

MINUTES

ASSEMBLY
GOVERNMENT AFFAIRS COMMITTEE
February 11, 1977
8:00 am

MEMBERS PRESENT: Chairman Murphy
Mr. May
Mr. Craddock
Mr. Mann
Mr. Moody
Mr. Robinson
Mrs. Westall
Mr. Rhoads

MEMBERS EXCUSED: Mr. Jeffrey

GUESTS PRESENT: Michael Fondi, Carson City District Attorney
Harold Jacobsen, Mayor, Carson City
Robert Broadbent, Las Vegas

Chairman Murphy called the meeting to order at 8:07 and announced that the meeting was to gather testimony from the Carson City District Attorney regarding Assembly Bill 3.

ASSEMBLY BILL 3

Michael Fondi, Carson City District Attorney, told the committee his thoughts regarding the bill. His testimony is attached herewith as Exhibit 1.

Assemblyman Alan Glover told the committee that due to Carson City's rapid growth a full time District Attorney is necessary.

Mr. Fondi continued his testimony by answering a question from the committee regarding the salary for the next D. A. He said that he felt that the Carson City D.A. should receive as much as a District Judge in that the qualifications were the same and the workload was much heavier. He added that in order to achieve some professionalism in the office and reduce the turn over rate, the salary should be enough to keep a qualified attorney and not just someone who isn't good and just needs a job. It would be in Carson City's best interest to attract a career D.A. and not just have the position as a stepping stone to higher positions.

Assemblyman Robinson commented that it did not make any sense to pay a smaller county D.A. a lesser salary just because the county was smaller as long as the case load is high, besides the larger counties just hire more Deputy District Attorneys.

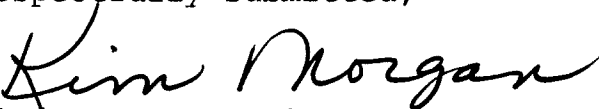
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Robert Broadbent, Clark County Commissioner, suggested to the committee that they make a subcommittee to study all of the salaries of the local officials.

It was stated that no action would be taken on this matter until a later date and that the Chair would take Mr. Broadbent's suggestion into consideration.

There being no further business, the meeting was adjourned at 9:24.

Respectfully submitted,


Kim Morgan, Committee Secretary

FACTORS REFLECTING INDICATIONS OF WORKLOAD
IN THE CARSON CITY DISTRICT ATTORNEY'S OFFICE

In attempting to provide information concerning the workload of the Office of the Carson City District Attorney, a number of factors must be considered which are not normally thought of when one thinks of the duties of the District Attorney's Office.

The criminal case load is only one of the many functions which are performed by the Carson City District Attorney and his staff. Similar functions, I am sure, are performed by all the District Attorneys of the State of Nevada.

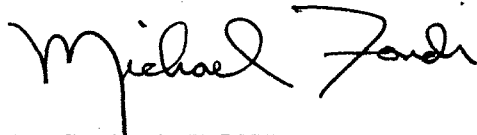
In order to highlight information regarding the duties of the District Attorney, an attempt has been made to provide statistics reflecting the increase in the criminal case load in the office for specified time periods for which information is available. A concerted effort to gather statistics on criminal case load was implemented in January, 1975, with more complete information being available from that time to the present. Prior to that time, good reliable statistics as to case load were not available. In the attached "Exhibit A", I have indicated the information which is available regarding the number of criminal complaints filed for the years reflected herein. When reviewing the figures contained in "Exhibit A", one should keep in mind that these figures, as with most statistics, do not present an accurate picture of all the problems related to prosecution. In many instances, one felony complaint

may contain numerous felony counts and more than one defendant. The filing of a criminal complaint additionally does not reflect the number of court appearances necessary to process a single case, which depends upon the number of pre-trial motions, writs, arraignments, continuances, day of trial, post-conviction proceedings, appeals, etc. In each instance mentioned, a member of my staff is required to be present in Court.

"Exhibit B", attached hereto, reflects the number of juvenile court proceedings which also affect the operation of this office. It is necessary for my office to review all juvenile court petitions as well as sign said petitions before they can be filed.

"Exhibit C" contains a general list of responsibilities of the District Attorney in civil matters.

Respectfully submitted,



MICHAEL FONDI
District Attorney
Carson City, Nevada 89701

"EXHIBIT A"

CRIMINAL CASE LOAD

	7/1/72 to 6/30/73	7/1/73 to 6/30/74	1975	1976
FELONIES	183	140	219	226
GROSS MISD.	9	25	24	21
MISDEMEANORS	n/a ^a	311	510 ^b	589 ^c
TOTALS		476	753	836

- a. No reportable information on number of misdemeanors filed in 1972-73.
- b. Includes some traffic cases, such as D. U. I. and reckless.
- c. Includes some traffic cases such as D. U. I. and reckless. The volume of these cases required a change of procedure to issue citations rather than prepare formal complaints.

NOTE: For 1976, 1138 crime reports were processed from police agencies with 836 formal criminal cases being prosecuted.

No reportable information was available as to the total number of new cases processed, including review of case reports and issuance or non-issuance of Complaints for the other years compared.

"EXHIBIT B"

JUVENILE STATISTICSCARSON CITY, NEVADA

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u> (Thru. Jan. 31)
REFERRALS	1593	1606	1468	1693	188
FORMAL COURT CASES	46	93	68	148	9

"EXHIBIT C"

CIVIL FUNCTIONS

1. Legal defenses of suits brought against Carson City, its officers and officials, such as civil rights, wrongful dismissal from employment, mistreatment in jail, etc.
2. Collections of taxes.
3. Civil prosecutions such as suit over failure of the library roof.
4. Preparation and review of legal papers and documents such as leases and contracts entered into by the City.
5. Preparation of ordinances.
6. Preparation and issuance of legal opinions.
7. Eminent domain proceedings.
8. Administrative hearings and proceedings.
9. Miscellaneous investigations.
10. Mental commitments.
11. Attendance at meetings, conferences, and hearings, i. e. Board of Supervisors, Board of Equalization, Grand Jury, Planning Commission, etc.
12. Various phases of local government employee negotiations.
13. On-going legal services and advice to all agencies of county government.
14. Consumer protection problems.

15. Processing of non-support cases which are rapidly becoming more complex but profitable to Carson City:

	<u>1974</u>	<u>1975</u>	<u>1976</u>	(Jan) <u>1977</u>
NEW CASES	125	145	161	19

TOTAL ACTIVE CASES BEING REGULARLY PROCESSED
AS OF 12/31/76 - 325

Upgrading Prosecution Performance

The second priority for improvement in the criminal justice field has been cited by the commission and the Courts Task Force to be the upgrading in performance of the office of the prosecutor. Of necessity, the Task Force felt that more effective prosecution would lead to greater speed and efficiency of disposition. Furthermore, it was clear that fair and appropriate treatment of cases on the part of the prosecutor, including greater care and equity in the making of discretionary decisions, would enhance the prospect of rehabilitation for offenders referred to correctional programs. Although the prosecutor plays a key role as a law enforcement officer, he is also an officer of the court in the same position as the defense counsel on a given case and therefore many of the standards recommended for upgrading the level of the prosecutor were made applicable to the upgrading of the level of the defense. The distinctive law enforcement position of the prosecutor required, it was believed by the Courts Task Force, a greater priority to be placed on the upgrading of that function as opposed to the defense function.

The standards in the Task Force chapter on the prosecution highlight the need for complete professionalization of the office of the prosecutor and of his supporting personnel. The standards thus require that the prosecutor be selected on the basis of ability and integrity to serve full-time over a 4-year term at an annual salary equivalent to that of the presiding Judge of the local trial court. If necessary, the jurisdiction of the prosecutor's office should be expanded so that a full-time prosecutor would be justified. In addition, assistant prosecutors should be selected on the basis of their legal ability and should be prohibited from outside practice. Salaries should be set at the level of those paid by private law firms. The case load for each assistant should be such that proper preparation of cases can be accomplished and supporting personnel should be available for clerical work and follow-up investigation. Adequate office and library facilities, along with professional training programs, were also mandated. All of these standards are transferable to defender organizations where appropriate, but with a lower priority for implementation.

The Task Force analyzed the role of the prosecutor in investigations and, after considerable discussion, fashioned a standard which emphasized the prosecutor's main role to represent the State in court and to cooperate with the police in their investigations but which also recognized the need for the prosecutor to have investigative resources at his command to assist in case preparation and to supplement police investigations where necessary. The Task Force considered that consumer fraud cases, allegations of police misconduct, and other charges of governmental corruption would merit investigation by the prosecutor because of the necessary independence and skills required for those tasks. After considering and rejecting the proposal for a judge to be empaneled as a one-man grand jury for investigative purposes, the Task Force recommended that the prosecution be granted the subpoena power to call witnesses during the course of these investigations.

Upgrading the Caliber of the Judiciary

The third priority set by the commission and the Courts Task Force is the upgrading of the caliber of the judiciary. The standards developed to reach this objective basically fall into two categories—those necessary to improve the judges themselves and those necessary to improve the method by which the judges administer procedures and render decisions. In the former category, the Task Force recommended the adoption of the so-called Missouri Plan for the selection of judges. Under this plan, lawyers, the public, and the judiciary would be represented on a Judicial Nominating Commission which would nominate qualified candidates for judicial vacancies. The Governor would then fill vacancies from the slate of names submitted by the commission. The Task Force considered but eventually, at the suggestion of the commission itself, rejected the concept of executive nomination with judicial commission confirmation, under which the Governor would present names to fill vacancies to a qualifications commission which would then accept or reject the candidate.

Other standards were developed to provide that judges receive adequate compensation on a scale comparable to that of the federal judiciary and that they serve until the age of 65, with provision to serve further on a case-by-case basis in the discretion of the presiding Judge. The Task Force also recommended the creation of a Judicial Conduct Commission to investigate questions of judicial competence or conduct. This commission, like the Nominating Commission, would be composed of judges, lawyers, and lay persons.

GOVERNMENT AFFAIRS COMMITTEE

DATE: 2/10/77

	PRESENT	EXCUSED	ABSENT
CHAIRMAN MURPHY	✓		
VICE CHAIRMAN MAY	✓		
ASSEMBLYMAN CRADDOCK	✓		
SEMBLYMAN JEFFREY		✓	
ASSEMBLYMAN MANN	✓		
ASSEMBLYMAN MOODY	✓		
ASSEMBLYMAN ROBINSON	✓		
ASSEMBLYMAN WESTALL	✓		
SEMBLYMAN RHOADS	✓		