

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Ninth Session
March 17, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 9:19 a.m. on Friday, March 17, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Lori McCleary, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Tom Robinson, Deputy Chief, Reno Police Department
Tom Green, Chief Deputy, Washoe County Sheriff's Office
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Martin Vargas, Corrections Officer, Las Vegas Metropolitan Police Department
Patrick Moers, Police Chief, City of Henderson Police Department
Michael Carmody, Captain, City of North Las Vegas Police Department
Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services

Chairman Flores:

[Roll was called. Committee rules and protocol were explained.] I want to apologize to everyone in the audience and the Committee for being tardy today. I would like to give some context to the presentations we will be having this morning. Throughout the first month of the session, we have been having a series of conversations with cities and have brought up questions about law enforcement. At times, we were not asking the appropriate person the question about how law enforcement is working or the relationship between the state law enforcement agencies and the federal government law enforcement agencies. I thought it made sense if we could have law enforcement here to have the conversation just once. That is why we have invited you all here. For those of you who will be presenting, I ask that you please come up. I will open the presentations from law enforcement. Because I want to be mindful of everyone's time, as I do realize some of you are on time constraints, we will begin with the Reno Police Department.

Tom Robinson, Deputy Chief, Reno Police Department:

I am honored to be here before the Committee to represent the men and women of the Reno Police Department and our Chief, Jason Soto. I do not have a presentation prepared; however, I have prepared some comments. The Reno Police Department serves a community of over 250,000 with a police force of 323 police officers. We embrace community-oriented policing as an operational philosophy, and we are committed to partnering with our community to create a safe city by providing the highest level of police services. Because of this, we are highly sensitive to earning and maintaining the trust of every member of our community. We value positive relationships with those that we serve. We have long had an understanding of how certain members of our community may be predisposed to fear police contact, and we realize that many may avoid any interaction with the police, even if that means not asking for our help. We recognize that this not only impacts our community's trust, but it also impacts our ability to effectively serve.

To that end, we adopted policies over ten years ago that support impartial policing and prohibit bias-based policing. Our officers may not contact or stop a person merely on suspicion that the person is present in the United States illegally. Our officers are prohibited from inquiring into the citizenship status of an individual who has requested police services. Furthermore, our policies prohibit our officers from considering race, color, religion, age, national origin, ethnicity, gender, sexual orientation, disability, economic status, and/or citizenship when they make their law enforcement decisions. That is a quote right out of our policy. We do allow our officers to cooperate with federal law enforcement organizations, including U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security, but we do not allow our officers to enforce immigration laws. Frankly, the responsibility to effectively police a community makes enforcing immigration laws impractical and an irresponsible use of our resources.

We will employ whatever resource is available in order to enhance the safety of the Biggest Little City. Sometimes, in our effort to promote safety, we find it advantageous to collaborate with federal law enforcement agencies, including ICE. We do this either by sharing information with them, assisting them with their operations in a support capacity, or by requesting that they evaluate a case we are working involving dangerous, violent suspects who we believe are here illegally.

I will conclude by saying we have no interest in investigating the law-abiding members of our community, but we have no tolerance for those who are involved in violence. We fear that creating any type of barrier that would prevent local law enforcement from collaborating with federal entities would hinder our ability to keep our community safe. I would be happy to answer any questions the Committee may have.

Chairman Flores:

Thank you for being here. We really appreciate your time, and we understand you are all incredibly busy taking care of our streets. We recognize that and we thank you for all the work you do for us. Members, because there is a time constraint, I ask that you please ask questions you may have for Mr. Robinson. All questions for anyone else, I ask that you wait.

Assemblyman Brooks:

I like what you said about impartial policing and not policing based on any bias. You brought up a very important point. I think so many of our neighbors in Nevada are afraid of the police. All law enforcement in this state are Nevadans and they do a wonderful job of keeping us safe. However, many of my constituents have expressed how fearful they are of law enforcement based on what they are hearing at the federal level. Some of that is political rhetoric, but some of it is real. I think their biggest concern is, while you are their neighbor, they are afraid when they look at local law enforcement, their life is in danger because of participation with some of the federal law enforcement agencies, specifically ICE. I am talking about my neighbors who have varying immigration status. I think that while it is important that local law enforcement cooperates with federal law enforcement when talking about keeping dangerous criminals off our streets, the perception is that just by reporting

a crime or being a witness to a crime, they are putting their life in this country and in the state in jeopardy. They are afraid of being deported or arrested. I am glad you identified that proactively and it is in your policies, but I still think we have a ways to go on how we define our cooperation with the federal government just so we can make our neighbors feel safe and able to participate with our community policing. I appreciate your comments, but does the Reno Police Department have a federal contract with ICE, and is there a Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act (287(g)) agreement? How much is that contract worth? What kind of a business deal do you have with ICE?

Tom Robinson:

We do not have any contracts with ICE. We do not have any officers designated as a 287(g) officer.

Assemblyman Ellison:

Looking at the trends across the country right now with legalizing marijuana, one of my fears is the states that have legalized recreational marijuana have seen an increase in smaller crimes. The problem I see is that is going to come back to the police departments. Have you set up your budget for this issue? This has to be a large cost to those departments.

Tom Robinson:

We have been paying attention to Colorado, Arizona, Washington, and California. We are concerned about the increase in crimes that seem to be occurring in those states because of the legalization of marijuana. Unfortunately, our budget is what it is. I cannot speak for all law enforcement agencies in the state, but in Reno, we struggle with our budget. We can barely make ends meet. The 323 officers I spoke of put us at a per capita ratio that is much lower than the national average. We are worried about any increase in crime that marijuana or any other change in legislation could bring. One of the things we try to do is create capital with our community by engaging in a lot of community outreach programs. We hope that kind of strategy will help deter or reduce crime.

Assemblywoman Monroe-Moreno:

Of the 323 officers you have, are those all patrol officers or are some of those corrections officers? What is the current population of your jail facility? You talked about budgetary issues. Are you overcrowded? If so, what are you doing about it?

Tom Robinson:

The Reno Police Department is unique in that we do not have a correctional facility. We contract with the Washoe County Sheriff's Office to provide jail facilities. The 323 officers are not all patrol officers. It accounts for every sworn officer in our department. That would include detectives, undercover officers, traffic officers, all the way up to me. Our patrol force is about 120 strong.

Assemblyman McCurdy:

I would like to thank you for coming in this morning and providing such detailed information. I want to know specifically about what you are doing to strengthen your relationship with the Hispanic community in Reno. I would like some examples of how you are working to improve that.

Tom Robinson:

We do a lot of things in the Hispanic community. We started our networking with the faith-based community. We have frequent meetings with the faith-based community and we have built a relationship with particular members of the faith-based community who have strong influence in our Hispanic community. One in particular owns a radio station that broadcasts in Spanish and targets the Hispanic audience. We do a lot of work with those types of groups. We have officers who are assigned to areas that have a higher demographic of Hispanic residents. These are community-oriented officers who get out and meet people on a one-on-one basis rather than just responding to calls for service.

Assemblyman McCurdy:

There was a question addressed by my colleague regarding marijuana and its relation to an increase in crime. How do you measure if the crime is directly related to marijuana? What are you doing to address that?

Tom Robinson:

As I mentioned, we have researched other states. They do not draw the correlation in their research directly to marijuana. What they present is that since marijuana, certain crimes have increased. They leave it to the academics or the readers to make whatever interpretation they want to make. What they do tell us is the fact that since retail marijuana was established, other crimes have increased, such as driving under the influence involving drugs, accidental overdose, general overdose, and children exposure.

Assemblyman McCurdy:

With the population you currently have, what percentage of that population is for nonviolent, drug-related offenses?

Tom Robinson:

Are you talking about in a jail?

Assemblyman McCurdy:

Yes.

Tom Robinson:

We do not have a jail. We contract with Washoe County Sheriff's Office and they handle the jail facilities.

Assemblyman McCurdy:

I will direct that question to Washoe County Sheriff's Office, please.

Tom Green, Chief Deputy, Washoe County Sheriff's Office:

I do not have an exact statistic for that information here. It is something we can get to you.

Chairman Flores:

Are there any further questions from the members? [There were none.] We will now hear from the Las Vegas Metropolitan Police Department.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

Thank you for giving me the opportunity to come here and talk about our agency. I know the focus of this conversation is on our partnerships or lack thereof with the federal government, in particular with ICE. However, I would like to provide you with a brief overview of our agency.

I put this presentation together for the Assembly Committee on Judiciary earlier in the session, so it was prepared in the first week of February. Some of the numbers may have changed slightly. As a quick background on me, I have been an officer of the Las Vegas Metropolitan Police Department (Metro) for 27 years. I was also with the military police for four years. I have over 30 years of police experience. I have been doing the job of government relations for the Sheriff for approximately nine years. In addition to being here at the Legislature and helping you with issues that deal with public safety, my office also handles local city council commission meetings, zoning, and planning. We deal with the foreign consulates on issues involving foreign citizens. We also do dignitary visits and work with our federal partners in Washington, D.C., on national issues that impact public safety, so there are a variety of duties with the job.

As many of you may or may not know, Metro was formed in 1973 when the Legislature consolidated the county sheriff's office in Clark County and the City of Las Vegas Police Department [page 2, ([Exhibit C](#))]. We have had seven sheriffs, and I have been fortunate enough to work for five of those seven sheriffs throughout my career. The current Sheriff is Joseph Lombardo, and he apologizes that he could not be here today to make this presentation himself.

Like any large agency, going back to the late 1990s, we embarked on strategic planning so we could better serve the community [page 3, ([Exhibit C](#))]. I will not go through the complete strategic plan with you, but it is available on our website, www.lvmpd.com. Basically, our mission is to serve people, strengthen relationships, and improve quality of life. Our vision is we would like to have the safest community in America.

Metro is a six-star accredited agency [page 4, ([Exhibit C](#))]. I believe that is important because accreditation requires agencies to be held to a very high standard. We repeatedly have audits where these agencies that accredit law enforcement, the laboratories, the jails, and various entities in the agency come in and do inspections to make sure we are involved in best practices. We have maintained that six-star accreditation, and it is actually fairly rare for law enforcement agencies across the country to have that high of a level of accreditation.

This slide [page 5, ([Exhibit C](#))] shows the basic facts about the demographics of Metro. We currently have about 3,500 police and corrections officers who work for our agency, and a little over 1,500 civilians. There are a little over 5,000 full-time employees. Metro oversees an area of 7,560 square miles, which is roughly the size of New Jersey. We service about 1.5 million residents. The number of tourists has changed slightly from the slide: it is now about 43 million tourists per year. In addition, Metro covers many special events each year. The most famous this last year was the Presidential Debate, but we have NASCAR [National Association for Stock Car Auto Racing], which just occurred over this past weekend. We have rodeos, one of the largest New Year's Eve celebrations in the country, the Electric Daisy Carnival, and daily conventions and concerts for which are officers are responsible for providing public safety.

Metro receives 3 million calls for service annually at our communications center [page 6, ([Exhibit C](#))]. About 1.1 million of those calls are 911 calls. All 911 calls come through the Clark County Metro dispatch, even medical and fire. Currently, we have 191 dispatchers and 24 call takers. Due to the growth in our community and lack of resources during the recession, unfortunately we have seen a slight increase in our response time to priority calls. We went from four minutes up to about six minutes over the last few years. We are working on getting that number back down for those priority calls.

In our Patrol Services section [page 7, ([Exhibit C](#))], we have nine area commands that cover the valley, and we also have resident officers who are stationed in Primm, Jean, Laughlin, Logandale, and the Mount Charleston area. We also cover the airport.

In 2016, our Traffic section [page 8, ([Exhibit C](#))] handled over 20,000 traffic collisions. About 11,000 of those involved injury: 124 were fatal and 54 of those involved driving under the influence (DUI). We made 4,288 DUI arrests. Zero fatalities is an area we are very engaged in. We want to reduce all fatalities on our roadways. We have seen many instances where pedestrian error is a factor. We also team up with other entities to help reduce traffic accidents and ensure traffic safety. In fact, we have worked very closely with Senator Manendo and Assemblyman Carrillo on interlock legislation, which is being brought forth this session.

Regarding the specialized sections of Metro [page 9, ([Exhibit C](#))], I should mention that when Sheriff Lombardo was elected, one of the first things he did was deconsolidate our agency. It went to more of a precinct model. What that means is, in the past, a bureau commander of one of the area commands would have to ask a detective bureau, in the ivory tower so to speak, for resources. If there was a gang problem in a specific area, detectives had to be asked to handle it. With decentralization, we pushed those resources out to the area commands so every bureau commander has detectives at their disposal. Every area command has different needs. If one area command has a gang problem, a traffic problem, or a theft problem, they can allocate the resources and detectives to address those specific problems. As a result, we have seen a speedier process for our casework, and we have been able to better address some of the specific concerns in area commands. It is still early in the process, but so far, we believe it has been very successful. Some of our specialized units

include the Special Weapons and Tactics (SWAT) Bureau, K-9 Unit, detectives, Mounted Patrol, and of course, our Forensic Laboratory.

We also house the Southern Nevada Counter-Terrorism Center [page 10, ([Exhibit C](#))], which serves as the state's designated fusion intelligence center. We house the Southern Nevada Joint Terrorism Task Force which includes federal agents, such as the Federal Bureau of Investigation (FBI), U.S. Department of Justice, and U.S. Department of Homeland Security. We have Henderson and North Las Vegas school police, the Nevada Highway Patrol, and a variety of other entities that participate with us at the fusion center. It is an emergency management and all-hazards response section. We also do analytical work out of the fusion center, so if we see trends in crime, we can allocate our resources to best address those trends. If we see suspicious reporting—perhaps someone reports a large number of propane tanks have been stolen—we can funnel that information through the fusion center so the whole state is notified. We work very closely with the fusion center in northern Nevada as well.

I would like to talk briefly about Metro's budget [page 11, ([Exhibit C](#))]. When we were formed in 1973 under *Nevada Revised Statutes* Chapter 280, it established how our budget is in the law. We are overseen by a fiscal affairs committee that is made up of two city councilmen, two county commissioners, and a citizen at large. That committee approves all of our budgets and requests. As you can see from the chart, the county contributes roughly 43 percent of our budget and the city contributes about 25.1 percent. These numbers fluctuate because they are based on a formula. We also have an airport contract. The 5.2 percent on the pie charts represents More Cops revenue and other self-generated revenue. As you can see, property tax is a huge chunk of our budget. During the recession and the decrease in property tax, we saw an approximately \$60 million impact on our property tax revenue.

Multi-Assault Counter Terrorism Action Capabilities (MACTAC) [page 12, ([Exhibit C](#))] is something on which we have been at the front end. After the attacks in Mumbai, India, where terrorists assaulted hotels, we saw it was a very real situation that we need to be prepared for in southern Nevada, where the tourist industry and hotels are what draws folks to our community. We sent officers, who accompanied other officers from across the country, to Mumbai. We have now set up the MACTAC training, which helps us prepare for active shooter and terrorist attacks which may happen within the resort corridor, or anywhere in our valley for that matter.

I will talk briefly about the Collaborative Reform Model [page 13, ([Exhibit C](#))]. As many of you may remember, in November 2011, the *Las Vegas Review-Journal* ran an article on Metro's high level of deadly force. There were several instances in the news at the time, including the Erik Scott case and the Stanley Gibson case, which drew a lot of publicity. Internally, we realized at about the same time that there was a trend of use of force among officers increasing, particularly deadly force. At that time, former Sheriff Doug Gillespie was forward-thinking enough to realize the U.S. Department of Justice (DOJ) was on the verge of coming in and putting a consent decree on our agency. Sheriff Gillespie reached out

and had a conversation with the DOJ. We did something that no law enforcement agency in the country had done up to that point, which was embark upon a Collaborative Reform Model with our office and the DOJ.

The DOJ sent people from Washington, D.C., into our department. They reviewed everything we did, went through all of our use-of-force instances, and they made 75 recommendations of where we could improve as an agency to reduce use of force and make our community more safe. Out of all those recommendations, I believe almost every one of them we have completed. There were one or two that were outside the capabilities of Metro. One dealt with the Clark County District Attorney's office and one dealt with the unions, but for the most part, we completed all of the recommendations.

To give you an idea of some of the things we did [page 14, ([Exhibit C](#))], we established an office of internal oversight and constitutional policing, which was a complete overhaul to the old system we had. We also completely reorganized our use-of-force policy, and we accepted community input. We worked closely with the American Civil Liberties Union (ACLU) and community stakeholders on our use-of-force policy. One of the most critical pieces that we added was the sanctity of life. The first thing in the policy is that every life is valuable and we want to de-escalate situations and prevent use of deadly force in all scenarios if we can. We also implemented mandatory training on de-escalation, reality-based training, training on dealing with the mentally ill, and fair and impartial policing training. Every officer in the department went through this training, me included, even though I am here conducting legislative business.

We created a Critical Incident Review Team (CIRT) and Force Investigative Team (FIT). The CIRT looks at internal policies and procedures. In the event an officer uses deadly force, they determine if the officer violated or did something against department policy and procedure. The FIT looks at the criminal side to determine if there was a law broken, or if the officer did something in violation of law. Those two teams work independently of each other. They do not share information, so there is no chance of one side tainting the investigation of the other side.

The biggest things we did were 72-hour briefings and press conferences. We want to get information out to the public quickly so when something occurs, the public knows what happened. You have probably seen Undersheriff Kevin McMahon holding press conferences within 72 hours of officer-involved shootings to let the press and public know. We also use body camera footage in many of those press releases. We put together the Office of Community Engagement. We already had the Sheriff's Multi-Cultural Advisory Council, but we have expanded on that as well. I will talk more about that in a moment.

As a result of the Collaborative Reform Model [page 15, ([Exhibit C](#))], we have reduced our officer-involved shootings by 36 percent since 2010. I believe we have improved community relations significantly. As a result, we are considered a national model. We are actually helping other agencies. Officers from our department are currently working with officers from Chicago. We have been reached out to by agencies in San Diego, Fresno, and an

agency in Texas. Across the country, major police departments are looking at what we did and how they can use it to improve their own agencies. We are not there yet. We have a lot of work left to do and we are committed to improving and getting better.

The report of what I just talked about is available online. This slide gives you the link [page 16, ([Exhibit C](#))] if you would like to see the initial report listing the recommendations, the midterm report when we were working on those recommendations, and the final report, which came out earlier this year.

We were the first major police department in the country to establish a body-worn camera program [page 17, ([Exhibit C](#))]. In 2013, we received a grant for a pilot program, and we equipped over 200 officers with cameras. As a result of that program, we expanded and budgeted for cameras. Last session, there were several bills that involved body cameras: one in particular that we were 100 percent behind supporting was former Assemblyman Munford's bill, Assembly Bill 162 of the 78th Session, which passed. As a result, we have used camera footage for training purposes and transparency. An interesting point is that at the time I put this presentation together, there were about 92 officers who had been cleared from false allegations against them through the use of body cameras. That number has risen now to a little over 100 officers. We have had a small number of officers who have been found to be doing something wrong. We were then able to either terminate or discipline those officers accordingly based on what was found on those cameras. Cameras are a win-win for the agency and the public.

The Office of Community Engagement [page 18, ([Exhibit C](#))] has been put together. We wanted to take the old community policing model and expand on it and make it more robust. That is this unit's entire focus. They attend community events; they reach out to the faith-based community; they are engaged in education and career programs; and they help with some of the activities that take place in the jail, which I will talk about in a moment. We engage all segments of the community to try to be more involved with the public. To give you an example, late last year when there were some issues of civil unrest going on across the country, our officers—many of them from the Community Engagement team—walked alongside members of the Black Lives Matter coalition in peaceful protest in the Las Vegas area. I think this is a step in the right direction, but again, there are more areas we can improve on.

To give you an idea of some of the community programs we are involved in [page 19, ([Exhibit C](#))], we hold a first Tuesday meeting every month. If you have constituents who want to talk to law enforcement in their area, or if you have constituents who have concerns, I encourage them to come to the first Tuesday events and meet directly with the officers who work their area. I will not read through all of these, but we do have a Hispanic Recruitment Council. We are also aggressively recruiting in the other minority areas, such as the African-American community and women. We are engaged in the Victim Information and Notification Everyday (VINE) process, the Every 15 Minutes program, and a multitude of other programs.

The Harbor is another area that we have been delving into [page 20, ([Exhibit C](#))]. We partnered with family courts, the City of North Las Vegas, the City of Las Vegas, and the Clark County School District to try to divert juveniles out of the criminal justice system. When we had youth getting into trouble in the past, they went to Juvenile Detention Services and were subject to the criminal justice system. We are now trying to divert those juveniles, and we believe this Harbor process will be very beneficial.

Similar to the Harbor, we have the Family Justice Center. The goal there is to have a one-stop shop so that people who are victims of human trafficking or domestic violence have one place to go for services and resources that can benefit them and help them get out of those situations.

I would like to briefly talk about our emergency vehicle operations policy reform [page 21, ([Exhibit C](#))]. Here is another area where we have been a national model. Several years ago, we had a number of officers who were killed in traffic-related accidents. As a result, we completely revamped our policy regarding pursuits and driving, and we changed the culture of our officers in that regard. We have seen a 34 percent decrease in officer-involved traffic collisions, and we were awarded several awards based on our policies and procedures when it comes to safe driving [page 22, ([Exhibit C](#))].

We have taken a number of steps to address mental illness [page 23, ([Exhibit C](#))]. We have established crisis intervention teams. They have actually been in place since the 1990s, but again, we are branching out and getting involved in a new process called Mobile Outreach Safety Team (MOST), which I will talk more about in a moment. Basically, the goal is to be able to divert those with mental illness away from the criminal justice system and get them the help and resources they need. We currently have about 2,000 Metro employees who are trained, and last year they handled 28,297 calls.

The Mobile Outreach Service Team is up and running [page 24, ([Exhibit C](#))]. We have a pilot program going on right now. Again, the purpose of MOST is to have social services employees directly imbedded with our officers in the field so when we see the folks who are what we call "repeat users of the system," people who have mental illness and on whom we are constantly receiving calls, this can be an intervention to provide them the services they need in the community.

In the Clark County Detention Center, we have an average of a little over 4,000 people daily [page 25, ([Exhibit C](#))]. We book close to 60,000 people a year into the Clark County Detention Center. Our bookings have steadily gone down. You can see on the chart what the percentage is on the daily average of felonies versus misdemeanors. I want to be clear that because of the maximum capacity of our jail, several years ago the Sheriff made a decision that we would not arrest misdemeanor offenders for simple misdemeanor violations. Instead, we would look for other alternatives, such as a citation in the field. The only exception was if the officer had approval from a supervisor. If someone had been given multiple warnings but continued to engage in the unlawful activity, the supervisor could approve an arrest. The majority of misdemeanors that you see on this chart are

mandatory misdemeanors, such as DUI, domestic violence, warrants that have been submitted by the courts where the court is mandating the officer arrest, or areas in the law where the officer has to arrest per statute.

We have a very in-depth education and diversion program in the Clark County Detention Center [page 26, ([Exhibit C](#))]. In fact, I will plug a bill we have with Senator Segerblom this session, Senate Bill 268, to try to help inmates who are involved in the HOPE for Prisoners program get identification cards when they are released from the Clark County Detention Center, and also to expand the credits inmates can get if they are working on certain programs in the jail to help them possibly be released earlier if they have good behavior. That bill will be heard next Wednesday in the Senate Committee on Judiciary. We had a large number of inmates who participated in classes and programs at the Clark County Detention Center that help them with reentry and with other services they may need.

We also handle the Constable Bureau now [page 27, ([Exhibit C](#))]. A few years ago, there was some controversy over the Las Vegas Township constables. The Clark County Board of Commissioners abolished those positions and put the constables under the Sheriff. That bureau is currently being run by Captain Richard Forbus. They handled about 43,000 cases last year, which were mostly civil in nature such as evictions, the removal of abandoned vehicles, wage garnishments, writs of execution, and those types of activities. We also have a Sheriff's Civil Process Section which performs the service of domestic violence, stalking, and harassment orders. They handled over 8,000 cases last year.

We have one of the largest volunteer programs this side of the Mississippi River [page 28, ([Exhibit C](#))]. I cannot say enough about the selflessness of these individuals. These are people who volunteer for law enforcement services. They put on a yellow jacket and show up at events, they help with handicapped parking enforcement, and they help man information booths on the Strip to help tourists with questions. They work inside the substations and help with paperwork and a variety of other things. They are incredible people who give their time and energy to help Metro.

The Law Enforcement Explorer Program is a great program for kids ages 16 to 20. We are actively engaged in trying to get people from the minority communities involved. If you know kids in your community who want to be police officers, there is a link on our website to give them the information needed to apply for the Explorer Program. Probably 90 percent of the kids in the Explorer Program go on to become police officers. It is a great program.

What are some of the challenges facing law enforcement in Clark County and across the country [page 29, ([Exhibit C](#))]? We have seen attacks on police officers rise. There was an article in *USA Today* not too long ago that said ambushes on police officers are up 167 percent. We saw violent crime in Clark County rise by 16 percent last year. We had 168 murders in Las Vegas and the Clark County area. This year, as of this morning unless someone has been killed while I was talking, we have had 32 murders in Clark County. This is a significant issue. How this relates to the Legislature is, as an agency, we are

100 percent in support of diversion programs that keep people out of prison and out of the Clark County Detention Center. We are 100 percent in support of programs while inmates are in the facilities to get them trained and rehabilitated back into society. We are 100 percent in support of programs after the fact to reintegrate them back into society. However, there are repeat offenders who have multiple convictions. We had a police officer whose subject tried to rob him while he was working a plain-clothes assignment. I believe that subject had 19 felony convictions and 120 arrests. Why is that person back out victimizing the public? My request to the Legislature is to keep that in mind. Yes, we want to help people who make mistakes and get them back into the community, but there is a small element of repeat offenders preying on our citizens. It is very difficult, if not impossible, in some of those cases, to rehabilitate those individuals, and they should be held accountable.

The homeland security threat is evolving. We have seen lone-wolf terrorism and homegrown extremists. As you know, instead of hijacking planes and attacking buildings, now the mantra in some of these ISIS [Islamic State of Iraq and Syria] and ISIL [Islamic State of Iraq and the Levant] periodicals is to build a homemade bomb, to run people down on the street, and to attack people with knives. A recent periodical showed areas of the body for people to strike when in a busy place, such as a mall. As a result, law enforcement has had to change tactics and approaches in trying to keep our citizens safe from terrorism and those types of activities. It is very demanding and very difficult to try to prevent those types of attacks.

An area we are really engaged in improving is negative media and public trust. As a result of those issues that came up over the last couple of years involving police use of force, and the issues raised by Assemblyman Brooks recently with the current administration, there is distrust of the police. There are people out there who are afraid to call law enforcement. At Metro, we have a very active social media network. We use Facebook and Twitter. We are trying to get our message out. Nothing against the press, but many times, we believe a spin is put on things that is not necessarily 100 percent accurate as to how things happened. We try to put our own message out to the public and let them hear from us directly. That goes back to the 72-hour brief I mentioned. There is a lot of work we need to do to improve public trust, and we are actively engaged in that.

We are hiring [page 30, ([Exhibit C](#))]. If you know anyone who wants to become a police officer, please let us know. As a result of the Clark County Crime Prevention Act of 2016 that occurred in the 30th Special Session, we are going to be able to hire 600 police officers over the next few years. We thank the Legislature for helping us with that legislation. We are aggressively recruiting. We have a website called Protect The City that has information. We have put information into the communities. I know our unions have been very helpful in particular. The Nevada Black Police Association has done a number of events in the community to get this information out and get people to join. This is the same with the Sheriff's Hispanic Recruitment Council.

Before I answer questions, I would like to delve into the area of our cooperation with the Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act (287(g)) program and what Metro does in regard to immigration. We do utilize the 287(g) program in the jail. It is a jail-based system. We believe at Metro there needs to be a balance. We do not do immigration enforcement in the field. As you saw, we receive 3 million calls for service a year. We do not have time to run around to check people's papers. We expect the U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security to do their own job. With that being said, if someone has committed a crime and is booked into the Clark County Detention Center, we have an obligation to the public to verify their identity. Another reason that is important is because some countries have mandatory consulate notification. For instance, if a citizen from China is booked into the Clark County Detention Center, it is a mandatory notification per agreements that have been made with the U.S. Department of State and federal law. We would be in violation of those if we did not check the status of those booked into the jail.

Our cooperation with ICE involves checking individuals through the 287(g) program. If they are a priority for deportation, officers who work in that system make a notification to ICE, and then ICE can submit to Metro probable cause for detaining. You may have heard that several years ago we were not detaining. Up until recently, we were not detaining anyone for ICE because of a ruling from the Supreme Court of the United States. We have talked with ICE, and there have been some changes in how they are requesting the detainees. They are now providing us with written probable cause. We will detain for 48 hours if someone is a priority. The number I received from the Clark County Detention Center was of the 60,000 people we booked, 1,500 times we made a call to ICE for notification, and ICE actually picked up about 170 of the 1,500. We are talking a very small number of detainees.

On the front end of this, in community involvement and community engagement, over the last few months we have been very engaged in educating the public. We were involved in a Know Your Rights program that took place several weeks ago. I had many conversations with Senator Cancela regarding that event, and we worked with her to get officers to that event. At the event were immigration attorneys, law enforcement, the ACLU, and I believe some anti-immigration people showed up. The point was to educate the public on what their rights are, try to help them understand not to fear law enforcement, that they can approach us, and that we are here to help them. We encourage people to file crime reports if they are a victim of a crime. In fact, we help people with a U nonimmigrant status (U visa) petitions, so if they are a victim of a crime and in the country illegally, they can file for a U visa to prevent deportation, and it helps with the process.

I covered a lot of ground very quickly, and I would be happy to answer any questions you may have.

Chairman Flores:

Thank you for the breakdown. I know there was a lot of information. I will echo the comments I had for the Reno Police Department. Thank you all for your hard work and putting your lives on the line for Nevada every day. I realize the media will sometimes say

things, but there are bad apples everywhere. For the most part, law enforcement does amazing work. We have a lot to work on, but we are doing it. Are there any questions from the members?

Assemblyman Ellison:

You mentioned you do not do car pursuits any longer. Could you explain that? If the criminals know you are not going to chase them, they are going to keep stealing cars.

Chuck Callaway:

I did not say we do not do car pursuits, I said we revamped our pursuit policy. What that means is if something is a low priority, such as someone being stopped for a taillight infraction and they run, we are not going to chase them. We will not endanger the public or the lives of officers for a taillight infraction. They may be running because they committed some other crime that is more serious. Typically, and I will not give away our tactics or procedures, but we have other methods to track those people. If we get a license plate, we will submit a warrant and get them later when they are home and least expect it. We have made efforts to reduce the number of actual pursuits. With that being said, if someone is an immediate threat to the public, and if their escape means someone's life is in jeopardy or the public is in jeopardy, we will, in those cases, pursue those individuals. I do want to be clear about that.

Assemblyman Ellison:

I think it is good to get that on the record. We do not want criminals to think they can just take off and not worry about it.

Assemblywoman Bilbray-Axelrod:

I have a question about a bill from last session, Assembly Bill 386 of the 78th Session. I know it is a concern in my district and I would like you to address that and how it has been going.

Chuck Callaway:

Squatters have been a huge problem for us. In certain area commands where it is more of a problem—I will use the northwest area command as an example—we have a team of community policing officers who deal exclusively with squatters. I do not remember all the specifics of that bill, but it was a bifurcated process. It made it easier on the civil side to try to get people out of a house they were in illegally. On the criminal side, it made an avenue for us to pursue criminal charges against those people. We have run into some roadblocks. One roadblock was that because the first offense is a gross misdemeanor, certain tactics we would use in a felony situation we might not be able to use in those situations to help remove those squatters. It is very resource-intensive and time-consuming to put criminal cases together. We have to prove the lease the squatter has is fraudulent. I believe one of the efforts is to have leases notarized as part of the process. We are looking for ways to improve the process. If you have constituents who have squatters in their neighborhood, please have them reach out to our area commands or to me personally and provide me the information. I will ensure our officers investigate those.

Assemblyman Brooks:

I live in the downtown Las Vegas area and the police station is in my district. I have had nothing but incredibly professional, polite exchanges with the police in my district. I think you do an amazing job, especially when I was hearing about all the unrest taking place in the country over the last couple of years around the use of force with police departments. They were pointing to Metro as the example of what other police departments could be doing. It really made me proud of the department we have and the work that you do.

I would like to touch on a couple of things you talked about, specifically your cooperation with ICE in the jails. You have changed from no cooperation whatsoever to having them provide you with written probable cause to detain. Is that written probable cause a warrant from a judge or probable cause from ICE?

Chuck Callaway:

I failed to mention that at the Grant Sawyer State Office Building in Las Vegas, we have an officer from the Clark County Detention Center who works the 287(g) program. I had him appear today for those specific questions that may be asked about the program because I do not do the day-to-day work on that program.

The understanding I have is our general counsel had a number of meetings with the Deputy Chief of the jail and ICE to determine how we could overcome the issues raised by the Supreme Court. Immigration and Customs Enforcement agreed they would supply us with a written probable cause to hold certain people who were a priority for deportation. Our general counsel believed the written probable cause would meet the criteria the Supreme Court needed to ensure it was constitutional. That is why we stopped doing detainers in the past. To hold someone beyond the adjudication of their local charges without written probable cause or without warrant was deemed to be unconstitutional based on a verbal hold.

Assemblyman Brooks:

I know this is a delicate balance for all law enforcement to have relationships within the community with all members, but still trying to keep us safe by participating with federal law enforcement. I applaud you for walking that fine line. I know a lot of this has to do with potential federal dollars that might be at risk. I assume that may temper your behavior with ICE. What really is at risk? The administration says you will participate or else, which is one of the things I have heard. How much money is in a formal budget to cooperate? What is potentially at risk if we make them mad?

Chuck Callaway:

I would first like to provide you with some brief background from a law enforcement perspective of how we got into this situation. I think we have used the 287(g) program since 2008. It is nothing new. The issue is a couple of years ago, there was an incident in California where a young woman was killed in San Francisco. There were news stories that said the alleged perpetrator had a criminal history, had been deported several times, and yet was back in the country living in San Francisco. That is when the debate over the term

"sanctuary city" first started. There is no federal definition of what a sanctuary city is. Basically, it is anecdotal. What has been somewhat agreed upon in Congress and with the U.S. Department of Justice and other federal entities, is if a city passes laws or ordinances indicating the law enforcement agency will not cooperate with ICE or the federal government—and they usually quote *United States Code*, Title 8, Section 1358—then the city is considered a sanctuary city. The thought pattern among those who were in the administration is if law enforcement is not cooperating with the federal government, why is the federal government giving law enforcement money? That is the mindset.

How does that affect Metro? Approximately a year ago, Congress asked the Office of the Attorney General, U.S. Department of Justice (DOJ) to look into this issue. The Attorney General's office solicited a report from the Office of the Inspector General, U.S. Department of Justice, where ten jurisdictions were listed as so-called "sanctuary cities." My personal opinion, and I believe the Sheriff shares the same opinion, is this report was put together very sloppily, and there were not many facts in the report. It listed the entire state of California as a sanctuary jurisdiction. For most of the jurisdictions listed, the report gave details as to why they were listed. Las Vegas was listed in that report as the tenth jurisdiction, and we were listed based on a press release we had put out under Sheriff Gillespie saying we would not hold detainees because of the Supreme Court decisions I mentioned. We were listed solely on the basis of that press release. The Sheriff reached out to the Office of the Inspector General and the Office of the Attorney General and expressed concern that we were listed in that report. We do not consider ourselves a sanctuary city because we do believe that, although we certainly make efforts, we do not do immigration enforcement in the field and we are very engaged with the community, but we do have a jail-based system where we cooperate with ICE.

The reason I tell you all this is because that is how it impacts grant funding. Now, through the DOJ when an agency signs for grants, a declaration must also be signed that the agency is cooperating with the federal government under 8 U.S.C. § 1358. The grants we are receiving are about \$9 million annually. Those grants include State Criminal Alien Assistance Program money that goes toward housing certain prisoners in the jail; Byrne JAG funding [Edward Byrne Memorial Justice Assistance Grant Program], which is criminal justice-related funding; and it could even impact Urban Area Security Initiative funding, which funds the fusion center and homeland security efforts. Taking \$9 million that helps protect the community and offers services to inmates out of our pocket is a very serious issue. We are reluctant and concerned about the possibility that we may be labeled as a sanctuary city under those definitions. I hope that answers your question.

Assemblyman Brooks:

That does answer my question. The jail-based system you just mentioned and the different components of our federal interactions, what does that entail? Is that a contract directly with the federal government? How much money is that? That would probably be the first thing to go if there were an issue.

Chuck Callaway:

I will answer those questions as best I can and then allow Mr. Vargas to interject if I say something incorrectly. My understanding is we have a memorandum of understanding (MOU) with ICE that outlines our procedures and the program. The MOU is quite extensive and outlines the duties of the officer trained under the 287(g) program. It also outlines areas where people can file complaints if they feel the program was unfair. It is a well thought out system. My understanding is we have five officers who are certified in the 287(g) program, and four of those officers actually do the work in the program. One officer, for whatever reason, has other responsibilities and perhaps does it periodically, but it is not his primary job. I believe that covers the shifts, one officer per shift. We do not receive any direct revenue to run the 287(g) program. In fact, it costs us the salaries and benefits of those officers who are dedicated to the program.

Why is that important? Those officers are still under the authority and power of the Sheriff. If their salaries were paid by ICE, that would create a situation where they are, in effect, ICE officers under the control of ICE. I think it is important that they continue to be Clark County Detention Center employees who are certified in the 287(g) program, but on our payroll under the authority of the Sheriff.

Assemblyman McCurdy:

I want to say thank you for all the work Metro is doing in its relationship with the community because I have worked with area command in Assembly District No. 6 to help increase those relationships and bridge those gaps. I have just a few questions regarding ICE, the African-American community, the body cameras being utilized and access to that information, and I also want to know if there is an estimated loss since that report listing Nevada as tenth in the ranking of sanctuary cities was released. You can start there.

Chuck Callaway:

To the projected loss, yes. We were very fearful that report would automatically label us as a sanctuary city and we would potentially lose federal funding. That is why the Sheriff took an aggressive stance and reached out to our representatives in Washington, D.C., to try to indicate we believe we are unfairly listed in the report based solely on a press release. The other jurisdictions listed had enacted laws or ordinances stating the police will not cooperate with ICE. They vary in the level of cooperation outlined in the laws and ordinances. However, we believe putting Nevada in that report based solely on a press release is unfair. We have made an effort to reach out to ensure we do not lose those federal dollars because they are important to public safety.

Assemblyman McCurdy:

There has been no money lost as of yet based upon the report. Is that correct?

Chuck Callaway:

That is correct.

Assemblyman McCurdy:

Does ICE have access to the database Metro utilizes to look for specific crimes individuals may have committed and then search in our community for that individual? Is sharing the database something that is being done?

Chuck Callaway:

I will refer that question to Mr. Vargas, the officer who works the 287(g) program. It is my understanding the database we use for 287(g) actually belongs to ICE. That database allows us to verify if the detainees are wanted for priority deportation by ICE. I do not believe we allow ICE any access to our systems. I would like to verify that with Mr. Vargas.

Martin Vargas, Corrections Officer, Las Vegas Metropolitan Police Department:

I am assigned to the 287(g) section. As far as the databases are concerned, ICE does not have access to Metro's database. Corrections Officers do have access to ICE's databases.

Assemblyman McCurdy:

You said you do not participate in fieldwork with ICE. Have there ever been instances where Metro officers accompanied ICE officers to target a home or something of that nature?

Chuck Callaway:

Not to my knowledge. As far back as I can remember, the department has had a policy that prohibits officers from engaging in immigration enforcement in the field. With that being said, hypothetically, if an immigration officer was looking for someone who is a priority, and that officer was struggling with the subject or in a situation where he needed backup, and if the officer requested backup, we might respond to assist him as an officer safety issue. We would not accompany them on a raid. That would be very counterproductive as far as our relationships with the community.

Assemblyman McCurdy:

Agreed. Going in another direction, I would like to know about the body cameras. I did see something in the presentation regarding the use of body cameras [page 17, ([Exhibit C](#))]. Walk me through the process if there were an incident of an officer-involved shooting or something to that effect. The public would then want an opportunity to view the footage. What is the process, what is the timeline, and is there a period when the public cannot view body camera footage?

Chuck Callaway:

There are two processes. I will talk about the simple process first. If an officer is involved in a deadly force situation and shoots the citizen and it is all captured on body camera footage, the CIRT and FIT teams would do independent investigations: one on police and procedure and the other on whether the officer committed a crime. During the course of that investigation, the body camera footage is now evidence. The footage will be impounded as evidence in the case. Under our current policy, we hold a press conference within 72 hours.

If there is body camera footage available, we show it to the public. Undersheriff McMahon is the person who usually holds the press conferences. We want to be very transparent in that regard.

The other avenue may be if I were pulled over by a Metro officer and I feel the officer was rude to me or treated me wrong or something happened that should not have happened. I have the ability to go to the Internal Affairs Bureau and tell them about the situation. I can file a complaint against the officer and request to see the body camera footage. We have a body camera detail. They will set an appointment for individuals to view the footage. If a request is made to actually possess the footage, such as from that individual's attorney or even the media, we will release it through a public information request. However, certain things have to be redacted. For instance, if the footage shows not only what happened between the officer and me, but if there are people in the background, we need to distort their faces to protect their privacy. If the incident happened in a home, there may be people in the house who have a right to privacy. That process can be somewhat cumbersome. Through that process, an individual can see the footage in person at the department or request a copy of the footage.

We have a retention period. If an officer has a traffic stop and the citizen involved does not file a complaint within 30 days and nothing comes of the footage regarding a criminal nature, the body camera footage would then be purged from the system. It is important if citizens feel the officer did something wrong to file a complaint as soon as possible. Part of that is also for privacy reasons. The ACLU does not like us to keep body camera footage for long periods of time. We have set a policy that if it is not criminal in nature and it is not evidence in a crime, we purge it after 30 days.

Assemblyman McCurdy:

Basically, as citizens, we have 30 days to follow up. If we do not follow up within 30 days, the body camera footage goes away. Is that correct?

Chuck Callaway:

The footage is purged, but citizens have forever to file a complaint. The footage could be purged after that 30-day period if there is no criminal reason or complaint reason to keep it. Part of that is also data storage. We have close to 2,000 officers on a daily basis wearing body cameras who download the video after their shift. We cannot store all that data for long periods of time. Purging that footage is essential for the records maintenance as well.

Assemblyman McCurdy:

I grew up in the historic West Las Vegas area. There has always been a significant police presence in that area. I have always wondered how common it is for the air support to go to communities and shine the light into people's backyards. Growing up, this affected me. I grew up around gang violence and shootings almost every night. It was almost like a doorbell ringing, and it was not uncommon to hear. We would always hear the helicopter. It still happens today. Sometimes I do not even hear gunshots, the helicopter just shows up and shines the light. Why is that? Is that used as a deterrent?

Chuck Callaway:

I live in the northwest area of town. I have the air unit flying over my house all the time also. Sometimes I think I am in a war zone. Our helicopter is event-based. Fuel for the helicopter is expensive. We do not fly the helicopter around doing nondirected patrol. In the event the helicopter is flying over looking for something, it is usually because we have received a call or an officer has requested it. For example, if an officer does a car stop and the person who was stopped jumps out of the car and runs into a neighborhood, Metro would set up a perimeter and call for the air unit. The air unit would fly over and shine the light in people's yards to see if they can find the person hiding. The air unit also docks at the North Las Vegas Airport. If you are in the flight path, the helicopter will go over those residences every night, flying back and forth to conduct patrols or respond to officer requests. The air unit also assists the Las Vegas Metropolitan Police Department Search and Rescue Unit, so they may be on the flight path to Red Rock Canyon for search and rescue training or operations. The air unit also works with our communications towers for transporting equipment and doing maintenance on the towers up on the mountain. Between those things, there is a cross pattern of helicopter flight. I do understand because I experience the same thing in my neighborhood with the light shining in the backyard.

Assemblywoman Monroe-Moreno:

We know there is a behavioral health care crisis in our community. I have heard wonderful things about your MOST program, and I have worked with people who have dealt with the program. I would like to know if that is a grant-funded program or a carveout from your general budget?

Chuck Callaway:

The original funding for that came from the Governor. A couple of years ago, he put together the Governor's Behavioral Health and Wellness Council. Sheriff Gillespie was on that council. I believe a recommendation came from the task force for some grant funding from the state to be given directly to the county in order to set up the program. Since then, that money has dried up, and it is my understanding it is being absorbed through the county. It is now actually a county-run program. Our officers participate, but it is not under our budget.

Chairman Flores:

You indicated 60,000 individuals are detained and go through the jail processing procedures, and 1,500 of those are run through the 287(g) program and through the ICE database. You stated of those 1,500, only about 170 are actually picked up by ICE. How many people do you receive a probable cause request to hold for 72 hours and ICE does not show up?

Chuck Callaway:

I will defer that question to Mr. Vargas. Those numbers I gave you are the numbers I received from a lieutenant at the jail based on an average from the last two years. I know those numbers vary. At the time of the press release, we were not doing any detainers.

Martin Vargas:

As it stands, since the Sheriff has started accepting the Department of Homeland Security Immigration Detainer Form I-247D that establishes probable cause, ICE has made a transportation schedule. They show up every day Monday through Friday. They have contracted with another agency to pick up detainees on holidays and weekends. At this point, as long as there is a detainer, ICE will pick up on a daily basis. The hold is now for 48 hours. Clearly, with the daily pick up, no one is being held beyond 48 hours. Rarely is it 12 hours.

Chairman Flores:

Could you help me understand how bail bond companies work? When a bail bond company contacts the detention center, do you immediately notify them that there is an ICE hold? Does the bail bond company always know?

Martin Vargas:

Bail is posted with the courts. The bail bond company contacts the courts, not necessarily the jail. We just so happen to have a pretrial services desk, or bail desk, at the jail. When a 287(g) officer places a notification in the jail database that there is an ICE detainee, it is my understanding that the pretrial services desk is supposed to search the database for a detainer. If there is a detainer, they clearly have to honor the justice or district court order not to accept bail. I would have to defer to a county pretrial services entity regarding that question.

Chairman Flores:

From personal experience, and I am 100 percent sure that this is true, bail bond companies will accept a 15 or 20 percent fee from an individual who has an ICE hold. The reason I am concerned about that is because the bail bond company is accepting a fee knowing the individual will not be released. The bail bond company does not refund the fee to those individuals. It is not a concern with law enforcement and your procedures, it is a concern as to what the bail bond companies are doing, and that is why I bring this up. Please correct me if I am wrong, but you said the pretrial services desk is supposed to let the bail bond company know there is a hold and should not accept bail. That is what is supposed to be happening currently. Is that correct?

Martin Vargas:

Pretrial services, which is a section of the courts, and the bail takers are supposed to check the database. If there is a detainer, they are to notify the bail bond company that the person has an ICE detainer and bail will not be accepted.

Chairman Flores:

Understood. I will put this in a framework of where I am coming from. When we talk about the immigration situation, my approach is law enforcement has been devoting a lot of resources and time to creating a connection of trust and a relationship with the community at large. Because of the rhetoric at the national level, there are now individuals who are afraid of law enforcement. I am afraid we are going back to a culture where individuals will stop reporting crimes, even when they are victimized. At the federal level, we have the

Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The congressional intent of the U visa and the Violence Against Women Act program was we needed individuals who are victimized to come out of the shadows because they were easy targets. If others know they are afraid to talk to the police, they are a perfect target. I also want to say that in some of our counties, law enforcement is volunteer-based. That is how limited the resources are in some areas in our state. With this national rhetoric, and on top of everything the police already do, the federal government wants them to join in the immigration fight.

I want to get on the record as to why we are so limited in resources and why it is difficult for us to take on that role. When we wanted to create a database for guns and have all guns registered, the federal government said they did not have the resources to do that and would not do that. They know it is a resource issue, not necessarily that they do not want to comply. There is nothing stopping the state from saying the same thing and using the same logic when it comes to immigration. If the request ever comes from the federal government—and I think it has already been requested—that you get involved with immigration and become an arm of ICE, I would like your perspective as to whether, yes, you can do that or you should do that; or no, you are not going to do that and explain why. That is a question that is open to everyone here today, and I expect everyone who is going to testify today to please answer that question.

Chuck Callaway:

I had this conversation yesterday with the Sheriff. In fact, he told me flat out, he does not care if the federal government signs an executive order saying our department will go in the field and conduct immigration enforcement. Metro will not be proactive in field immigration enforcement. To the concerns you raised, we have made every effort to reach out to the community in this uncertain time. We put on the Know Your Rights event. Last week we had an event that was originally scheduled at the Metro headquarters for individuals to learn about the 287(g) program, what we do, and what our policies are. We moved the location to the northeast area recreational center because we thought people may be too intimidated to go to headquarters, and it is better to go to them rather than have them come to us. We are going to continue engaging with the public and try to ensure people that if they are a victim of a crime, we want them to come forward. We want to build strong relationships. Metro cannot do it on our own. We have to have people from our Multi-Cultural Advisory Council and the Citizen's Police Academy involved. There is a Citizen's Police Academy that is entirely in Spanish. We want those folks to come in to learn, meet the officers, and see how the officers do business, and then go back into the community and help be our voice and tell people we are not trying to round people up or turn them over to ICE. It is important.

Another irony is that many of the individuals who are subject to the 287(g) program have committed a crime when they are going into the Clark County Detention Center. Those same individuals are victimizing the very community we are trying to protect and build relationships with. In some regard, we are doing those communities a service by making the entire community safer. I think it is important that we continue to send those messages and hold those events. I know the Sheriff is committed. I cannot talk about what future sheriffs

may do. I have a concern that to say to the federal government that we are not going to do their job for them and we do not have the resources, they may have a knee-jerk reaction and create legislation that puts us in a position where we undermine the authority of the Sheriff and where we might jeopardize federal funding. There are other avenues to ensure the public we are not going to engage in that activity.

Chairman Flores:

I will ask the other departments to join in this conversation. In the interest of time, rather than having a long presentation, I will allow members to ask questions openly to everyone. If I could have the Henderson Police Department and the North Las Vegas Police Department also join us in the conversation.

For those of you who do participate in the 287(g) program, could you give the Committee data as to how many arrests are felony charges and how many are misdemeanor charges? There are approximately 1,500 who go through the 287(g) program. Out of those 1,500, how many were for felony charges and how many were misdemeanor charges?

Tom Green:

To your specific question, the Washoe County Sheriff's Office does not and has not initiated police contact with the objective of determining a person's immigration status. We simply do not do it. I would echo everything Mr. Callaway said as far as the funding and the erosion of the Sheriff's authority as the chief law enforcement officer of the county.

Patrick Moers, Police Chief, City of Henderson Police Department:

Henderson is a little more unique because we have a jail. Most cities throughout the country do not have large-scale jails. We have a 540-bed facility in the City of Henderson. What I think is unique about that is we started the jail several years ago when we talked about expansion of the Henderson Police Department and the city as it grew. Although we usually only had approximately 200 Henderson inmates housed in other jails, we built a 540-bed jail because with population growth, that would be acceptable for years to come.

We do have contracts with various entities when bed space is available. That did include Metro, but they have been removed from our jail facility. We contract with the U.S. Marshals Service of the U.S. Department of Justice; the Las Vegas Paiute Tribe Police Department; the Boulder City Police Department; and, of course, ICE.

The Henderson Police Department has an ICE employee who actually resides inside our jail. Henderson is not a member and does not participate in the 287(g) program. I think that is why we have the ICE employee in Henderson. We can share information with them, so any inmate transfer from Henderson to ICE happens very quickly and expeditiously. We also do not currently recognize the 48-hour detainer. I would be more than happy to answer any questions. Mr. Callaway pretty much summed up everything to do with policing. We also have some of those special programs with our own unique twist in Henderson. I would be happy to answer any other questions related to our jail facility. [Testimony from Mr. Moers was also submitted ([Exhibit D](#)).]

Chairman Flores:

I would like to remind the Committee that all of these presentations are on the Nevada Electronic Legislative Information System (NELIS). Mr. Moers, does Henderson Police Department do any fieldwork with ICE?

Patrick Moers:

We currently have a policy in place that restricts officers from doing any proactive work regarding immigration in cooperation with ICE, including roundups or stings. Henderson is known for being one of the safest cities in America over the last five years. That comes through the hardworking men and women of the department, citizen engagement in our community with citizens being proactive and taking a stake in the policing in their community, and with partnerships in our community with Las Vegas, North Las Vegas, Boulder City, Mesquite, Nevada Highway Patrol, and also with our federal partners. We do participate on task forces with the FBI and the U.S. Drug Enforcement Administration, U.S. Department of Justice. Overall, we have a budget of \$90 million. About \$4 million of that money comes from the federal government for various aspects, including traffic enforcement, bulletproof vests, and help for the domestic violence advocate for our community. There are various programs where the federal dollars come from also.

Chairman Flores:

Could the North Las Vegas Police Department join the conversation please?

Michael Carmody, Captain, City of North Las Vegas Police Department:

I am representing Chief Alexander Perez, who could not be here today. We do not run our own jail, so we do not participate in the 287(g) program at all.

Chairman Flores:

What about fieldwork?

Michael Carmody:

I have a brief overview where I touched on some of that ([Exhibit E](#)). We do not inquire about anyone's immigration status in the field. Currently, we have no set procedures for any type of information sharing in regard to immigration status with any federal agency. I am not aware of requests for information from the Department of Homeland Security (DHS) or ICE. We have no process to provide information even if it were requested. We have no grants or provisions where we cooperate with DHS or ICE. We have no grants that are based on cooperation with DHS or ICE. Our policy specifically prohibits bias-based policing. We have no policy either promoting or prohibiting interaction with ICE. We comply with all federal laws, but we will not partner with any federal agencies in regard to immigration reform. The mayor and city council are concerned about the issues associated with immigration. Our goal is always public safety. I am not aware of the city's current position on Senate Bill 223, but the mayor has met with the bill's primary sponsor.

Assemblyman McCurdy:

Unfortunately, we do not have your presentation currently on NELIS. You said your officers do not ask about the citizenship of a person in our state. However, this has been reported to have been asked by officers of the North Las Vegas Police Department. Is this something you may or may not be aware of? Is this something you condone happening in your department? Frankly, I do not believe if I were to be pulled over, I should be questioned as to my legal right to be in this country. Please talk a little about that and tell me if that is something your department does.

Michael Carmody:

I cannot deny that it is possible it would happen. An officer in the field could ask about someone's immigration status. However, there is no official way to follow up on it. They may ask if a person is legal or not, but regardless of their answer, we would not do anything else after that. There have probably been times when officers have asked an individual's immigration status. They should not do it, and no, I do not condone it. I appreciate the information. When I get back to the office, I will issue something that says never to ask.

Assemblyman McCurdy:

I understand the reasoning for asking for immigration status and verifying the identity of the individual. However, this is something that has been brought forth to another colleague of mine as well. You said it is not happening, and you said you would talk to your officers. That would be helpful. Do you know if the officers request a social security number at a stop?

Michael Carmody:

It may be possible that at times we have asked for immigration status. I am not saying it does not happen. As far as social security numbers, that is voluntary information, but it is always asked for. We try to limit our detentions to as short as possible. We have one hour to come up with charges, and we try never to violate that. We do everything we can to make a stop as unintrusive as possible to citizens who are criminals but are possibly stopped for a minor traffic violation.

Assemblyman McCurdy:

Could you please provide me or the Committee with a list of the complaints you have had regarding that topic?

Michael Carmody:

Specifically, what type of complaints?

Assemblyman McCurdy:

Complaints regarding officers asking for immigration status.

Michael Carmody:

I do not know whether I can provide that or not, but I will ask.

Chairman Flores:

Are there any other questions from the Committee? [There were none.] I would like to thank all of you for being here. I know we had a very long and thorough conversation. I think we are incredibly happy for all the work you are doing, and we know it is difficult. It does not matter how hard you are working, it seems you are always in the middle of the fight. We appreciate all the men and women in uniform and appreciate all you do for our state. We are here to work together, and our objective is the same: to protect individuals in the state.

Chuck Callaway:

As a final comment, I am here for you. If you have any questions or concerns, I am in this building every day until sine die. I would encourage all the Committee members to have a ride-along with a Metro officer to see firsthand what we do.

Chairman Flores:

For those of you in Las Vegas, I know you have prepared remarks and presentations. Please provide that to a staff member there so it can be uploaded to NELIS. [Exhibits submitted but not discussed are ([Exhibit F](#)), ([Exhibit G](#)), and ([Exhibit H](#)).]

We have three bills on work session today. The first bill is Assembly Bill 22.

Assembly Bill 22: Revises certain provisions relating to veterans. (BDR 37-123)

Jered McDonald, Committee Policy Analyst:

Assembly Bill 22 was heard in this Committee on February 23, 2017. If you recall, A.B. 22 authorizes the Director of the Department of Veterans Services to appoint Deputy Directors as needed to assist the Director in performing his or her duties and removes the requirement that a Deputy Director be a resident of Nevada, possess an honorable discharge, and have at least four years of management or administrative experience. Additionally, the measure removes the required office location of the Director and Deputy Director.

Further, the bill requires the Director to create and maintain a database containing information on veterans residing in Nevada; ensure that each generation of veterans receives recognition on an annual basis; and create and maintain a registry of organizations that provide services and resources to veterans, service members, and their families, and publish the registry on the Department's Internet website. Finally, the bill repeals provisions related to the previous role of the Director as the guardian of the estates of certain veterans and their dependents.

We did have one amendment for this bill. This was discussed in the hearing and we do have an attached mock-up in the work session document [page 2, ([Exhibit I](#))] that describes and clarifies the number of Deputy Directors and the qualifications for those Deputy Directors. If you recall, Assemblyman Ellison had raised the question during the hearing. He and Mr. Burns of the United Veterans Legislative Council worked together on the amendment.

If you look at the mock-up amendment, there is new language specifying a Deputy Director for Programs and Services and a Deputy Director for Health and Wellness on page 2. On page 3 ([Exhibit I](#)) there are specifics about employment qualifications for the Deputy Director of Health and Wellness. The qualifications include being a resident of Nevada, possessing an honorable discharge from some branch of the military, and having at least four years of experience in health care management. Further, the Director may waive the requirements of the honorable discharge if the Director determines a person qualified for the appointment is not otherwise available.

Chairman Flores:

I will entertain a motion to amend and do pass A.B. 22.

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO
AMEND AND DO PASS ASSEMBLY BILL 22.

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Assemblyman McArthur:

I am in favor of the bill. I would like some clarification on section 2, subsection 5, paragraph (b) of the mock-up, which states, "Possess an honorable discharge from some branch of the military and naval service of the United States." I am wondering if "and" should be "or." That brings up my second question. Is the naval service not a military branch?

Katherine Miller, U.S. Army Col. (Ret.), Director, Department of Veterans Services:

The language "military and naval service" was first introduced into *Nevada Revised Statutes* (NRS) Chapter 417 in 1943. At the time, that was the standard phrase used. Military and naval service is synonymous of what we currently call the U.S. Armed Forces. You will find that rather archaic term used in other places within statute, not only within Nevada, but within the U.S. Department of Veterans Affairs (VA); the U.S. Secretary of State, U.S. Department of State; and the U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security. More current language is just "United States Armed Forces." The term "military and naval service" refers to service. If we take out "military" and "naval" it would be "branch of the service." That is the way it was used at the time.

In future legislative sessions there will be an opportunity to clean up the language, but it would need to be cleaned up across the board. According to the VA, the term "naval forces" is interpreted as all maritime military forces to include Navy, Marines, Coast Guard, and Merchant Marines who served in times of war. It would still be correct as written, but it is archaic. I will need to look at all places in statute where it is referred to and have it changed to more common and current language.

Assemblyman McArthur:

Can we not change that now?

Katherine Miller:

It could be changed now, but the phrase "military and naval service" has a meaning as written. It would not be incorrect to say military "or" naval service if you were to change it that way also. However, if it is changed, understand there are other places in statute and policies that would also need to be changed. My recommendation would be to leave it the same. I will make a thorough scrub of all places within Nevada statutes and policy and introduce that language change at the next legislative session.

Assemblyman McArthur:

I am not against the bill; I just thought it sounded funny with the word "and." Someone might make a big deal that a person would have to be discharged from the military "and" the naval service. I do not want any problems with it.

Katherine Miller:

The same question came to me from Assemblyman Ellison. I did some research, and the phrase "military and naval service" was the way it was written by the VA and by the state in 1943.

Assemblyman McArthur:

I am not trying to hurt the bill; I just want to make sure it is clear.

Chairman Flores:

Legal counsel has confirmed it is in the NRS the same way in other places. It is just for the sake of uniformity. We have a motion and a second to amend and do pass A.B. 22. Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Bilbray-Axelrod will take the floor statement. The next bill on work session is Assembly Bill 57.

Assembly Bill 57: Revises provisions relating to coroners. (BDR 20-375)

Jered McDonald, Committee Policy Analyst:

Assembly Bill 57 was heard in this Committee on March 8, 2017. Assembly Bill 57 requires a coroner to notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent upon the death of the decedent. The bill also authorizes a coroner to notify the parents or guardians of the decedent of the decedent's death and provide a copy of the coroner's report to the parents or guardian, as applicable.

We do have a mock-up amendment [page 2, ([Exhibit J](#))], which was discussed in the hearing. The mock-up requires the coroner to make a reasonable effort to notify the decedent's next of kin. The amendment also adds adult children or custodians to the list of those who may be notified. Finally, the amendment clarifies the definition of "custodian."

Chairman Flores:

I will entertain a motion to amend and do pass A.B. 57.

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 57.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Monroe-Moreno will take the floor statement. The next bill on work session is Assembly Bill 79.

Assembly Bill 79: Revises provisions relating to economic development. (BDR S-404)

Jered McDonald, Committee Policy Analyst:

Assembly Bill 79 was heard in Committee on March 6, 2017, and removes the designation of the Las Vegas Valley Water District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County. The bill also repeals a provision enacted during the 29th Special Session of the Legislature that requires the Legislature, on or before July 1, 2021, to review the designation of the District and the Southern Nevada Water Authority as the exclusive providers of water service for Garnet Valley Ground Water Basin; and the implementation and administration of certain economic development financing proposals authorized during the special session.

We do have an amendment for this bill and the mock-up is attached to the work session document [page 2, ([Exhibit K](#))]. The amendment removes the repealed language and clarifies the Legislature's ability to review certain provisions of Senate Bill 3 of the 29th Special Session. It also changes the effective date to passage and approval.

Chairman Flores:

I will entertain a motion to amend and do pass A.B. 79.

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 79.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

Assemblywoman Neal:

I am going to reserve my right to change my vote on the floor. I have not decided whether or not I am okay with striking out "shall" on page 2, lines 13 and 18 of the mock-up. I have learned information that this particular bill has a relationship to the economic development district that was supposed to be created. There are conflicting stories about whether or not the economic development district had been created through ordinance through the City of North Las Vegas. I am still trying to sort out what is going on because I want to know the full implications of this bill.

Assemblyman Ellison:

I am going to reserve my right to change my vote on the floor. I would still like to speak to some of the individuals who spoke on the bill. It is about oversight.

Chairman Flores:

I will also be voting yes, however, I will reserve my right to change my vote on the floor. For the bill sponsor, you can come by my office at some point next week to address a few concerns and to make sure we are all on the same page.

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

Chairman Flores:

Assemblywoman Neal will take the floor statement.

We do have a Committee bill draft request (BDR) introduction. I do want to remind everyone that voting yes to introduce the BDR does not mean you are in support of the bill; it just means you are voting to allow the BDR to go through the procedural mechanisms.

BDR 38-730 – Provides for the exemption of veterans' benefits from the income requirements of certain public assistance programs. (Later introduced as [Assembly Bill 323](#).)

ASSEMBLYMAN ELLISON MADE A MOTION TO INTRODUCE BILL DRAFT REQUEST 38-730.

ASSEMBLYMAN McCURDY SECONDED THE MOTION

THE MOTION PASSED. (ASSEMBLYMAN CARRILLO WAS ABSENT FOR THE VOTE.)

Chairman Flores:

Is there anyone here for public comment? [There was no one.] Having no further business, this meeting is adjourned [at 11:12 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "A Brief Overview of the Las Vegas Metropolitan Police Department," presented by Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department.

[Exhibit D](#) is written testimony, dated March 17, 2017, submitted by Patrick Moers, Police Chief, City of Henderson Police Department, regarding the City of Henderson Police Department.

[Exhibit E](#) is written testimony submitted by Michael Carmody, Captain, North Las Vegas Police Department, regarding the North Las Vegas Police Department.

[Exhibit F](#) is a document titled "LVMPD – Strategic Perspectives," submitted by Joseph Lombardo, Sheriff, Las Vegas Metropolitan Police Department.

[Exhibit G](#) is an organizational chart for Las Vegas Metropolitan Police Department, dated February 11, 2017, submitted by Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department.

[Exhibit H](#) is a copy of a PowerPoint presentation titled "Washoe County Sheriff's Office," submitted by Tom Green, Chief Deputy, Washoe County Sheriff's Office.

[Exhibit I](#) is a Work Session Document for [Assembly Bill 22](#), dated March 17, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is a Work Session Document for [Assembly Bill 57](#), dated March 17, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is a Work Session Document for [Assembly Bill 79](#), dated March 17, 2017, presented by Jered McDonald, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.