

ATTORNEY GENERAL'S OFFICE OVERVIEW PRESENTATION

Contact information:

Brett Kandt

Chief Deputy Attorney General

684-1201 or bkandt@ag.nv.gov

100 N. Carson Street

Carson City, NV 89701

I am here today on behalf of Attorney General Adam Laxalt to provide an overview of the Office of the Attorney General. The Office of the Attorney General consists of approximately 370 dedicated and hardworking individuals committed to enforcing Nevada law for the protection and benefit of our citizens.

As the state's chief law enforcement officer, the Attorney General represents the people of Nevada before state and federal trial and appellate courts in criminal and civil matters; serves as legal counsel to state officers, state departments, and most state boards and commissions; and assists the 17 district attorneys of the state. Based on 2016 litigation figures, the office currently defends the State from approximately \$662,078,449 million in potential liabilities. Because of significant victories, favorable settlements, and proactive management within the Office of Attorney General, that number has fallen from \$1.27 billion since last session.

The Office of the Attorney General is committed to ensuring that all actions taken by the State are lawful and legally defensible, enforcing transparency and accountability in government, seeking justice for our victims of crime, and to keeping our families and communities safe by holding criminals accountable for their actions.

In 2015, AG Laxalt advocated for, and the legislature approved, an office reorganization. By increasing management oversight on complex cases, as well as staff and client trainings, the reorganization has made the office more effective, efficient, and proactive in providing services to the State. Our office is now organized into five major bureaus: (1) the Bureau of Criminal Justice; (2) the Bureau of Litigation; (3) the Bureau of Consumer Protection; (4) the Bureau of Gaming and Government Affairs; and (5) the Bureau of Business and State Services. These five

bureaus are composed of divisions and/or units with specific assignments related to the Attorney General's statutory responsibilities.

The office's administration division is responsible for all administrative matters pertaining to the office, including personnel and fiscal matters, information technology, grant administration, constituent services, and media relations.

The Bureau of Criminal Justice

The Bureau of Criminal Justice includes our Criminal Prosecution and Post-Conviction Units. This Bureau investigates and prosecutes Medicaid Fraud, Insurance Fraud, Workers Compensation Fraud, Securities Fraud, Mortgage Fraud, Sex Trafficking, Cybercrime and Public Integrity cases. This division also contains our new financial fraud prosecutors, who work to combat instances of financial fraud and elder exploitation. The BCJ also prosecutes crimes that occur in Department of Corrections' facilities and cases in which local prosecutorial agencies have to recuse themselves due to conflicts of interest.

During the past biennium, the Prosecutions Unit opened 375 cases and resolved 403 cases. The unit filed 331 cases. The Unit obtained 140 felony convictions, 28 gross misdemeanor convictions, and seven misdemeanor convictions. It also obtained restitution orders in the amount of \$2,472,976.04. Among the OAG's investigations and prosecutions in the last two years, our prosecutors obtained the first-ever illegal online gaming prosecution, as well as its first-ever human trafficking conviction. Additionally, despite the fact the primary jurisdiction rests with local district attorneys, our prosecutors have obtained its first guardianship abuse conviction and handled multiple guardianship abuse cases.

Within the Bureau of Criminal Justice, the Medicaid Fraud Control Unit investigates and prosecutes fraud by health-care providers in the Nevada Medicaid Program. For the past biennium our Medicaid Fraud Control Unit opened 115 investigations, closed 67 investigations, and has successfully prosecuted 27 criminal cases involving fraudulent activities by companies scamming the Medicaid system.

In the process, the Unit recovered \$5,449,658.01 for SFY15 and \$4,883,176.42 for SFY16.

In the Workers Compensation Fraud Unit, for SFY15, we filed charges in 152 cases and recovered for the State \$389,993.12 in restitution costs and fees. For SFY16, we filed charges in 111 cases and recovered \$482,498.98 for the State. In the Insurance Fraud Unit, for SFY15, we filed charges in 28 cases and had \$439,585.49 in restitution ordered. For SFY16, we filed charges in 53 cases and recovered \$292,504.39 for the State.

In addition to our prosecutors, the office maintains an investigative division, consisting of approximately 60 sworn peace officers. Our investigators work hand and hand with our prosecutors and local law enforcement and investigate a wide array of crimes, including financial fraud, cyber security, human trafficking, child exploitation, and terrorism. They also work on multi-jurisdictional task forces such as the Internet Crimes Against Children task force, and investigators working on the FBI's Joint Terrorism and Cybersecurity Taskforces.

Finally, the Bureau of Criminal Justice maintains the Post-Conviction Unit, which handles petitions for habeas corpus in state and federal courts. By the end of 2016, the Unit was handling 556 federal habeas cases, including 52 death penalty cases, as well as 498 state habeas cases.

The Bureau of Litigation

The Bureau of Litigation is comprised of two Divisions: the Public Safety Division and the Transportation Division. In its representation of these clients, the Bureau of Litigation defends executive and judicial officers in the litigation of cases, and advises executive branch departments in all aspects of applicable law. This bureau also oversees appeals before the Nevada Court of Appeals, the Nevada Supreme Court and the Ninth Circuit Court of Appeals. Specifically, the Public Safety Division advises the Nevada Department of Corrections and provides representation in all inmate related litigation, including property and constitutional claims. The Public Safety Division further provides day to day transactional advice

to the Department in all aspects of correctional operations. The Transportation Division of the Bureau of Litigation provide these same litigation and transaction services to the Departments' of Motor Vehicles, Public Safety and Transportation in areas, including, the manner and type of use of the state highways by the public, the licensing of motor vehicle and trailers, emergency management, parole and probation, the transportation of hazardous materials, eminent domain and inverse condemnation actions.

The Bureau of Gaming and Government Affairs

The Bureau of Gaming and Government Affairs includes the Gaming Division, Government and Natural Resources Division, and Boards and Open Government Division. The Bureau of Gaming and Government Affairs represents all Constitutional offices, the Department of Administration, and all state executive branch agencies. In addition, it provides legal advice and representation to the boards and commissions that enforce statutory provisions regulating various industries, occupations and professions for the protection and benefit of the public. The bureau also enforces Nevada's Open Meeting Law and provides training and legal advice regarding Nevada's Public Records Act, both of which ensure transparency in state and local government. In addition, upon request, the bureau provides legal opinions on questions of law to district attorneys and city attorneys.

The Bureau of Business & State Services

The Bureau of Business and State Services (BBSS) represents and provides daily legal advice to the Department of Taxation, the Department of Business and Industry, the Department of Health and Human Services, the Treasurer, the Secretary of State, the Public Employees Benefits Program, and the Department of Agriculture. Additionally, the BBSS represents and advises all of the State's boards, commissions and executive branch departments in connection with personnel matters and employee discipline. The BBSS prosecutes a variety of regulatory and tax matters before administrative tribunals and on appeal before the district and appellate courts, and defends its agency clients in state and federal court when they

are sued. The attorneys within the BBSS have a broad range of expertise, including expertise in the fields of state and local taxation, government finance, business law, regulatory law, election law, employment law, constitutional law, and civil litigation.

The Bureau of Consumer Protection

The Bureau of Consumer Protection has three primary areas of focus: advocacy for ratepayers before the Public Utilities Commission and Federal Energy Regulatory Commission (NRS 228.300, NRS Chapter 704); Antitrust (NRS Chapter 598A); and Civil Enforcement of NRS Chapter 598 deceptive trade practices. During the biennium of FY 16 and FY 17 the office participated in approximately nine multistate consumer protection settlements. Most notably, a \$1.7 million consumer protection settlement was approved by the Interim Finance Committee to be allocated to reduce Nevada's decades-in-the-making rape kit backlog.

Other Important Matters

In addition to the activities of the five bureaus in our office, we also have a number of additional functions.

Grants.

In the current fiscal year, our Grants Unit has been awarded over nearly \$6 million in federal grant programs awards. Approximately \$3 million in funding has been received under the Violence Against Women Act (VAWA) and provided grant resources to over 50 law enforcement and victim services recipients at the state and local level. In addition to VAWA funding, AG Laxalt secured funding from the 2015 and 2016 SAKI grants to help reduce the backlog of nearly 8,000 untested sexual assault kits in the state. The total of these two awards is over \$3 million dollars. The OAG was also awarded the SAFE-ITR grant, which will help the state establish a tracking system for sexual assault kits, which is vital to preventing future backlogs.

This year, two other awards were received by our office for the first time. An Office of Traffic Safety grant was awarded to our office to help train local prosecutors on DUI prosecution. In light of the recent passage of the recreational use of

marijuana, this grant will have an emphasis on prosecuting marijuana DUI offenders. We anticipate this funding to continue into the next biennium. The Attorney General's office also received the Stop Abuse Later in Life grant which will assist Nevada in developing the necessary knowledge and organization to improve collaborative State and Local responses to elder abuse and elder exploitation.

In the summer of 2015, the OAG obtained a federal grant to assist rural law enforcement agencies with sex offender registration, location monitoring, and compliance checks to make our communities safer from sexual predators. Our office has also secured federal grants to embed our prosecutors with district attorneys in six counties to prosecute domestic violence and sexual assault cases under the supervision of the appropriate district attorney.

Domestic Violence Ombudsman

Domestic Violence continues to tear at the fabric of our society, and Nevada has unfortunately, consistently placed at or near the top of states in the number of women killed by men for many years. Nevada also consistently ranks among the worst states for domestic violence. The OAG performs many essential statutory functions in the fight against domestic violence in Nevada. As detailed above, the OAG administers federal Violence Against Women Act (VAWA) grant programs that provide critical funding at the state and local level.

The OAG also provides several domestic violence prosecutors with special expertise to prosecute cases in rural counties on behalf of district attorneys. In addition, the OAG implemented and manages Nevada VINE (Victim Information and Notification Everyday), a statewide automated system allows victims to receive timely, accurate information on the custody status of offenders and notice of any changes in an offender's custody status to take any steps they deem necessary to protect themselves and their families.

The OAG also administers four statutory boards that perform important and in some instances overlapping functions: the VINE Governance Committee (NRS

228.205); the Committee on Domestic Violence (NRS 228.470); the Council for the Prevention of Domestic Violence (NRS 228.480); and the Domestic Violence Fatality Review Statewide Teams (NRS 228.495).

During this past two years, our office has twice convened Statewide Domestic Violence Fatality Review teams that reviewed domestic violence homicide cases in two different rural communities and made recommendations for system improvement to save lives in the future.

Finally, the OAG also has an Ombudsman on staff who serves as a liaison with all State and local partners on issues related to domestic and intimate partner violence, sexual assault, and human trafficking. The Ombudsman serves as a state-level coordinator with oversight of the programs and initiatives I have described.

To further our commitment to “good government” and to better effectuate the ultimate goals of reducing domestic violence, saving lives, and ensuring safe and healthy homes and families., this session our office proposes four bills related to domestic violence that, if signed into law, would consolidate the office’s duties within one statewide committee, enhance penalties for repeat offenders, provide additional protections for survivors and require notification to family members for domestic partner homicides.

Committee Membership

As provided by the Nevada Constitution and NRS, the Attorney General is a member of several state boards, including the Board of Examiners, Board of Prison Commissioners, Board of Pardons Commissioners, Executive Branch Audit Committee, Advisory Committee on the Administration of Justice, Domestic Violence Prevention Council, the Substance Abuse Working Group, the Prosecution Advisory Council, and the Technological Crime Advisory Board. In addition to these mandated boards and commissions, AG Laxalt has undertaken several initiatives in service of the State.

Sexual Assault Kit Initiative

AG Laxalt chairs the Sexual Assault Kit Backlog Working Group, which he established two years ago this month. AG Laxalt and that committee have met diligently for the last two years in order to complete the work necessary to fund testing of the state's decades-old rape kit backlog. Together with members of the working group, our office will present AB 55, a bill that puts policies and procedures in place to help prevent future backlogs of untested sexual assault kits in this State. The bill would require mandatory submission of sexual assault kits to crime labs within 30 days, the mandatory testing of submitted sexual assault kits within 180 days of receipt, and an annual reporting requirement to crime labs of submissions and testing.

Extraditions

In the past fiscal year, our Extraditions Unit handled 548 transfers of criminal defendants to or from Nevada.

As is clear from the above recitation of duties, the breadth and depth of the legal issues that the Office of the Attorney General addresses on a daily, weekly, and yearly basis is substantial. There are, however, three additional initiatives that I want to highlight.

Neighborhood Protection / Law Enforcement Summits

Under AG Laxalt's leadership, we are committed to making Nevada as safe as possible. Part of that mission includes outreach to local law enforcement and our rural communities. Since his inauguration, AG Laxalt has hosted two law enforcement summits each year. During the summits, the AG's office interfaces with Nevada's local sheriffs, police chiefs, and district attorneys from our 17 counties to discuss emerging law enforcement trends in Nevada and identify the most effective strategies law enforcement can take to address them. Because of participation in the Law Enforcement Summits, the OAG has assisted local and federal law enforcement partners with investigations and joined several taskforces. For instance, the OAG has been assisted local jurisdictions throughout

the state on guardianship investigations and prosecutions and created Southern Nevada Guardianship Taskforce. Additionally, through the Summits, the OAG has provided training and created policy on important law enforcement issues like body cameras. Finally, the OAG has been able to better prioritize its resources, including augmenting the offices resources to address increased financial fraud and elder exploitation.

Financial Fraud

Protecting Nevada’s most vulnerable populations is a core mission of the OAG. That mission includes investigating and prosecuting crimes committed against the elderly—especially those that involve financial fraud. In order to fulfill our public safety mission, the OAG identified non-taxpayer settlement monies to assist in the investigation and prosecution of financial fraud matters in the state. On June 30, 2016, the Interim Finance Committee unanimously approved the OAG’s proposal to create a new financial fraud unit in the office, consisting of additional investigators and prosecutors. The fledgling unit has already been a success, and has made the OAG more flexible, effective, and efficient in executing its law enforcement mission.

Office of Military Legal Assistance

AG Laxalt, a former lieutenant in the U.S. Navy, has a demonstrated commitment to our military and veteran community, and created the first-of-its kind Office of Military Legal Assistance to address Nevada’s unmet need of legal advice and representation in civil matters. The OMLA acts as a conduit and single point of contact for military veterans, reservists and active duty personnel who need assistance in civil legal matters. Since the program’s launch in November 2015, and with the assistance of our pro bono legal aid partners, the OMLA has helped nearly 1000 service members and veterans. Our office is proud to be able to assist Nevada’s military members and veterans who have sacrificed so much in service to our State and country.

Conclusion