)

to

Advisory Council for Prosecuting Attorneys Agenda

April 24, 2017

Death Penalty Information

Death Penalty Information
By Patricia D. Cafferata, Esq.
March 29, 2017

According to the Death Penalty Information Center, dated December 15, 2016.

Since 1977, the methods used for execution in the country include, firing squad, electrocution, gas chamber and lethal injection. At least in the past five years, all executions were by lethal injection.

Since 1977 in Nevada, 12 defendants have been executed, all “volunteered,” except Richard Moran in 1996.

Nine of the defendants were white, one was African-American, one was Latino and one was Asian. Of the eight white defendants, Sebastian Bridges was a foreign national.

Of the 14 murder victims, all were white, seven were male and seven were female. Two defendants killed a man and a woman during the commission of their crime. Daryl Mack was the last person executed in 2006.

Additional information from *Wall Street Journal*, March 23, 2017, p. A3.

In the 2016 general election, voters in California, Nebraska and Oklahoma voted to retain the death penalty.

In the last eight years, the death penalty has been abolished in New Mexico, Illinois, Connecticut and Maryland.

Thirty-one states have the death penalty.

My research on the death penalty in Nevada.

Since 1868, 74 people have been executed in Nevada, 73 men and one woman.

From 1868 to 1911, the counties and state executed 30 people, including the one woman.

In 1913, one man was executed by a firing squad (he chose the method over hanging).

From 1924 to 1979, the gas chamber was the method of execution for 32 men.

Since then, 11 men have been executed by lethal injection.

According to DOC, currently, there are 81 inmates on death row. Forty are white, 31 are African-American, seven are Hispanic, one Cuban, one Asian and one race unknown.