



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: 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

Attendees:

Adam Laxalt, Attorney General
Patricia Cafferata, Executive Director
A.J. DeLap
Chris Hicks – via Bruce Hahn by Proxy
Art Mallory – via Lane Mills by Proxy
Josh Reid – via Marc Schifalacqua by Proxy
Steve Wolfson
Chris Lalli
John Jones

Members Absent:

Karl Hall

- 1. Attorney General Adam Laxalt's Welcome.**
- 2. Call to Order and Roll Call.**
Attorney General Adam Laxalt called the meeting to order at 1:00 p.m. Quorum was present.
- 3. Public Comment**
No public comment.
- 4. Discussion and possible action to approve the minutes of the February 17, 2015 meeting.**
Lane Mills moved to approve the minutes from the February 17, 2015 meeting. Steve Wolfson seconded the motion, and motion passed unanimously.

5. Executive Director Patricia Cafferata's report.

Cafferata stated that Governor Sandoval reappointed A.J. Delap to the Council.

Discussion was held about the schedule for the next Prosecutors' Conference set for September 13-15, 2016 at the Hard Rock Resort at Stateline, Lake Tahoe.

Suggestions were made for extending the hours of the conference in order to complete the maximum number of CLE credits. Current requirements are for 10 hours of general education credit, 2 hours of ethics credit, and 1 hour of substance abuse (every three years) credit.

Cafferata reported that an application has been made for a grant to train prosecutors on Impaired Driving cases.

Cafferata attended a NAAGTRI conference on Opioid Abuse and is working with the Attorney General's Substance Abuse Working Group and the Coalition against Prescription Drug Abuse.

6. Elect Chair and Vice-Chair for one term beginning July 1.

Laxalt agreed to remain as Chair. Steve Wolfson was nominated as Vice-Chair.

Lane Mills moved to approve the nominations. Bruce Hahn seconded the motion, it was approved unanimously.

7. Discussion 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. Discussion on a tentative agenda for Prosecutors' Conference. Cafferata reported she has been in contact with NAAG who offered four 1.5 hour presentations on trial advocacy training at the conference. Steve Wolfson commented that Clark County already offers comprehensive trial advocacy training to his new hires.
- ii. Discussion regarding suggested other topics to consider included a more narrow scope, such as cross examination of a defense expert, DNA evidence or encryption.
- iii. Council discussed the need for a varied format of lectures, panel discussions and break-out sessions. Chris Lalli added that he enjoyed the format of the last Law Enforcement Summit.

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

Discussion regarding the possibility that other commissions, boards and councils offer training and what this council's role should be.

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.**

The council discussed the problems with transmission of the logs via email and the need to keep the logs as confidential if possible. There was

general consensus that the logs should remain in-house with each district attorney. The council discussed on this legislation the usage of AB 193 and the potential for expansion. Further discussion was tabled.

ii. Discussion and possible action on various legislative proposals for the Legislative session in 2017.

Laxalt stated the Sexual Assault Working Group just met and expressed the goal of attempting to relax the evidentiary standard of the admission of sexual assault kits during pretrial proceedings. The ability to utilize affidavits during pretrial proceedings rather than live testimony would greatly reduce the cost.

The Attorney General found the funds to process nearly every kit in the state and is currently working on grants that would allow the hiring of additional attorneys and investigators, when these cases come to prosecution. Laxalt added that the cost of prosecuting each case, especially the colder cases, could be in excess of \$10,000.

Chris Lalli brought up the topic of submitting a placeholder bill (BDR) titled "Sexual Assault". The council agreed and discussed how that would be accomplished. Laxalt suggested the council discuss the issue with Brett Kandt.

Steve Wolfson stated he would like to see the Veterans Court statutes reviewed and updated, so as to not be in conflict with other statutes.

8. Council members' comments.

No additional comments

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.

Discussion as to whether the council should set this meeting for the end of the next Law Enforcement or at the Prosecutors' Conference. It was decided to hold it in conjunction with the Prosecutor's Conference. The Council set December 8, 2016 for the last quarterly meeting of the year. Cafferata will send emails with details to the council members.

10. Public Comment

No public comment.

11. Adjournment

Lane Mills moved to adjourn and Wolfson seconded. The motion was approved unanimously. The meeting was adjourned at approximately 1:50 p.m.

Minutes respectfully submitted by Heather Cooney, Office of the Attorney General.