

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Seventh Session  
March 25, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:36 p.m. on Monday, March 25, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Pat Spearman, Vice Chair  
Senator Mark A. Manendo  
Senator Pete Goicoechea  
Senator Scott Hammond

**GUEST LEGISLATORS PRESENT:**

Senator Joseph P. Hardy, Senatorial District No. 12  
Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Heidi Chlarson, Counsel  
Martha Barnes, Committee Secretary

**OTHERS PRESENT:**

Peter Hawley  
Juanita Cox, Citizens in Action  
Chuck Callaway, Las Vegas Metropolitan Police Department  
Eric Spratley, Lieutenant, Washoe County Sheriffs' Office  
Bob Roshak, Nevada Sheriffs' and Chiefs' Association  
Ron Dreher, Peace Officers Research Association of Nevada

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Tim Bedwell, City of North Las Vegas; Police Supervisor, City of North Las Vegas  
Richard P. Clark, Executive Director, Peace Officers' Standards and Training Commission  
Gerald Antinoro, Sheriff, Storey County  
Ron Pierini, Sheriff, Douglas County; Chair, Peace Officers' Standards and Training Commission  
Nicole Ting, Deputy District Attorney, District Attorney's Office, Lander County  
Ray H. Williams Jr., Former Lander County Commissioner  
Tom Gallagher, President, Summit Engineering Corporation  
Tom Greco, PE, FASCE, Assistant Director, Planning, Nevada Department of Transportation  
James M. Wright, Deputy Director, Department of Public Safety  
Troy L. Abney, Chief, Nevada Highway Patrol, Department of Public Safety  
Tom Lawson, Lieutenant, Nevada Highway Patrol, Department of Public Safety

**Chair Parks:**

Today we will hear testimony regarding four bills. Because today is also the deadline for the introduction of committee bills, we will introduce six bill draft requests (BDRs) from the Senate Government Affairs Committee. Four of the six BDRs are bills requested by the Committee and two are additional bills forwarded to the Committee for introduction.

**BILL DRAFT REQUEST S-870:** Makes various changes to the Charter of the City of Henderson. (Later introduced as [Senate Bill 440](#).)

SENATOR GOICOECHEA MOVED TO INTRODUCE BDR S-870.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**BILL DRAFT REQUEST 31-1090**: Makes various changes to provisions relating to false claims. (Later introduced as [Senate Bill 437](#).)

SENATOR SPEARMAN MOVED TO INTRODUCE BDR 31-1090.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**BILL DRAFT REQUEST S-1091**: Authorizes the issuance of certain bonds by the Colorado River Commission of Nevada. (Later introduced as [Senate Bill 438](#).)

SENATOR GOICOECHEA MOVED TO INTRODUCE BDR S-1091.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**BILL DRAFT REQUEST 23-1092**: Revises provisions relating to collective bargaining agreements. (Later introduced as [Senate Bill 439](#).)

SENATOR GOICOECHEA MOVED TO INTRODUCE BDR 23-1092.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**BILL DRAFT REQUEST 19-1154**: Creates an endowment fund to be used for enhancing state parks and preserving state cultural resources. (Later introduced as [Senate Bill 436](#).)

SENATOR GOICOECHEA MOVED TO INTRODUCE BDR 19-1154.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**BILL DRAFT REQUEST 31-202**: Creates the K-12 Public Education Stabilization Account. (Later introduced as [Senate Bill 435](#).)

SENATOR HAMMOND MOVED TO INTRODUCE BDR 31-202.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**

I will open the hearing on Senate Bill (S.B.) 257.

**SENATE BILL 257**: Requires law enforcement agencies to adopt and enforce policies and procedures governing identification of officers under certain circumstances. (BDR 23-435)

**Senator Scott Hammond (Senatorial District No. 18):**

Senate Bill 257 is a concise bill that seeks to make one small but important addition to *Nevada Revised Statutes* (NRS) 289. The NRS does not have a requirement for a peace officer to provide his or her name and badge number to a driver during a traffic stop if the driver requests the officer to do so. Every driver should have the right to properly identify an officer who has pulled him or her over for a traffic stop, especially in the event he or she wants to dispute the officer's version of what took place at a future date. While it may be the policy

of most or all law enforcement agencies to provide this information to the public, the issue is important enough to merit inclusion in the law.

Section 1 of S.B. 257 requires Nevada law enforcement agencies to adopt and enforce policies and procedures to require a peace officer to give his or her name and badge number to a driver during a traffic stop if the driver asks for them. Recognizing that traffic stops are unpredictable and can be very dangerous, section 1, subsection 2 of the bill builds in protections for peace officers by allowing law enforcement agencies to provide exceptions on officer identification policies and procedures for situations when the agencies believe it may endanger an officer's life, health or safety. This bill takes a useful step toward enhancing public accountability and consistency from our law enforcement agencies, and I urge your support.

**Peter Hawley:**

My intention in coming forward is not to endanger any police officers. I am a former police officer who retired from the City of Indio, California. I also serve on several boards with representatives from Las Vegas Metropolitan Police Department. The job of a policeman is one of the most important jobs on a local level.

My wife and I were traveling to the Reno area at 11 p.m. upon U.S. Highway 95. We were stopped by a Walker River tribal policeman on a State highway. The officer said I was driving 88 miles per hour. This was not true because I had set the speed control on the car at 77 mph and had maintained that speed for the past 300 miles. The traffic stop was made in the middle of nowhere. The only two people in the car were me and my wife, and I was unsure why I was being stopped. The first words I heard from the officer were to get back in my car or I would go to jail. I got back in my car, and he came to the car window to ask for my driver's license and registration, which I provided.

The officer asked me if I knew why I had been stopped. I told him no. He told me he had stopped me for doing 88 mph in a 70 mph zone. He went to his car and came back to issue me a citation. I told him I did not believe I was doing 88 mph, and I asked who he was. I will quote him, "It's on the ticket." Before I signed the citation, I looked at the signature and determined it was unreadable. I looked at the signature and told him I could not read his name. I asked, "What's your name?" He said it was on the ticket and repeated this at least four times. I asked him what department he was with, and all he would say was

that it was on the ticket. I then turned around to look at his name badge and he deliberately raised his left hand to cover his name tag and his badge. He denied me the opportunity to find out his name.

Please understand, I was driving a Lincoln Town Car at 11 o'clock at night in an unfamiliar area where it was pitch black. There was no traffic around, and I had a guy who claimed to be a police officer stopping me and my wife—and he will not identify himself. That incident is the basis for bringing this bill forward.

The terminology regarding badge number and identification number may be different because badge numbers and identification numbers do not always match. It took me 3 weeks to find out the name of this officer. The only reason I found out his name was because I contacted the U.S. Department of the Interior in Washington, D.C., that eventually contacted a tribal area in New Mexico, which led me to the correct chief of police. I contacted the chief of police and the tribal chairman, and no one would provide me with any information, not even the name of the officer.

Senate Bill 257 allows the department to adopt and enforce policies to require an officer to provide his or her name and badge number so the burden of proof falls on the department to ensure all officers follow State law. I was on a highway built and maintained by Nevada. I did not leave the boundaries of the State highway, although I may have been within the tribal boundaries, but this tribal officer issued a State law violation on a State highway that went into a State court. The chief of police told me the tribal officer was not regulated by the State but by the tribe. The State needs to be involved since this officer issued a ticket on a State highway.

**Senator Hammond:**

I contacted law enforcement agents and have met with representatives so they will provide their concerns for the record. We are willing to work with everyone to find a resolution.

**Juanita Cox (Citizens in Action):**

I too have been stopped after leaving a restaurant in a nice car in a not-so-nice neighborhood with a bar nearby. The officer was in an unmarked vehicle that had very bright lights. At first I could not tell he was an officer except for the flashing lights. When I stopped, the officer wanted to know who I was because I was new to the area. The stop was not a violation stop, but I asked the officer

for his name and badge number. The officer refused until he asked why I wanted his name and badge number. I wanted to call the station to identify the vehicle was legitimate because the lights were not set properly. I finally got the information and called to ensure his credibility. Allowing citizens to ask and receive an answer from the officer is an excellent idea.

**Mr. Hawley:**

I know officers are worried about safety, and this is positive for the safety of the officers. I was unsure of who this officer was who stopped me. I have since obtained a concealed weapons permit in Nevada. If a person is unsure of who he or she is dealing with and whether this person is a real police officer, it could be a safety issue for the officer. If the officer had followed policies and procedures by identifying himself, there would never have been a question.

The traffic stop was extended; the officer actually followed me for another 2 miles and pulled over behind me when I pulled over. The officer approached the car and threatened to take me to jail. There was a point at the end of the second stop where I took off and I was bound and determined not to stop until I found a real police officer. We were about 30 miles from Fallon. This could have turned into a pursuit because I was not going to stop as I was unsure of who this man was. I would not subject my wife to unspeakable things. This is a safety issue for the officer too. If the officer is properly identified, there should not be any issues with the people he is dealing with.

**Chair Parks:**

Was the officer in full uniform?

**Mr. Hawley:**

As far as I could tell, yes. Like I said, when I turned around to look at him he covered parts of his uniform. He was in a marked car and said he got me on radar. On a two lane highway in the middle of nowhere at 11 o'clock at night, who uses radar?

**Chuck Callaway (Las Vegas Metropolitan Police Department):**

We have had several meetings with Senator Hammond, and we support the concept of what this bill will do. However, our big concern is taking what should be department policy and procedure and codifying it into State law. It could potentially result in a misdemeanor offense if State law says an officer shall identify himself and he or she does not. This bill would not address

Mr. Hawley's situation since the tribal police are from a sovereign nation, and passing this bill would not force the tribal police to adopt a policy or procedure.

In the Las Vegas Metropolitan Police Department, we write about 300,000 traffic citations relative to thousands of traffic stops annually. We do receive complaints about discourtesy or conduct unbecoming an officer. Some of those complaints may center around the officer not identifying himself or being rude or using profanity. Where do we draw the line when we put policy and procedure into State law? Would we want to create a State law that officers cannot use profanity, or agencies must develop a policy that officers cannot use profanity? Officers cannot be rude; do we want to put that in State law? We contend that is best left to the policies and procedures of the agencies, allowing those agencies to investigate and take appropriate action with their employees.

Metro has a tracking system called Blue Team that allows supervisors to review the officers assigned to their squads on a daily basis. If an officer has more than a complaint or two during a certain period of time, his or her status on the Blue Team database will change from a green screen to a yellow screen. Depending on the number of complaints filed against the officer, it can go to a red screen. The red screen is a flag to that supervisor to address the officer.

Senate Bill 257 will not solve the problem described by the supporters of the bill. Rather than a State law, this should be left up to the agencies to allow their supervisors the opportunity to address alleged issues.

**Eric Spratley (Lieutenant, Washoe County Sheriffs' Office):**

I am here in opposition to S.B. 257. We agree that law enforcement officers should identify themselves when asked—except in unsafe circumstances. It is not necessary to mandate in State law what is appropriately managed by regulation and legally tested policy. Nor should State law be written based on a personnel issue. We do not approve or condone poor or discourteous behavior by the members of our organization. However, these matters should be handled appropriately by the respective agency to which the individual person has a grievance. This personal issue happened in the middle of the night, and the circumstance was unfortunate. A State law should not be written because of this incident. This is an issue to be resolved between the tribal police and the person cited.



The Washoe County Sheriff's Office does have a written policy regarding officer identification. We use a system called Lexipol, which is a company that tries to standardize law enforcement procedures based upon best practices, caselaw and Supreme Court rulings across the Nation. Lexipol suggested a policy which we adopted:

1046.2.1 Officer Issued Identification. The office issues each member an official office identification card bearing the member's name, identifying information and photo likeness. All members shall be in possession of their office-issued identification card at all times while on duty or when carrying a concealed weapon. Whenever on duty or acting in an official capacity representing the office, members shall display their office-issued identification in a courteous manner to any person upon request and as soon as practicable.

One of the key words in that policy is courtesy, and I want to make it clear we are big on courtesy at the Washoe County Sheriffs' Office as are the sheriffs across the State. We all have our bad apples, and we have officers out there who have bad days just like the rest of us. There is really no excuse, but a complaint against that officer can be handled by the agency, and discipline or correction may be necessary. We are asking that you do not support this bill and allow the sheriffs and the chiefs of police and the agency leaders to handle these personnel matters in an appropriate way instead of dealing with it by State law.

**Senator Goicoechea:**

Because I drive a lot, I have the opportunity to meet officers in many different jurisdictions. Over the last few years, I noticed most of the officers when approaching your vehicle give their names and not their badge numbers. They also tell you they are deputy so-and-so. I assumed that was probably part of the new policy coming from the different agencies whether Humboldt County Sheriffs' Office or Carson City Sheriff or in Nye County. Over the last few years, I noticed the officer will come to the vehicle and identify himself. This good policy goes a long way toward buying good rapport with the driver who may be speeding.

**Lt. Spratley:**

In part of our training, we tell our officers to identify themselves first, but that is more of a training issue. This is not in our policy. I appreciate Senator Hammond bringing the bill forward and making us aware so our agency can review the policy and make sure our officers comply.

**Chair Parks:**

Is there a set requirement as to the identification badge on the uniform? On several occasions, I found it is difficult to read an officer's name.

**Lt. Spratley:**

There is no set standard for our Class A and Class B uniforms, which are the nicer uniforms. These have small metal name badges, and sometimes you cannot read the names. A more tactical or utility uniform worn on patrol will have a large strip with brighter letters for the name. People prefer the larger name badges, but the metal ones look nicer, and there is no set standard.

**Chair Parks:**

I was trying to ascertain an officer's name and received a very quick response of "What are you looking at?" I said I was trying to read your name.

**Bob Roshak (Nevada Sheriffs' and Chiefs' Association):**

We support the concept and believe that officers should identify themselves. With regard to the policy from Lexipol, 48 agencies subscribe to it. All the sheriffs and chiefs have this in policies for the officers.

Turning this into a misdemeanor crime will cause a nightmare by going to the station to file a misdemeanor complaint against an officer. If it moves forward and goes to court, there will be a he said, she said situation. Many resources will be tied up when it can be handled administratively through internal affairs or directly through the supervisor. If an officer continues to pop up because he or she is not decent with the public and makes a point of being rude, internal avenues can be taken to adjust the officer's attitude.

It would serve a greater purpose to provide classes and additional training for the officers. Classes, such as verbal judo, teach officers to talk to the public, diffuse situations and stop themselves from escalating the situation. With regard to the bright lights on the vehicle, those are for officer safety so when they approach a vehicle in the dark they can see inside the vehicle. It does prevent

the citizen from looking back but having approached a car with a person holding a gun, it was nice for me to see it before he saw me. We thoroughly understand the importance of officers being courteous and identifying themselves when asked. We do not see codifying this bill into law to remedy this situation.

**Senator Goicoechea:**

In the event an officer was discourteous, who should the person contact? Oftentimes you may not know what jurisdiction you are dealing with, such as Nevada Highway Patrol or Metro. If an officer approaches the vehicle as in Mr. Hawley's case, who would you suggest he contact?

**Mr. Roshak:**

If an individual is concerned about being stopped by an officer, stop and call 911 to tell the dispatcher where you are and that you have been stopped by this officer who you do not believe to be legitimate. Did this officer actually call in a traffic stop at this location? Most agencies require their officers to report the stop prior to making it for officer safety. If dispatchers do not hear from the officer for some time, they will have an idea of where the officer was when he or she last called in.

It also allows the agency to see if anyone can be reached through a broadcast. If not, it may give the agency a lead about someone trying to play officer. Normally, you can see the uniform to get an idea if the officer is a county sheriff, city officer or Highway Patrol. If not, it may take some time to get to your destination and decide where you were when the incident occurred. You may have to visit the local agency to report you were stopped on U.S. Highway 95 near Walker Lake and ask who would have jurisdiction. It may take some research on the part of the agency, but there are avenues. When in doubt, get on the phone and call.

**Senator Manendo:**

Could there be an instance when an officer would not allow you to use your cell phone?

**Mr. Roshak:**

If the officer is engaged in a conversation with the driver he or she may request the driver to not use a cell phone. If the officer returns to his car and the citizen needs to verify what the officer is or is not telling him or her, there should be no reason for the officer to stop the citizen from using the phone.

**Senator Manendo:**

Is that also in your rules and regulations?

**Mr. Roshak:**

It would be discourteous treatment, but as far as something specifically stating if a citizen wishes to use a phone when the officer is engaged with the driver on a traffic stop, I do not think a formal policy states that.

**Ron Dreher (Peace Officers Research Association of Nevada):**

I am testifying in opposition of S.B. 257, even though it is a great concept. I was a police officer and training officer for many years with the City of Reno. Whether Lexipol or the policies and practices of every agency that I am aware of in the State, part of the training says—absent perhaps the situation Mr. Hawley dealt with because the officer was with tribal police, and the tribes operate under different rules—we can only give citizens the courteous treatment that they expect. You may get an officer having a bad day, but for the most part the officer will approach the car, identify himself or herself and tell the driver why he or she is being stopped and ask for the proof of insurance, driver's license and registration. That part is not going to change.

However, you must look at the officer's side also. When the officer approaches a car, it is all about attitude on both sides. We teach our officers to be safe. Someone could start in "Why did you stop me?" There is a police video showing a person involved in a traffic stop screaming at the officer. I think it was back in Maine. During the video, the driver rips up his ticket, throws it on the ground, saying he is not going to pay it, the officer says thank you, sir, and yes, sir, and is the most polite person in the world.

In reality, the officer is going to handle the situation in perspective. When someone demands your badge number and your name, the officer gives it to that person. I do not know of any department that does not have a policy and procedure in place for the officer to provide his or her name and badge number, upon request or not.

The Class A uniforms we wore had a tiny name badge, but that was set in policy too, based on the uniform policy. As we progressed through law enforcement, agencies introduced the tactical uniform. The name badges are much larger like the military where you can actually see the name. Senate Bill 257 is a great concept, but we already have the language in established policies and procedures.

**Tim Bedwell (City of North Las Vegas; Police Supervisor, North Las Vegas Police Department):**

An existing policy with the City of North Las Vegas in the North Las Vegas Police Department requires our officers to state their names when making traffic stops, and this is done immediately. We also require, if for some reason the officer is unable to provide that information right away during a felony traffic stop, the officer provides his or her name when practicable and safe.

In my position at the North Las Vegas Police Department, I deal with many constituent issues. I regularly receive requests sent to the chief asking who the officer was the person dealt with at a specific scene or in a certain situation. Sometimes, I see a complaint that the officer did not provide his or her name. More often than not, it is because the person lost the officer's business card, lost the paperwork supplied by the officer, never asked for the name of the officer, or the officer provided his or her name but the person could not remember it.

Sometimes it is another agency, so I have to ask the color of the officer's car to determine what happened. I have a great number of tools to identify the officer if the person can give me a time or a location. I can review statistical items in our computer system to identify the police officer.

It is not always because the police officer did not identify himself or herself. People may be calling for other reasons, such as to provide a commendation to the police officer or to make a complaint. The person feels compelled to call, and not having the name of the officer does not stop the person. We fully support this policy that is an absolute requirement demanded of police officers because it gives us the trust of the citizens.

Pertaining to Mr. Hawley who brought the original complaint forward regarding a tribal police officer, this goes to the root of Mr. Hawley believing he was safe and his family was safe. That is why we require this to be the first thing said when a police officer makes contact. The officer tells the person the why for the stop and provides the driver with his or her name and agency.

If we approached the Legislature to codify the law each time we received a complaint, the NRS would grow. We believe the Peace Officers' Standards and Training Commission (POST) is mandated to ensure consistent rules within the State. If this needs to be addressed, it should be done through State organizations. The problem brought up by Mr. Hawley cannot be addressed by this body because it was a tribal police agency.

**Mr. Hawley:**

The first gentleman who spoke said this bill would not address this issue because it was a tribal policeman, which is exactly my issue. I think it can be addressed through POST as Mr. Bedwell mentioned. I could not get the officer's name through the tribal council. Through POST, I found the officer's name, 3 weeks after the fact.

As I stated in my original testimony, I was traveling on a State highway, cited for a State law and cited into a State court. By dealing with POST, I found out that an officer must be POST-certified to do that. This is what I have been told: there is no way you can enforce a State law without being Nevada POST-certified. That route needs to be taken. If we do mandate this, it should specifically state that if you are POST-certified, you must follow POST rules. That point will cover tribal police, which would make the entire State consistent.

Obviously, I agree there should be a department policy. I contacted the chief of police and tribal secretary by email and phone. Neither one of them offered to initiate a complaint, to take the complaint, forward the complaint or to hear the issue. No one responded to my emails. Senate Bill 257 will hold the department responsible, not the individual officer.

Another testifier indicated it would be a boondoggle in court of unnecessary litigation, but that is not necessary. We should not be filing misdemeanor charges against each officer who violates this law, but the department needs to be held responsible—the chief of police, the tribal chairman, the sheriff or whoever holds the ultimate responsibility. That is where the buck should stop.

I do not understand why the testifier does not think this is a personnel issue if the officer does not follow department policy. It is a personnel issue. Relative to the comments made by Senator Goicoechea, one of the questions was who should a driver contact.

In this particular incident, I did ask to speak to a sergeant several times. I was told there was no sergeant, and I was not provided with the name of the officer. The other suggestion was to call 911, which I did nine separate times. I have a cell phone carrier that covers most of the United States. The call did not go through. As soon as the dispatcher answered each of the nine calls, my phone disconnected the call. When I finally got through, the dispatcher admonished me for hanging up on her. I tried that on-site with the officer standing there. At one point I offered my phone to the officer so he could speak with the dispatcher, and he said he would call her later and walked off.

Senator Goicoechea also brought up that he thought it was standard policy to provide a name and reason for the stop by the officer, and this was not done. The tribal nation claims there is a videotape of this stop, but it has never been offered to anyone to verify or disprove anything anyone has said. We are dealing with a POST-certified officer. I find it difficult to believe that someone can enforce State law and have no accountability to the State.

Everyone here is under the impression this is a legitimate officer. What happens if it is not a legitimate officer? I can obtain a police officer's uniform, but I cannot fit a car to look like a police car. We have to take this into consideration. I fully understand officer safety, and there is no intention on my part for any degradation in officer safety. Language in the bill states the officer does not have to give his or her name and number immediately in certain situations, and I agree. This is also an important safety issue for the officer.

**Richard P. Clark (Executive Director, Peace Officers' Standards and Training Commission):**

For clarification, Mr. Hawley mentioned this was a State peace officer, and that is not correct. The tribal officers have jurisdiction on tribal land only. The issue and connection to POST would be the training aspect only. The POST has given the tribal agencies the option to participate in POST training if they enter into an interlocal agreement. The interlocal agreement provides a basic and in-service training opportunity and a basic certificate from POST if the Commission is allowed to audit the training records as we do with any other agency. That is an interlocal agreement.

Beyond that, POST has no authority over these agencies because they do not have jurisdiction outside of the tribal land. Officers only have a POST certificate that says they have accomplished a certain level of training. We do not have any authority to hold their feet to the fire if they do not have policies for higher professional standards or ethical behavior, or if they do not enforce them. Those policies have to do with a federal or a tribal agency. The only connection with POST and the reason we identified the individual was because the officer received POST certification and the information was in our files. The U.S. Department of the Interior, Bureau of Indian Affairs has jurisdiction over the tribal agencies and, with serious incidents, the Federal Bureau of Investigation.

**Senator Hammond:**

I am grateful for the information provided by Mr. Clark; this has been a fruitful discussion. We will contact the agencies to express our concerns and see if we can work further on the language.

**Chair Parks:**

I will close the hearing on S.B. 257 and open the hearing on S.B. 273.

**SENATE BILL 273**: Revises provisions relating to deputy sheriffs. (BDR 20-470)



**Senator James A. Settelmeyer (Senatorial District No. 17):**

I would like to propose an amendment to S.B. 273 ([Exhibit C](#)). The bill needs some additional work on the language. This bill only deals with sheriffs of small counties, those below 100,000 in population. The bill comes forward because of a management issue for county sheriff situations when there are only two or three people on duty at one time and they are not POST-certified.

The Legislature decided the smaller county sheriffs could hire personnel who were not POST-certified for a period of up to 1 year. It was difficult to get personnel certified prior to hiring, so the Legislature decided to provide agencies a year to get the individuals certified. We did not look at the unintended consequences, such as if the sheriff did not receive POST certification within the year's time, that person would be relieved of his or her duties.

Language changes in NRS 248.040 relate to: failure to receive a POST certification within the time frame allotted by statute; and if a person loses POST certification. The proposed amendment [Exhibit C](#) provides for failure to maintain a valid driver's license.

In some of the smaller counties, if there are two people on duty and one of them loses the ability to drive, it makes it difficult to do the job, especially in counties that are spread out geographically. Also, if an officer commits a felony or is convicted of a felony, he or she will lose POST certification.

There is also a federal statute we must follow that pertains to child support. If a person is in arrears in paying child support, an officer can lose POST certification.

**Senator Spearman:**

Are there any incidents of an officer losing a driver's license? Are there any incidents of an officer staying on after the 1-year time period?

**Senator Settlemeyer:**

There have been incidents in the counties I represent when an individual has lost the ability to drive. It creates a scheduling problem for the agency.

In the larger counties, there is an option for an officer who does not have the proper certifications to be assigned to the jail. However, in a small county with only three officers, when someone falls and gets hurt, the individual without a valid driver's license is unable to drive the injured person to a hospital. The agency has to call back off-duty officers to fill the void and earn overtime, creating management issues. It is difficult for the human resources personnel to deal with some of these issues in the smaller counties. The bill is not far-reaching and will not affect the larger counties since they have the ability to deal with these kinds of issues.

**Senator Goicoechea:**

I am familiar with issues in the smaller jurisdictions, but is this issue because the smaller counties do not have the ability to terminate the employee?

**Senator Settlemeyer:**

The situation occurs when the employee could potentially get past the tenure date of 1 year. How do you have the legal authority to fire the individual when it is not backed up by NRS? It was not our intent to create this problem for the smaller county sheriffs when we extended the ability to hire those who were not POST-certified. This is an important change to make in the interest of safety. During a training period, the individual can ride with another officer, but when a year passes and the individual has not been POST-certified, that is a safety issue.

**Senator Goicoechea:**

It is clearly a problem when there are infractions. If an individual is under domestic violence charges, the individual could not carry a firearm until that certification is obtained. It is difficult to be a police officer without carrying a firearm.

**Chair Parks:**

There have been cases in Nevada of certain people elected to positions requiring POST certification that was never completed. Have you experienced this scenario?

**Senator Settlemeyer:**

The bill only deals with counties with a population below 100,000. Generally in the smaller counties, the sheriff is someone who rises through the ranks in order to garner enough support from the electorate. In the smaller counties, people are knowledgeable about the things the sheriff has done and what they have not done. I could ask a representative from the Sheriffs' and Chiefs' Association to look into your question, but that was not the impetus of the bill.

**Chair Parks:**

I can see you added a population limitation to the bill.

**Senator Goicoechea:**

An individual elected in Pershing County who was not POST-certified clearly stated he was an administrator and did not have to be POST-certified. That was one of the scenarios that prompted the legislation. There was another scenario when a sheriff had been in law enforcement and dropped his certification or lost it because he had not been active for a period of time. He was elected sheriff; legislation was also brought forward to deal with that situation. Technically, the language required a POST certification at some point for a person elected by the people. I am aware of at least two instances during the last 10 years.

**Gerald Antinoro (Sheriff, Storey County):**

In response to Senator Spearman's question, there have been a couple of instances within my own organization, prior to my election as Sheriff, of individuals whose driving status was suspended. It creates a hardship on my organization. If I am lucky, I have one person on either end of my County at any given time. Our human resources personnel do not want me to do anything that might result in a lawsuit against the County. My hands are somewhat tied. This bill will give sheriffs authority to manage their offices.

**Ms. Cox:**

A person elected in Storey County, where I reside, said he would be POST-certified if he won the election. He won the election but did not obtain his POST certification. I brought this issue forward to the electorate. As a citizen representative, I feel our officers and sheriffs must receive training and get POST-certified.

I do not understand the driver's license problem. If I do not have a valid Nevada driver's license, I am not allowed to drive anyone to a hospital. The present bill language sounds good, and we support allowing the sheriff some flexibility with maintaining staff. I question allowing an officer exemptions under other laws

**Mr. Dreher:**

I support the bill but had a different understanding of the language. I spoke to Dick Clark, who presented a different idea of what the bill is supposed to be about. I worked with Mr. Clark several years ago regarding this problem of having law enforcement officers who are not POST-certified, and it led to the existing language in S.B. 273. What are we trying to accomplish when you already have cause to do what the sheriffs need to do? If a problem arises when an officer is not POST-certified and the officer is probationary, he or she loses the right anyway. I am not sure what we are trying to accomplish.

Section 1, subsection 1, paragraph (b), subparagraph (2) says "Loss of the certification by the Peace Officers' Standards Training Commission required by NRS 289.550." It is my understanding a POST certification is good for 5 years in this State.

Obviously, there is a way to revoke the certification, but that is not what the bill says. The language talks about a loss of certification. If you read section 1, subsection 2 says "no deputy sheriff is qualified to act," and this is current language, "unless he or she has taken an oath ... " and "the oath, together with the written appointment, must be recorded ..." and "revocations of such appointments must be recorded and provided ..." The current language talks about revocations, and the bill is addressing certifications.

That is where I see a conflict because if you have a POST certification good for 5 years, that is one thing. Losing a POST certification is one thing. Working as a probationary officer or deputy in this State is another. Policies and procedures of most of the departments where I have represented officers in this State say you are on probation anywhere from 6 months to a year. If you already have the right to terminate a POST-certified individual who is probationary, you already have the ability to do what the bill tries to accomplish.

I am not sure what S.B. 273 is trying to accomplish. I was originally in support of the bill. It sounds like a good thing, but if we already have this ability in the law, why be redundant? We seem to be complicating what we already set out to do. We are defining different kinds of cause. A probationary employee really has no rights in this State under the policies and procedures. I represent law enforcement officers in this State. Are we providing more cause so I will have to work with somebody if he or she files an appeal?

We brought up driver's licenses and domestic violence. I have worked with officers and deputies in the smaller counties who have had situations where they have had their driver's licenses revoked or suspended. The officer can obtain a temporary license to work with an employer. In a domestic violence situation, depending on where the case is in the court, the officers have a right to carry a firearm while on duty.

There is also a financial aspect to this scenario. If a sheriff in a smaller county is having difficulty recruiting people and brings an officer on board, the sheriff spends several thousand dollars. In 2001, the Nevada Highway Patrol said it cost about \$85,000 to train an officer. If you are spending that kind of money in the rural counties and the law enforcement officer who made an error can be salvaged, why not do that? I applaud Senator Settlemeyer trying to fix the language, but it may not be broken. I am not sure you need to pass this bill because the language is already in NRS 248.

**Senator Goicoechea:**

In a number of the smaller counties, the probationary period is only 6 months even though it states 12 months in NRS. What do you do in a smaller county, such as Eureka, Storey or Esmeralda, when you have a small number of employees and an officer is placed on suspension for a driver's license infraction or fails to get POST-certified? Even though the probationary period has passed, you have to have the ability to let people go. This is what the bill is seeking.

**Mr. Dreher:**

If you have a 6-month probationary period in some of the smaller counties, under NRS 288.150, subsection 3, paragraph (a), the probationary period can always be changed to 12 months. This issue ensures the smaller counties that could not afford to hire POST-certified officers in the beginning may require them to obtain the POST certification once employed. Discretion was even given so the requirement could be delayed for 18 months if needed. Senate Bill 273 addresses cause for terminating an employee, and the language is already in NRS. If a person is not POST-certified and he or she loses a driver's license and a sheriff in a rural county wants to dismiss the officer, the sheriff has the right to do that unless another law within the county supersedes NRS.

**Senator Goicoechea:**

If the probationary period is complete, what do you do in the case of a suspended driver's license?

**Mr. Dreher:**

That is normally handled within the policies and procedures of the department. If you are planning to terminate a nonprobationary employee, then the department goes through its standard, collective bargaining agreement. In communities like Eureka where the department does not have collective bargaining agreements but has policies and procedures, general orders or standard operating procedures apply. The officers would have the rights to determine if just cause was used.

There are two parts to this bill. The first addresses POST. Is the officer POST-certified? If not, it is already in law if the person does not obtain the certification within the allotted time period, he or she cannot be a police officer in this State.

If you are POST-certified and get cited for DUI, have a suspended driver's license or a domestic violence charge, you must face whatever policies and procedures are relevant in that county. Every one of the counties has policies and procedures in place, some of which address the DUI issue, the lack of a driver's license and the domestic violence issue. Most of these issues are discretionary to the sheriffs because they have minimum manpower issues and are trying to preserve the officers they have. When I get called to represent officers, it is usually because there is a possible grievance.

**Senator Goicoechea:**

You are saying the smaller counties should update their policies and procedures so they can terminate these individuals?

**Ron Pierini (Sheriff, Douglas County; Chair, Peace Officers' Standards and Training Commission):**

I am not against the concept of S.B. 273, but I want to ensure you have a clear understanding of how we work on the POST Commission and what we can and cannot do. About 8 years ago, we determined an officer had to be POST-certified within 1 year. We extended that later to an additional 6 months for the smaller counties because of limited people and resources.

The POST Commission recognizes that shortage with good reason; the CEO must give us a reason for that person to obtain a 6-month extension. Some of these requests have been denied, and that person loses his or her ability to enforce the laws. My confusion stems from having a 1-year probation and then extending the time period for an additional 6 months because now the officers are no longer on probation.

I assume the sheriff has the ability to dismiss a person who has not met the minimum requirements and does not have the right to file a grievance. We do have people who notify the POST Commission when someone has committed a crime, such as felony or a gross misdemeanor, and has been convicted. The Commission will take away the POST certification automatically. We wait until the conviction is completed. It could be good for the smaller counties that have an individual with a suspended driver's license who has lost the ability to drive when needed to transport someone from the jail to another location. This is a problem.

Many times you will have an officer who may have been picked up for DUI and the administrators feel assistance can be provided to help make him or her a better officer. It would be the choice of the CEO or administrator to either pursue additional help for the officer or terminate the employee. I am concerned about the extension past the 1-year probation because many officers are at 18 months when entering a POST academy. When the officer is off probation, it would provide enough authority for the sheriff to terminate the employment without a grievance being filed.

**Senator Settlemeyer:**

The bill brings out some great detail and discussion regarding the probationary period of 6 months or 1 year. The NRS under section 1, subsection 1, paragraph (b) says the sheriff may remove these individuals for cause.

Mr. Dreher indicated after receiving a DUI, the individual can obtain a temporary driver's license to go to work. This is not necessarily correct because a license is suspended for 90 days, and the individual must wait 45 days before requesting a temporary license. A small department with only four or five people on duty makes it problematic to have that individual working without the ability to drive, especially in the rural counties that are more spread out geographically.



**Chair Parks:**

I will close the hearing on S.B. 273 and open the hearing on S.B. 342.

**SENATE BILL 342**: Revises provisions governing the vacation and abandonment of certain streets. (BDR 22-665)

**Senator Pete Goicoechea (Senatorial District No. 19):**

This bill was requested by Lander County. The issue came about from the small mining camps, whether Pioche, Goldfield, Eureka, Austin or Tuscarora. In the days of the mining camps, there were no surveys conducted. The streets were laid out and homes were built; then the plots were developed, and lot line descriptions indicated houses were in the streets and those streets were in other folks backyard. The issue is being addressed in Austin in order to clean up the descriptions.

Senate Bill 342 will, by local ordinance, allow the board of county commissioners to go through the required public hearing process and establish a plan, create a map to lay out the town and determine what issues need to be addressed. This allows the smaller towns to address these property irregularities all at once rather than one parcel at a time, which is expensive to the property owners and the board of county commissioners, as well as time-consuming.

In the case of Lander County, a court order said the streets and property will stay as they are. When the corners were adjusted, we found some backyards in the street or someone's property imposed upon by a road. Most of these small communities embrace this bill and the ability to clean up these boundary lines once and for all. I can place a population cap on the bill for clarification. I am unsure if we want to extend this out to some of the more urban areas which have planning and surveys—the counties with populations over 300,000 and 700,000. There are concerns this bill may be too far-reaching. Those cases are not the same as in the small rural communities of unincorporated towns. This bill will clean up the lot line adjustments.

**Chair Parks:**

In one of my past jobs, I dealt with this same issue in a subdivision in Mount Charleston. Rather than cutting down the trees, the roads were designed around them, and the roads ended up on private property. Trying to put that land back into the hands of the private citizens became problematic, especially when we tried to pave the streets within the subdivision.

**Senator Goicoechea:**

Were you able to resolve the issue? And do you think the bill would be better served if it were statewide?

**Chair Parks:**

I want to hear the rest of the testimony first, but it might have been helpful in 1985 when I was working on the issue.

**Senator Goicoechea:**

The court ruling was handed down in 1947, and we are still dealing with problems created during the time of the mining camps.

**Nicole Ting (Deputy District Attorney, District Attorney's Office, Lander County):**

I understand that for Legislators, when someone wants to introduce a bill to change a law, you want to know why.

**Ray H. Williams Jr. (Former Lander County Commissioner):**

The property lines in these small communities have always been a problem. The first map for Austin was actually filed in 1863. When the town council wanted work done on Pine Street both east and north, it laid a map on a flat table, drew out the lines and began the work by drawing in the streets. Throughout the years, there has been controversy over property because later mining claims were filed over the top of the property. The property originally sold with possessory rights, and everyone had a garage built wherever and barns or stables as well.

Over the years, property values escalated. Title companies were concerned about someone buying property without seeing the lines of demarcation, so financing was not approved. That brought about the issue of bringing in a new map around 1975. We began with Shelton engineers of Elko, and we asked the company to redo the Austin map. After 2 or 3 years of discussion and litigation, the Board of Commissioners decided against fixing the existing map.

Mike Donovan of Piedmont Engineering was hired in 1977 to redo the plat so it would be more workable. That continued until 1989, when the final Donovan map was approved. Many corrections referencing street abandonments and other issues were made during that time period. During adjudication, District Judge Llewellyn A. Young of the Sixth Judicial District said the County should press forward to help people in the future because he knew problems would arise.

We prepared copies from our Austin Master Plan ([Exhibit D](#)) for the Committee. The process actually began in 2007 and was finally approved at the Lander County Board of Commissioners meeting on June 11, 2009 ([Exhibit E](#)). It is the first time the Commissioners and the Lander County Planning Commission gave money to the project to get it finished. Skip Canfield from Division of State Lands and some associates worked with various committees to create a new plan. During the course of plan development, we discovered one of the biggest problems included the streets and the property boundary lines. Page D4 of [Exhibit D](#) is a map developed by Summit Engineering for the Economic Development Authority of Lander County. The map shows roads as they once existed in green; yellow roads to be kept; and pink roads as abandoned or to be abandoned.

More recently, a buyer from Fallon purchased property in Austin with an old adobe house and a detached garage in the back. The buyer decided to tear everything down and build a brand-new house. The buyer found the garage and the back portion of the house were located in Ash Street, which was never built. The front of the house was located where First Street should be, but the street was never built. The issues continue to escalate, and it costs a great deal of money for each individual to conduct research.

After 2009 when the first road study was completed, the second phase began, and that is where we are now. To continue the process of cleaning up all at one time, Lander County is negotiating a contract with Summit Engineering to address these issues and devise solutions. Reading the changes to this bill gives the County the latitude to pass an ordinance allowing the authority to perform the cleanup. Many issues will arise during the process because people who have houses placed within the boundaries of the roads also have other encroachments that need to be addressed.

Senate Bill 342 seems like the most logical step to put the issue back into the County coffers to be addressed. I support this bill.

**Senator Goicoechea:**

The bill gives Lander County the ability to conform to the court order ([Exhibit F](#)) issued July 18, 1989. The language supports the County making all efforts in the future to resolve the individual conflicting disputes. This bill gives the County the authority to put into effect a 25-year-old court order.

**Chair Parks:**

I dealt with an issue in Searchlight where it was placed under the supervision of the district court judge, and he guided it to completion.

**Senator Goicoechea:**

I will make a copy of the court order available for the Committee.

**Thomas Gallagher (President, Summit Engineering Corporation):**

We are in negotiations with Lander County to fix the boundary lines in Austin. We have worked on these kinds of processes in various other rural towns. I have been doing this for 35 years in northern Nevada. It seems when town officials laid out these mining towns, many of them were placed right in the canyon. If you have ever driven through Austin, Eureka, Virginia City or Pioche, you can tell towns are located in canyons. Topography as a concept was not used in the planning process of these mining towns. Some of the streets on these maps go up one or two hillsides and vertical cliffs.

Senate Bill 342 will allow Lander County Commissioners to develop an ordinance. Most of the tools already exist in State law, giving the Commissioners flexibility. If a whole street is vacated, we will use a portion of the property to make a property owner whole if we have to take a portion of the person's property. We will try to stay within the law in every case that we can.

**Senator Goicoechea:**

The key component of the bill makes the commissioners produce an ordinance which requires a public hearing process before anything can happen. This gives the citizens and the public needed safeguards.

**Tom Greco, PE, FASCE (Assistant Director, Planning, Nevada Department of Transportation):**

The Nevada Department of Transportation (NDOT) is neutral on this bill, but we do have one concern and a friendly amendment relative to abandonments or vacancies. Three steps need to occur in order for this concern to be relevant. The NDOT is sponsoring Assembly Bill (A.B.) 18, an amendment to NRS 408.527 which deals with relinquishment of State roads to the local agency.

**ASSEMBLY BILL 18:** Revises provisions governing the relinquishment of state highways to local governments and the relinquishment of local roads to the Department of Transportation. (BDR 35-363)

Part of the amended language deals with preexisting conditions written into the land transfer from the property owner to the State, mostly in the rural areas. Eons ago when NDOT was building new roads in the rural areas, often the rancher who was the property owner would donate property but write into the transfer that if the property was no longer being used as a highway, it would revert to the original owner. We have reference to this language in A.B. 18. In the instance where NDOT relinquished a road to the local agency and there was a preexisting condition, it would move with the property. In another instance, the local agency, the city or the county, accepting that relinquishment of the State at a later date, would abandon the property. The preexisting condition needs to be honored. These are the only instances where this might be an issue. We are offering a friendly amendment of 37 words and we are willing to work with the sponsors of the bill.

**Senator Goicoechea:**

I would think this language would be in the original deed and the reversion would be required in the deed. I want to get the bill out as clean as I can.

**Chair Parks:**

I will close the hearing on S.B. 342 and open the hearing on S.B. 284.

**SENATE BILL 284**: Makes various changes concerning investigations of motor vehicle accidents. (BDR 23-107)

**Senator Joseph P. Hardy (Senatorial District No. 12):**

The concept of S.B. 284 is to improve the public's feelings toward law enforcement agencies by allowing them to adopt policies and procedures governing the investigations of motor vehicle accidents where peace officers are involved. In speaking with representatives from the Las Vegas Metropolitan Police Department (Metro) and Nevada Highway Patrol (NHP), it was an amicable opportunity to have them recognize that by cooperating they could have better public awareness.

**Chair Parks:**

Would two other law enforcement agencies with an agreement allow the parties to handle officer-involved investigations?

**Senator Hardy:**

Yes.

**Chair Parks:**

If Boulder City had a situation like this, could it turn to Henderson for assistance? Henderson would then conduct the investigation?

**Senator Hardy:**

Yes. The NHP has been the agency to investigate other officer-related accidents or any accident involving a fatality. Some of the other jurisdictions do not have the expertise to handle these kinds of accidents, so it falls to NHP. There has been a cooperative relationship with the counties. This allows some transparency, and the NHP and Metro want to work together.

**Chair Parks:**

On numerous occasions when a situation happened with Metro, typically the NHP was called in to handle the investigation. I assumed that was an established policy for a long time.

**Senator Hardy:**

It is a wise and cooperative decision. Because Metro has more officers and more streets that have intersections, when these incidents occur they receive more media attention. The NHP has been cooperative in covering these investigations for Metro. This bill will allow confirmation of how investigations are done and alleviate public suspicion.

**James M. Wright (Deputy Director, Department of Public Safety):**

The Department of Public Safety supports S.B. 284. It is good practice during situations where there is a major accident to have an outside entity with the resources and skills conduct an investigation.

**Senator Spearman:**

Is there a fiscal note on the bill? Would that be with relationship to additional duties from municipalities?

**Senator Hardy:**

Technically, the fiscal note has not been fully developed since NHP has already been involved with these types of accidents. We have not requested more funding to implement this bill.

**Senator Spearman:**

Is this a moot point since NHP is already providing this service?

**Senator Hardy:**

Yes.

**Troy L. Abney (Chief, Nevada Highway Patrol, Department of Public Safety):**

I was a member of the California Highway Patrol for just under 28 years. I am familiar with these types of protocols. During my tenure up to the time of my separation as a chief officer, I had many occasions to interact with Nevada's Major Accident Investigation Team (MAIT) with multiple jurisdictions. Based on that experience and from what I have witnessed during my short tenure at the NHP, I am comfortable with the language in the proposed amendment.

**Tom Lawson (Lieutenant, Nevada Highway Patrol, Department of Public Safety):**

I am assigned to the NHP research and planning section and function as a State MAIT coordinator, overseeing the three regional reconstruction teams who handle all fatal accident investigations.

In reviewing the bill, we would like the language to be limited to fatal accidents. Having another agency investigate all severity of accidents such as simple property damage accidents, minor injury and claimed injury accidents could place an additional burden on those allied agencies depending on volume. When talking about fatal accidents, we have been fortunate in Nevada to have few law enforcement-related fatal accidents.

The additional caseload will not affect NHP since we handle these accidents when requested by allied agencies. The issues of training and experience are valid concerns. The POST Commission requires all peace officers have accident investigation training. There is no limit or minimum amount of training required, but officers must have some training.

For the past 3.5 years, I have worked with the POST Commission to teach basic accident investigation classes at the POST Academy in Carson City. Over that 3 years, it has fluctuated between 24 hours and 40 hours of training. Comparatively, NHP conducts a 24-hour class in our basic POST certification class, and we hold 120 hours of training for all Highway Patrol troopers in our advanced academy. There is a disparity of training across the State and standards.



All of our fatal accident investigations are conducted by a traffic accident reconstructionist. We use Northwestern University curriculum for accident investigation reconstruction. Beyond the 120 hours taught in our basic academy, there is an additional class on technical accident investigations. Another 40 hours on vehicle dynamics and an additional 80 hours on accident reconstruction are required to be considered qualified by NHP to handle a fatal investigation without direct oversight by a reconstructionist.

We work well with the counties, and in every class we host through our own funding or grants we offer empty seats to all other agencies. We guarantee a minimum number of seats in those classes to increase the training opportunities of our allied agencies. We certainly want someone who is qualified to investigate fatal accidents to be at the same level as NHP to conduct the accident investigation.

Specialized equipment is utilized, such as a forensic mapping system, typically a laser device to take measurements because it is much more accurate compared to a tape measure or a measuring wheel. We also use accelerometers to measure the coefficient of friction of the roadway, which is critical in the speed workups in these crashes. Not all agencies have access to the same equipment or the training to use the equipment. We want to be sure the allied agencies have the same equipment in order to provide the best information in the investigation.

There are limitations when it is not possible to ask another agency to handle an investigation. One limitation is the people who are being trained to an equivalent level are not available. They could be on vacation or out of the State. You should consider time being detrimental to the evidence. Did the crash happen during a snowstorm, is it still snowing and are the marks being covered? Rain is another situation. The vehicle can catch on fire. We want the initial people on scene to collect whatever information is available.

Sometimes collecting information puts the responding agency in the situation as the best agency to handle the entire investigation. One instance would be if a DUI was involved. Typically, if the allied agency were to arrest the DUI driver, that has taken an element of the evidence away so NHP could not conduct interviews or verify the information. In those situations, we would ask the allied agency to take on the entire investigation, not just the driver portion. Taking all of these things into consideration, much of what the bill proposes is already standard practice. We contacted all of the allied agencies and all of the county agencies. All of the rural counties ask NHP to take over fatal accident investigations.

The policy of Metro is open. Metro has typically handled its own investigations and other times has had someone else handle an investigation. We have contacted other states. California investigates its own accidents regardless of where it occurs. Washington and Arizona usually have another agency handle their accident investigations.

**Senator Goicoechea:**

Why do you have a 100,000 population cap on the bill?

**Senator Hardy:**

I am willing to adjust that cap as needed. The NHP is already conducting these investigations in the rural counties, and that is why there will be no increase in funding.

**Senator Goicoechea:**

Was the population cap used to avoid the fiscal note?

**Senator Hardy:**

I see an agreement among agencies but not an increase in funding.

**Lt. Lawson:**

We have dedicated MAIT members in the northeastern command around Elko, one member in Winnemucca and, until his recent promotion, one member in Ely. These members are supervised by a sergeant who works in the Elko area. We have coverage in the northeast corners of the State. We have been fortunate that law enforcement-related fatal accidents have been few and far between. We are not dealing with a large increase under the bill. Additionally, we do handle lower level accidents that involved allied agencies on a routine basis; it is another public service we provide. Our primary charter is to investigate accidents, and if called upon by an allied agency, we are happy to assist.

**Senator Goicoechea:**

I do not want to jeopardize the bill, but I would like the language regarding the population limit deleted.

**Senator Hardy:**

I would be amenable to that amendment.

**Chair Parks:**

I prefer a bill without population limits in the language.

**Mr. Callaway:**

Representatives from Metro are here in support of S.B. 284. It is important to have transparency and credibility when investigating accidents. The current process for Metro for routine traffic accidents is: a traffic supervisor responds to the scene and the traffic section investigates the accidents. It is not uncommon for our officers, if at fault for the accident, to be cited. Policy says an officer at fault will receive a citation for the accident. Following the subsequent investigation, the officer must appear before an accident review board, and the accident, facts and circumstances are reviewed. It is determined if discipline or remedial action or training is necessary.

Finally, if the accident involves a fatality, it falls under the new Clark County Police Fatality Fact-finding Review board, which replaced the old coroner's inquest. If an officer causes a death during a traffic accident as part of his or her official duties, the Police Fatality Fact-finding Review board will review the circumstances. A presentation on the facts would be available.

Regarding the proposed amendment ([Exhibit G](#)), we support it, but I would suggest changing section 1, subsection 1, paragraph (a) "... any party involved in the accident, must be investigated by an allied law enforcement agency ..." to "... must be investigated by or in conjunction with an allied law enforcement agency." If any of our accidents involve major injury or death, we would want to investigate in conjunction with the other agency. Hopefully, you will consider this small change.

**Lt. Spratley:**

We are in support of S.B. 284.

**Mr. Bedwell:**

I support S.B. 284. After reviewing the amendment, we fully support the goal of ensuring all agencies have policies in place for this very serious matter. However, here is the more complex question as alluded to by Lt. Lawson: is it a fatal accident, or is it not, and what are the timelines? We hope there is some discretion left in the decision.

Sometimes fatal accidents are not immediately fatal, so getting the timeline started on every fatal accident is immediate. By the time we arrive on the scene, things have to move quickly because you will lose witnesses, you will lose evidence at the scene—especially if it is raining—particularly if it involves a DUI. All of these things come into play.

If the accident becomes a fatal 2 days later, then we are in a situation where we did not comply with the law if written as absolutely having to be done as a conflicted case. I use that term because we are looking at the fact that if an agency has a fatal accident involving a police officer, the public wants to make sure a thorough unbiased review is completed.

We agree that the agency, by virtue of the circumstances, will have to conduct the investigation. The North Las Vegas Police Department uses the same tools as the NHP. If the NHP had a conflicting case, the North Las Vegas Police Department could conduct the investigation. We have the tools to investigate these cases, and we believe in this bill passing as originally stated. The amendment should retain some discretion instead of a mandate. At times, the investigation will be conducted by the agency within the jurisdiction of the accident.

**Mr. Roshak:**

We are in support of S.B. 284.

**Senator Goicoechea:**

Since you represent the Sheriffs' and Chiefs' Association, do you think the Association would be in agreement with removing the population cap?

**Mr. Roshak:**

I do not see that as a problem.

**Senator Hardy:**

Metro voiced concern about adding language to the proposed amendment submitted by the Department of Public Safety. If the language is drafted by the Legislative Counsel Bureau bill drafters, it should cover the concerns voiced during the hearing.

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**Chair Parks:**

I will close the hearing on S.B. 284. We have concluded our business for today and the meeting of the Senate Government Affairs Committee is adjourned at 3:48 p.m.

RESPECTFULLY SUBMITTED:

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Martha Barnes,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	7		Attendance Roster
S.B. 273	C	1	Senator James A. Settlemeyer	Proposed Amendment
S.B. 342	D	8	Ray H. Williams Jr.	2009 Austin Master Plan
S.B. 342	E	1	Ray H. Williams Jr.	Lander County Board of Commissioners approval of the Austin Master Plan
S.B. 342	F	7	Senator Pete Goicoechea	Court Order from the Sixth Judicial District Court of the State of Nevada
S.B. 284	G	3	Department of Public Safety	Proposed Amendment