

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

**Eightieth Session
March 20, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:04 p.m. on Wednesday, March 20, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Melanie Scheible, Vice Chair
Senator Julia Ratti
Senator Ben Kieckhefer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senatorial District No. 6
Senator Joseph Hardy, Senatorial District No. 12
Assemblyman Glen Leavitt, Assembly District No. 23

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Scott Anderson, Chief Deputy, Office of the Secretary of State
Martin Knauss, President, Laughlin Economic Development Corporation
Lisa Hardin
Gina Mackey
James Maniaci
Robert Bilbray

Senate Committee on Government Affairs
March 20, 2019
Page 2

Fred Doten

Wes Henderson, Executive Director, Nevada League of Cities and Municipalities

Todd Ingalsbee, Professional Fire Fighters of Nevada

David Roger, Las Vegas Police Protective Association

Mike Ramirez, Las Vegas Police Protective Association

Rick McCann, Nevada Association of Public Safety Officers

Francisco Lopez

Chuck Callaway, Las Vegas Metropolitan Police Department

Jamie Frost, Las Vegas Metropolitan Police Department

Holly Welborn, American Civil Liberties Union of Nevada

Daniel Honchariw, Nevada Policy Research Institute

Richard Karpel, Nevada Press Association

John Piro, Deputy Public Defender, Office of the Public Defender, Clark County

Marcos Lopez, Americans for Prosperity Nevada

Dominic Archibald

Alma Chavez

Gary Peck

Kendra Bertschy, Public Defender's Office, Washoe County

Eric Spratley, Nevada Sheriffs' and Chiefs' Association

Corey Solferino, Washoe County Sheriff's Office

Shani Coleman, City of Las Vegas

Petra Wilson

Lisa Rasmussen, Nevada Attorneys for Criminal Justice

Terry Rogaczewski

Cristina Paulos

Nissa Tzun

Claudia Larios

Zachary Kenney-Santiwan

Jonas Rand

CHAIR PARKS:

We will start the work session with Assembly Bill (A.B.) 65.

ASSEMBLY BILL 65: Revises provisions relating to notaries public. (BDR 19-472)

JENNIFER RUEDY (Committee Policy Analyst):

I will give the Committee an overview of A.B. 65 and its proposed amendment from the work session document (Exhibit C).

SENATOR SCHEIBLE:

When we heard this bill, a notary public indicated there were issues with notaries public being able to use electronic journals or books. I thought he was going to speak with the sponsor of the bill about that; however, I do not see an amendment. Do you know what happened with that conversation?

SCOTT ANDERSON (Chief Deputy, Office of the Secretary of State):

We spoke with that person and gave him our contact information; however, he did not give us any contact information. We asked him to explain in writing what he was requesting because there was some confusion. We have not heard from him.

CHAIR PARKS:

His name was Christopher Jones, a notary in two other states. He was interested in having Nevada replicate how he functions as a notary in those other states.

MR. ANDERSON:

That is correct. Since we did not have a chance to really look at the provisions, these are the types of things we can review in the Interim and update notary laws as necessary going forward.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 65.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

The next bill in the work session is Senate Bill (S.B.) 28.

SENATE BILL 28: Revises provisions governing confidentiality of information gathered by Nevada Equal Rights Commission. (BDR 18-231)

MS. RUEDY:

I will summarize S.B. 28 from the work session document ([Exhibit D](#)).

Senate Committee on Government Affairs
March 20, 2019
Page 4

SENATOR KIECKHEFER:

I continue to have concerns about this bill because it gives the Nevada Equal Rights Commission too much leverage over companies. It puts companies in a position to reach a settlement or be turned over to their licensing boards even if they maintain they have done nothing wrong.

CHAIR PARKS:

Senator Kieckhefer, if we hold this bill might there be further resolution?

SENATOR KIECKHEFER:

I have no suggestions. I have not spent much time working on it to try to come to a resolution. I will log my objections.

SENATOR GOICOECHEA:

I do not have a comfort level with the bill either. It puts unnecessary restraints on some entities.

CHAIR PARKS:

We will hold this bill for a future work session and have further conversations with the sponsor.

The next bill in the work session is S.B. 103.

SENATE BILL 103: Revises provisions relating to development and maintenance of affordable housing. (BDR 22-379)

MS. RUEDY:

I will summarize S.B. 103 and its proposed amendment from the work session document ([Exhibit E](#)).

This bill is the result of the Committee to Study Issues Regarding Affordable Housing's Interim study. The Committee was chaired by Senator Julia Ratti. She presented an amendment at the hearing which she subsequently withdrew and then provided the conceptual amendment in its place, [Exhibit E](#), page 2.

SENATOR RATTI:

We eliminated the amendment presented with the bill. Many people testified in favor of the bill but not the amendment. Therefore, we took it back to the original intent of the bill.

There was also testimony in the hearing opposed to the bill. Those testifiers wanted to see greater clarity on how this could be applied. There are multiple definitions of affordable housing in State law—extremely low income, low income and work force income.

The proposed amendment aligns specifically to 60 percent median income projects for the area. That is the same standard used in federal Low-Income Housing Tax Credits and proposed in the State low-income housing tax credits. Therefore, it could only be used for an affordable housing project for residents with a 60 percent average median income or below. It establishes a standard of affordability.

It also requires a local jurisdiction that wants to use these tools to adopt an ordinance outlining the criteria for when they might be used. The concept is that this is not a tool local governments can arbitrarily choose to give to one housing developer but not to another. The criteria would be clearly spelled out so that everyone would know the rules going in. It would not be used arbitrarily or capriciously.

I met with the opposition, and this proposed amendment addresses their concerns, [Exhibit E](#), page 2.

SENATOR GOICOECHEA:

This could only be implemented if the local government adopts an ordinance.

SENATOR RATTI:

That is correct. It is permissive language that allows local governments to do it, but it is not required. However, it could only be implemented if the local government adopts an ordinance outlining its program.

SENATOR GOICOECHEA:

I am comfortable with that. It is a twofold protection for local governments.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 103.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

That takes us to S.B. 127.

SENATE BILL 127: Increases the number of members on the board of county commissioners in certain counties. (BDR 20-855)

Ms. RUEDY:

I will summarize S.B. 127 from the work session document ([Exhibit F](#)).

SENATOR KIECKHEFER MOVED TO DO PASS S.B. 127.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

The next bill in the work session is S.B. 150.

SENATE BILL 150: Revises provisions relating to land use planning. (BDR 22-775)

Ms. RUEDY:

I will summarize S.B. 150 and its proposed amendment from the work session document ([Exhibit G](#)).

SENATOR GOICOECHEA:

We all anticipate and understand that these water resource plans will be created in consultation with the State Engineer of the Division of Water Resources. That is where most of the data resides. I do not know how else it can be accomplished.

I want to ensure that when we talk about a municipality or a county, we include water districts if they are the water purveyors.

Senate Committee on Government Affairs
March 20, 2019
Page 7

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 150.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:
That takes us to S.B. 178 in the work session.

SENATE BILL 178: Creates the Council on Food Security and the Food for
People, Not Landfills Program. (BDR 18-57)

Ms. RUEDY:
I will present S.B. 178 from the work session document ([Exhibit H](#)).

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 178.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:
The last bill in the work session is S.B. 183.

SENATE BILL 183: Makes various changes relating to governmental
administration. (BDR 19-537)

Ms. RUEDY:
I will summarize S.B. 183 as contained in the work session document ([Exhibit I](#)).

SENATOR GOICOECHEA:
My concern is that Elko County is not listed as one of the counties with a
population under 45,000. That means the incorporated cities in that jurisdiction

Senate Committee on Government Affairs
March 20, 2019
Page 8

are included in the bill. The last census showed that Elko County's population is under 45,000.

I need clarification. Maybe Elko County should not be considered as one of those counties that does not have to meet the requirements of the bill.

CHAIR PARKS:

It would include the entire population of the county regardless of whether there was a city.

SENATOR GOICOECHEA:

It is not a huge problem if it is waived. I just wanted clarification.

CHAIR PARKS:

I understood that S.B. 183 covered all bases.

MS. RUEDY:

Senator Goicoechea is correct that Elko County, as of the last decennial census, had a population well under 18,000. I am not going to venture a comment as to whether it would be subject to this bill.

SENATOR GOICOECHEA:

I am fine with the bill proceeding. If there is an issue with Elko County, it can be taken care of in the Assembly.

CHAIR PARKS:

We can make sure that the bill's sponsor gets an answer to that before we hear it on the Senate Floor.

SENATOR SCHEIBLE MOVED TO DO PASS S.B. 183.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

That completes the work session. We will open the hearing on S.B. 213.

SENATE BILL 213: Provides for the incorporation of the City of Laughlin.
(BDR S-75)

SENATOR JOSEPH HARDY (Senatorial District No. 12):

The process of the incorporation of Laughlin has gone through different iterations. Now is the time for doing this. I was able to talk with Clark County Commissioner Michael Naft—he asked why now. I listed only 25 reasons why now is a good time.

The bottom line is the town board has been elected. This township has a population of approximately 10,000 people with 4,000 voters. They are active, interested and have various organizations in town.

It is interesting that 157 people received a \$2,000 reimbursement from their special improvement district. So, they have become interested in what is happening in Clark County.

The Mohave Generating Station in Laughlin was taken out of commission and razed to the ground. Twenty-five hundred acres of fenced area can now be developed. That land is owned by a combination of three power companies, one of which is the Los Angeles Department of Water and Power. It owns the vast majority of that land and is motivated to sell. NV Energy has been involved in the negotiations for some time—looking for a buyer. I have been informed that is probably going to happen. When it does, 2,500 acres of multiuse land can be developed.

The Township of Laughlin will be able to build a renewable energy, smart city. The citizens of Laughlin will have medical care of which there is a shortage and be able to buy gasoline instead of crossing the river to buy it in Arizona. The State is losing money in sales taxes as well as gasoline taxes. Clark County may be in a position to save money because about 44 firefighters come to Laughlin from Las Vegas. It has become a bedroom community for Las Vegas.

The Fort Mohave Development Fund has about \$9 million which will enable the City of Laughlin to benefit from capital improvements. The 2,500 acres will be incorporated into the existing 9,000 acres that are suitable for renewable energy opportunities because of the interconnection of electric lines there.

The map you have ([Exhibit J](#)) shows the proposed incorporation area for the City of Laughlin. The map shows that the Casino Row area is not included in the City of Laughlin because the casinos do not want to leave the jurisdiction of Clark County. They were not incorporated into that map. The map also shows an opt-in area which includes Casino Row, [Exhibit J](#), page 2, if the casinos decide they want to become part of the City of Laughlin.

The lobbyist for the Big Bend Water District advised me that it would prefer to stay in the jurisdiction of Clark County. That will require the map to be amended so it can stay within the County jurisdiction. Because the Big Bend Water District will provide water service to the City and continue to provide it for the County, it would be wise to allow it to remain under the County's jurisdiction.

Infrastructure in Laughlin, such as flood control and things that have been there for some time, already exists. When it takes over that portion on the map proposed to become the City of Laughlin, it already has a fire station, a park, a pool and other amenities that will continue to exist.

We appreciate the cooperation between the Township of Laughlin and the County. For many years, the County has provided services that Laughlin needs.

Laughlin is 90 miles south of Las Vegas. Because of that distance, one of the challenges we have, from an investor's standpoint, is getting things done in a timely fashion. When someone invests, that person wants things done sooner rather than later. The investor will probably find the City is able to do those things faster than the County could.

The bill outlines how to create a charter city as allowed by State law. Section 1 addresses what the government of the City of Laughlin would look like with 4 city councilmen, a mayor and a city manager. The bill contains all of the articles that empower the City to do that. Elections for the city council and the mayor would happen before July 2021.

Sections 2 through 10 become effective upon passage and approval to get everything ready for the City. Section 1 is effective July 1, 2021, which is after the 2021 Session.

That area in southern Nevada is growing. The population of Laughlin has grown by at least 3,000 people in the last few years. It is a jewel along the

Colorado River and will include about seven miles of shoreline as shown in that proposed map, [Exhibit J](#).

In the past, the challenge was that Laughlin could not afford firefighters and police. That is true based on what we have to pay firefighters and police coming from Las Vegas. The City envisions itself being like Boulder City or Mesquite: a stand-alone city with the ability to make memorandums of understanding with the County for fire and police services. A fire station in Laughlin is responsible for the safety of Casino Row. Cooperation between the City and the County will continue.

ASSEMBLYMAN GLEN LEAVITT (Assembly District No. 23):

Senator Hardy has served the community of Laughlin for many years. He knows the people well. I grew to love that area and got to know it when I started to represent it in the Assembly. The topic of incorporation came up often when we visited the township. We are concerned about the continued growth and prosperity of Laughlin. This bill will put growth and prosperity in the hands of those who live there. We appreciate your consideration.

MARTIN KNAUSS (President, Laughlin Economic Development Corporation):

For the past nine years, the mission of the Laughlin Economic Development Corporation has been to create and implement a collaborative venture among civic and business leaders in Laughlin to promote the health, welfare and quality of life for its residents through economic development.

We support the passage of S.B. 213 which will provide a pathway for the incorporation of the Laughlin Township. The provisions of this bill allow for the compilation and analysis of the future city's anticipated revenue and expenses to determine the viability of incorporation. Laughlin has an advantage with the Fort Mohave Development Fund of \$9 million which will be available to it at incorporation for possible capital improvements. There is also the 2,500 acres mentioned by Senator Hardy in the middle of Laughlin that is ripe for development. The property tax cap protects Laughlin homeowners from any significant tax increases.

Other key points that lend Laughlin incorporation a viable opportunity are the infrastructures already in place. The Big Bend Water District and the Clark County Water Reclamation District would remain within the County, and Laughlin residents would remain part of those districts.

The incorporation of Laughlin is also a chance to develop a renewable energy, smart city in Nevada.

We support the use of this charter city process which allows for the investigation and, potentially, the implementation of incorporation while minimizing the influence of groups outside Laughlin.

I have submitted my written statements supporting S.B. 213 ([Exhibit K](#)).

LISA HARDIN:

I have submitted written testimony supporting S.B. 213 ([Exhibit L](#)).

GINA MACKEY:

I have submitted my written statement supporting S.B. 213 ([Exhibit M](#)).

JAMES MANIACI:

I have submitted written testimony supporting S.B. 213 ([Exhibit N](#)).

ROBERT BILBRAY:

I am a 40-year resident of Laughlin, and I support S.B. 213 as written.

The timeline of two years is cautious but appropriate. Both the community and the Legislature will be able to review the results of the fiscal studies.

I have mixed feelings about this. Home rule is a natural phenomenon we all experience. The last time I experienced it was when my oldest daughter left for college. Sometimes, it is difficult to let go. However, I have been honored to be part of the Laughlin community since 1978 when there were 32 residents living in trailers. Today, the population of Laughlin is approximately 11,000 residents.

I, too, would like to see a friendly map amendment with respect to Casino Row. I would also like to see the map amended to meet the needs of the Big Bend Water District, the Las Vegas Valley Water District and the Clark County Water Reclamation District to allow them to remain in the County.

Obviously, I am familiar with the funding of almost all of the public buildings, parks, swimming pools and so forth in the community. A vast majority of that was completed through funding from the Fort Mohave Development Fund and, before that, an urban services credit paid for by developers when they built

within the Laughlin Township. These items will be worked out during the financial study we are asking for in this bill.

Not being one to want an unfunded mandate, I would like to point out and read into the record the provisions of chapter 427 of *Statutes of Nevada 2007*, section 9, subsection 2, Use of Money in Fund, which is the Fort Mohave Valley Development Law:

The Board of County Commissioners shall use the money in the Fort Mohave Valley Development fund to pay any costs incurred by the Committee on Local Government Finance created by [*Nevada Revised Statutes*] NRS 354.105, for the preparation of the report related to the fiscal feasibility of the incorporation of the City of Laughlin that is required by section 4 of chapter 481, *Statutes of Nevada 2011*; any costs incurred by the County to hold the elections [for the new city] described in sections 5 and 11 of chapter 481, *Statutes of Nevada 2011*; and any other costs incurred by the County or City of Laughlin associated with the incorporation of the City of Laughlin.

It will provide the County and the Committee on Local Government Finance funding for the study during the two-year Interim.

As of the last report, the Fort Mohave Development Fund had between \$8 million and \$9 million of unencumbered funds. Therefore, funds are available for the detailed fiscal analysis to allow the community to plan ahead and determine exactly what it has.

The Laughlin that considered incorporation in 2012 will not be the same Laughlin in 2020. Houses in our subdivisions are sold before anything even comes out of the ground. This will not continue forever; however, our biggest problem now is the burdensome Clark County Title 30 Development Code process in getting permits and developments going.

An additional burden affecting the entire State is the lack of workers. Everyone is fighting for workers all over the West. I have been searching for workers from Phoenix to Albuquerque.

The demand for tours from manufacturers, renewable energy and other developers interested in the Laughlin community has been increasing. We can make the introductions and presentations, but with the overworked and understaffed County government offices, the process has become so cumbersome and time-consuming that these companies are losing interest, and we lose them to other states.

Laughlin is the best opportunity for the State to have a renewable energy, smart city. Because of Southern California Edison's Eldorado-Lugo-Mohave Series Capacitor Project and the increase in the export line capacity, it is becoming obvious that the greatest natural resource we have in the community—although we love our retirees, the river, the lake and our gaming sector—is in the renewable energy sector.

I do not want anything I am saying here to be taken as derogatory by County officials. Laughlin's infrastructure is beyond anything in any other community in the State because we use 35 percent of our potable water allocation and probably 25 percent of our wastewater treatment allocation.

I have been honored to spend my life in a community I love. I will not support proceeding with incorporation if the fiscal analysis does not make economic sense. I will come before you in the 2021 Session stating exactly that.

I appreciate everyone who has supported this community for so many years. It has been wonderful working with former Clark County Commissioners Robert Broadbent, Bruce L. Woodbury, Steve Sisolak and now Commissioner Michael Naft. We look forward to working with the County to determine what is best for the residents of the Laughlin community.

FRED DOTEN:

I learned a week ago that this city charter bill was going forward. The citizens of the town are not aware of what is happening. At the end of this activity, residents of Laughlin should have their voices heard to determine what is going to be in the city. That information is not available to the average person who lives there, including myself.

This bill should be held until we can look at it and realize what is available for everyone in that town.

CHAIR PARKS:

As disclosure, I want to say that dating back 35 years I worked in the Clark County Manager's Office and spent at least 1 day a week traveling to Laughlin to deal with its development issues. At the same time, I was aware of the incorporation of the City of Mesquite. The only thing I can say about that is, with the exception of one person, Commissioner Bruce Woodbury, everyone believed it would be a colossal failure. To the contrary, the City of Mesquite has done well for itself.

I have been hearing the term "township." In Nevada statute, townships are judicial districts. Many of the residents of Laughlin are probably from either the Midwest or the mid-Atlantic where jurisdictions that are somewhat smaller than an incorporated city are called a township. We need to dispense with the use of "township" and refer to Laughlin, according to Nevada law, as an unincorporated town. You are not wrong, it is just your description.

I worked in Laughlin when it was part of the Searchlight Township. When its population became larger than Searchlight, a separate township was created. The Searchlight Township, as I understand it, is still coterminous with the boundary of Laughlin.

The map, [Exhibit J](#), indicates that the resort area on Casino Drive would be excluded from the incorporated town and remain under the jurisdiction of Clark County. Also looking at the map, I can see where the Big Bend Water District water treatment facility is located. I assume that the area on the north end, the top of the map, would be removed from the proposed incorporated city.

The Las Vegas Metropolitan Police Department (LVMPD) provides services to Laughlin. It is also serviced by the Clark County Fire Department. Do you envision that those services would remain contract services and be provided by the same entities through an interlocal agreement in the future?

SENATOR HARDY:

Yes, they have been cooperative and probably will continue to be. We do not plan on taking over the world, just make a transition according to what the people want.

SENATOR RATTI:

I am confused. In my copy of the bill, the entire charter is in blue as if it is new law. But then sections 2 through 9 are in black type which I read to mean existing law. Clearly, they are not because the city has not been incorporated. I want to make sure my understanding of sections 2 through 9 that actually implement the incorporation are new law.

SENATOR HARDY:

I defer to your Chair.

SENATOR RATTI:

It is on page 31 of the bill. I have the color copy.

CHAIR PARKS:

You are correct in your assessment.

SENATOR SCHEIBLE:

Sections 2, 3 and 4, for example, are definitional, and they may apply to cities that are already incorporated, identifying what a city council and a mayor means. Although, obviously, City of Laughlin would be new. I do not know if that might be part of the sponsor's reasoning.

SENATOR RATTI:

Regardless, for the purposes of today's hearing, I assume that it is all new. I am trying to understand the sequence of events. If we pass this bill, the City of Laughlin becomes an incorporated city on the effective date. However, many testifiers mentioned the fiscal analysis. If it does not show that the City of Laughlin can be sustainable, the supporters of the bill will not move forward with incorporation. But, as I understand it, by passing this bill, the City would be incorporated. From a process standpoint, I do not see where the fiscal analysis fits in and at what point the collected body could opt out if it looks like it is not fiscally sustainable.

Using a to-do list or timeline, the city becomes incorporated and establishes its governance structure. Who does the fiscal analysis? Is it a disinterested third party, or does the City of Laughlin determine the amount of money it will need? Then there is much language about negotiating certain contracts and raising property taxes. However, I do not see the Consolidated Tax (CTX) Distribution piece.

What are the steps?

SENATOR HARDY:

If this passes, the first step will be the elections for the mayor and the city council. Then on July 1, 2021, the elected officials will be ready to determine what else needs to be done. Until July 1, 2021, if the bill passes and moves forward, the City will not be taking money away from the County. The County is still the entity in charge of the city.

The CTX is interesting because if the City receives CTX, it has to come from somewhere. So the CTX would, according to a previous fiscal analysis, come from the County. The City, that used to be a town with a judicial township, is part of the reason why it has a CTX in the first place. The CTX is a critical part of this discussion.

The fiscal analysis would be an independent study. Elected officials would determine if the incorporation is fiscally feasible. This becomes effective on July 1, 2021, which is after the next Legislative Session. This will not be a secret financial study. It will be available for everyone to know what is occurring.

Because the city incorporation does not take effect until July 1, 2021, we have different bites at the apple to see if we can actually do it.

SENATOR RATTI:

I am looking at section 6 on page 32 of the bill. This is the to-do list. The city council has been elected at this point. It adopts a budget and ordinances, which have the force of law.

SENATOR HARDY:

Ordinances do not have force of law until Laughlin becomes a city.

SENATOR RATTI:

Okay, that makes sense. An ad valorem tax is levied effective July 1, 2021. Then the city negotiates for equitable apportionment of assets, for contracts of employment, for the provision of services, for contracts for the purchase of materials, for more contracts or memorandums of understanding between the City and the County, and for cooperative agreements pursuant to NRS 360.730. Then in section 6, subsection 10, the city council communicates with and

provides information to the Department of Taxation to effectuate the allocation of tax revenues effective July 1, 2021.

That is the only piece in the bill that does not say negotiate. I am intrigued by that. It has done all of these things, knowing how much property tax it will receive and what the expenses are going to be, and it has negotiated all of its contracts for services and memorandums of understanding with the County. That will get it through part of its income and expenses. It will then be at a point where it will determine the rest of the money it needs to be sustainable.

SENATOR HARDY:

I am not sure anyone negotiates with the Department of Taxation. It charges, we pay and collect, so there is not a change in the tax amount. That is why I said residents of Laughlin will still be paying taxes to the County on July 1, 2021. After July 1, 2021, those same taxes generated will go to the City.

SENATOR RATTI:

Does the township receive an allocation of CTX?

SENATOR HARDY:

I would love to know that exact figure, but I do not. The County does not allocate CTX to Laughlin because it is not an entity that receives CTX.

SENATOR RATTI:

So it does not get an allocation of CTX.

SENATOR HARDY:

The County gets the CTX.

SENATOR RATTI:

I hear your point, and it is a valid one that the City would not negotiate with the Department of Taxation. It assesses property tax which makes sense. Well, now I take that back.

The bill says that the City goes through this process and then submits a bill to the Department of Taxation for Laughlin's appropriate distribution. The CTX and other similar sources are not so formulaic that it is just a math equation. That would have to be a negotiation.

SENATOR HARDY:

That is accurate. Someone has to review the feasibility study and determine how much the city is allowed to receive as a CTX component in order to be able to project what the city will be doing.

SENATOR RATTI:

Since you brought up the feasibility study, one of the sections in the bill should require a feasibility study. Laughlin will go through many steps to implement things before it actually knows if incorporation is fiscally viable. Before it spends time adopting ordinances, assessing property taxes and so forth, it might be helpful if the people of Laughlin know earlier in the process rather than later if it is viable. The feasibility study needs to be specifically enumerated and moved up the list.

SENATOR HARDY:

I agree.

SENATOR RATTI:

Section 6, subsection 9 states "Negotiate and prepare a cooperative agreement pursuant to NRS 360.730." That could be CTX, but I do not know my NRS chapters.

HEIDI CHLARSON (Committee Counsel):

I need to review that section of NRS to determine what it relates to. It is my understanding that when a city is created, there is some type of analysis of the CTX distribution, but I would have to double-check to see if that is what this section is referencing.

CHAIR PARKS:

We are probably going to end up following the model of the incorporation of the City of Fernley. I see that Wes Henderson is in the audience. I do not know if he can shed any light on that.

SENATOR HARDY:

I would love him to come rescue me. The City of Fernley has an issue with not getting the CTX. That is a problem for it.

CHAIR PARKS:

That is correct. I hate to put you on the spot, Mr. Henderson, but any light you can shed on this would be appreciated.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):

I was not with the League of Cities when Fernley was incorporated. The way I understand how the process works is there is a review of what services the newly incorporated city will provide and what services the county will provide. The Department of Taxation and the Committee on Local Government Finance are involved in the evaluation. They look at the potential revenues and expenditures of a city and compare them to determine what is viable. The CTX Distribution is changed based on the amount of services the newly incorporated city is providing. That is part of the contention with the City of Fernley. When it was incorporated, it agreed to do certain services and agreed it would get a certain amount of CTX. It found it is not getting enough, and it would like to provide more services.

The study process that has to take place to determine the viability of the proposed incorporated city is outlined in statute.

SENATOR RATTI:

I may be incorrect, but my recollection is that the Committee on Local Government Finance was created after the City of Fernley was incorporated. Fernley was involved in a broader conversation about the redistribution of CTX. Maybe there was something similar, but I do not believe the Committee on Local Government Finance existed when Fernley was incorporated. Is that correct?

MR. HENDERSON:

I do not know the answer to that. My understanding is that the Committee on Local Government Finance was involved. I will check on when it was created. However, I know the Department of Taxation was involved. There is a list it has to go through regarding services, revenues and expenditures.

I will be happy to provide more information on that.

SENATOR RATTI:

That would be helpful to know prior to this bill getting to a work session. If another statute points to that viability study and all we have to do is reference that here, that would be fine. I need to understand where that is.

MR. HENDERSON:

I will be happy to provide you with any information we can on that.

MS. CHLARSON:

The way the bill is drafted, the charter becomes effective on July 1, 2021. In order for the charter not to take effect on July 1, 2021, regardless of the outcome of any study or negotiation about the CTX, the Legislature would have to take action to stop the charter from becoming effective.

SENATOR RATTI:

If a local government enacts an ordinance to assess property tax when the Legislature is not in session by making it effective July 1, 2021, and the Legislature comes back and reverses the incorporation of that jurisdiction, what have we created?

MS. CHLARSON:

Regardless of whether the people elected for the city council for Laughlin started taking the actions described in this bill, if the Legislature takes action before July 1, 2021, none of the ordinances of the City would take effect. The City would never have been incorporated.

CHAIR PARKS:

I realize this is complicated. However, I did not expect to bring all of the issues to light today. I am sure there are going to be more issues. We probably want to come back and revisit this when we have a better grasp of all the ins and outs of what we are looking at.

TODD INGALSBEE (Professional Fire Fighters of Nevada):

We oppose S.B. 213. We have concerns that Laughlin will not be able to provide the level of protection it is receiving from the 30 men and women who work within the Clark County Fire Department and come to Laughlin to staff its 2 fire stations.

Without knowing the answers to some of the points Senator Hardy brought up, we cannot support the bill. However, we would be happy to be a part of any discussions and conversations on how Laughlin would like to address those issues prior to this bill going forward.

CHAIR PARKS:

We would like to keep you involved and make sure you are contacted for future discussions.

We will close the hearing on S.B. 213 and open the hearing on S.B. 242.

SENATE BILL 242: Revises provisions relating to peace officers. (BDR 23-1066)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

Nevada Revised Statutes 289 provides certain procedural safeguards for peace officers who are investigated for administrative policy violations. The Rights of Peace Officers, NRS 289, attempts to guarantee a level playing field for officers who are investigated by their employers. This bill adds certain protections for those same peace officers.

This proposed legislation allows an arbitrator or a judge to dismiss a case and award damages when an employer violates an officer's rights. We are working toward a consensus on this bill. Obviously, the legislative language may need some work. This bill does not intend to undo any of the good work that has been done relating to body cameras worn by most uniformed officers to whom this may relate. We are happy to continue working on this legislation. However, I wanted to preface this bill presentation with letting the Committee know that is certainly not the intent of either myself or of this bill.

DAVID ROGER (Las Vegas Police Protective Association):

Section 1 of the bill provides for back pay for police officers who have been placed on administrative leave without pay and have had their criminal cases either dismissed or have won an acquittal by a jury. A police department has certain options. It can place an officer on administrative leave with pay, or it can place an officer on administrative leave without pay pending the investigation.

Section 2 incorporates the U.S. Supreme Court case of *National Labor Relations Board v. J. Weingarten, Inc.*, 420 U.S. 251 (1975). That case stood for the

proposition that a public employee or, as in our case, police officers who request representation are entitled to stop any questioning and get representation before they can continue answering questions. We hope to codify that decision in NRS 289.

Some clarification is in section 2. As you are probably aware, the U.S. Supreme Court case of *Garrity v. New Jersey*, 385 U.S. 493 (1967) provides that if a public employee or peace officer is compelled to give a statement as a condition of his or her employment under the threat of termination or discipline, that statement may not be used against him or her in a criminal case. That is what the Legislature intended when it enacted the "peace officers' bill of rights" many years ago. However, the statute provides that if a peace officer refuses to comply with a request, then he or she can be terminated. Therefore, we are proposing that "a request" be changed to "an order," which is consistent with *Garrity v. New Jersey*.

Also in section 2, *Garrity* statements—statements that are compelled—cannot be used against officers in criminal prosecutions. We are hoping to extend that to prohibit those protected statements from being used against officers in civil cases. We have met with a number of people who are interested in this bill. I know there are some objections to that, but we are working on some language which would allow a judge to review that *Garrity*-protected statement in order to determine whether it is inconsistent with the officer's testimony and allow it to be used as impeachment material.

The next two sections, section 3 and section 9, address the same issue. Under NRS 289.025, a police officer's name and photograph are confidential unless the officer is arrested or consents to the release to his or her identity. *Nevada Revised Statutes* 289 provide that body-worn camera video is a public record. All we are seeking to do with both of these sections is to redact the officer's face.

We are concerned about that issue because many times officers work under cover. If that video with their identities is out there, it could endanger officers' well-being. I know the media and the American Civil Liberties Union (ACLU) has some concerns about it. We are not trying to make body camera videos no longer public records. We are trying to protect the officer's identity. Of course, if the officer is arrested or consents, then his or her face would be part of the video as well.

Section 4 provides for a 1-year statute of limitation for the law enforcement agency to initiate an administrative investigation against a peace officer. An exception to that is conduct that may be considered either a felony or a gross misdemeanor.

A provision in section 4 says that the Internal Affairs Bureau (IAB) may not reopen an investigation after it has cleared the officer of any wrongdoing. The LVMPD may object to that, but we are willing to work on that language.

Another provision in section 4 that we are introducing would provide that if an officer is being investigated by IAB, the police department has certain options. It can place the officer on administrative leave with pay under the collective bargaining agreement, or if the officer is charged with a crime, he or she can be placed on administrative leave without pay.

We are asking that this provision prohibiting the police department from reassigning an officer during the pendency of an investigation be passed. Quite often, when LVMPD officers are being investigated, they are sent to the fusion center—the Southern Nevada Counter Terrorism Center—to watch videos and cameras all day. That is not appropriate because they are just being investigated.

Pursuant to NRS 289, if an IAB or a law enforcement agency is interviewing an officer and discovers additional misconduct which is not part of the original notice to the officer, it has to stop the interview and renotify the officer. Section 5 seeks to extend that to allegations of untruthfulness. If an IAB believes an officer is not being truthful in an interview, we are asking to extend that statute to provide that the police department must stop the interview, notify the officer of the falsehoods and then bring him or her back for a second interview.

Section 6 provides that prior to being interviewed by the IAB, an officer must be given certain information. Presently, the LVMPD provides officers with a video, audio and various evidence. However, that is not codified in statute; therefore, we are seeking to codify it.

Section 7 provides a remedy for a breach of NRS 289. The statute allows an arbitrator to suppress an officer's statement if it is prejudicial to the officer. It allows the officer to go to district court to get a restraining order to prevent

further misconduct by the police department. We have sought to have some remedy for officers for violations of NRS 289. The remedy is two-pronged. One requires the arbitrator or court that finds there has been an NRS 289 violation to dismiss the case with prejudice; and second, as in many civil cases, it allows the arbitrator to award fees and costs.

SENATOR SCHEIBLE:

I want to go back to section 4 that talks about the reassignment. I want to make sure I am understanding the purpose.

You are saying that if an officer is under investigation, instead of being reassigned to the fusion center, he or she should be put on leave either with or without pay depending on the circumstances.

MR. ROGER:

A police department can place the officer on administrative leave, or it can put him or her on modified duty in his or her regular assignment. For example, a narcotics detective is going to sit at a desk and do paperwork. That is fine. But moving an officer to the fusion center without due process is unduly harsh. The police department can expedite the investigation as a remedy, but this provision would prevent it from reassigning an officer to a different duty without the officer's consent.

SENATOR SCHEIBLE:

I want to make sure that I understand what you mean by reassignment. Assigning a narcotics detective to desk duty would be a reassignment. You are saying a reassignment would only be taking him or her from the narcotics bureau and putting him or her in the fusion center.

MR. ROGER:

That is correct.

SENATOR SCHEIBLE:

If the officer stays in the same position and same area of command, the job duties can be modified as long as the officer is not moved to a different squad.

MR. ROGER:

That is our intent.

SENATOR SCHEIBLE:

I am curious because the standard for most of the bill seems to be whether the officer is ultimately found criminally liable for his or her conduct as opposed to being found to have violated department policy. Does that mirror the statute for other public employees, or is that different for peace officers?

MR. ROGER:

I am not sure that I understand your question. *Nevada Revised Statutes 289* is the peace officers' bill of rights. They are unique to peace officers. They do not apply to other public employees. California has a peace officer bill of rights. Many jurisdictions do in one form or another. *Nevada Revised Statutes 289* only applies to peace officers.

SENATOR SCHEIBLE:

That does not really answer my question. My question is—for example, medical professionals employed by the State have some kind of procedure if they are under investigation—whether they will be awarded back pay. Is the standard for a doctor whether he or she is convicted of a criminal charge or found liable for having violated his or her standard of care?

MR. ROGER:

I understand your question; however, I cannot answer as to other professions. Under collective bargaining agreements, the police department can only place an officer on unpaid leave under certain circumstances. That is when an officer is either indicted by a grand jury for criminal charges or is arrested and the district attorney's office has accepted the case for prosecution. I cannot speak to other professions.

SENATOR KIECKHEFER:

Going back to section 4, my question relates to not reopening an investigation that is already closed. What if significant new evidence comes forward, such as video of the activity?

MR. ROGER:

That is a fair concern. Are you talking about initiating an investigation?

SENATOR KIECKHEFER:

I am referring to the additional language in paragraph (c) of subsection 3 of section 4.

MR. ROGER:

That is a fair comment. We could probably work on some language that if there is new, material information, we could create some additional exceptions for initiating an investigation. In the civil world, there are things called "latches." If a case filing is delayed for a significant period of time, memories are lost. If there is an unreasonable delay, the courts use their equitable powers to say they are not going proceed with the case.

The issue came up in which officers were questioned 18 months after the alleged incident about accessing information from a database. These officers used those databases every day in their jobs. It was difficult for them to recall if they used the database to access that information and whether they accessed the information for someone else or for a legitimate purpose. They got the stink eye when they said they did not recall what they did 18 months earlier.

A provision limiting a department's ability to go back 18 months later and initiate an investigation would be appropriate. We created an exception for felony and gross misdemeanor conduct because if officers are committing crimes that are not discovered until a year or 18 months later, they should still be investigated and held accountable if they have violated policy or the law.

SENATOR KIECKHEFER:

I understand the statute of limitations that is in section 4, subsection 1. I was speaking more directly to section 4, subsection 3, paragraph (c) that after the conclusion of an investigation, if the law enforcement agency determines that the peace officer did not violate a statute, policy, rule or regulation, the law enforcement agency shall not reopen the investigation. Is there a reason why it should not reopen a case if significant, new material evidence comes forward? That section is inclusive of a crime that would be punishable as a felony or gross misdemeanor.

MR. ROGER:

We are addressing a situation in which an IAB concludes there is no misconduct and a superior, who may not like the officer, orders the investigation reopened.

I understand your valid concern. We can work on language that provides if there is newly discovered material evidence, the investigation can be reopened.

SENATOR KIECKHEFER:

Section 5 addresses the interview. I am trying to understand what the changes mean. If an agency believes that an officer is deliberately providing false information, then the agency has to stop letting the officer do that.

MR. ROGER:

Statute provides that if additional misconduct is found during the interview of an officer, the interview must be terminated, the officer must be notified again, pursuant to NRS 289, and the hearing is continued after 48 hours.

We are clarifying that misconduct also includes providing an untruthful statement. Untruthful statements during the interview fall under the misconduct provisions of the statute. However, there has been some disagreement within LVMPD about that.

SENATOR KIECKHEFER:

Is it your interpretation that it is clarifying?

MR. ROGER:

Yes, sir.

SENATOR RATTI:

I am assuming the original purpose of section 5, subsection 3, paragraph (c) is in the course of an investigation if information comes forward that the officer is being investigated for some other misconduct, the officer has to be notified he or she is being investigated for the other misconduct also. One of the officer's rights is notice that he or she is being investigated.

MR. ROGER:

Yes, that is correct.

SENATOR RATTI:

I am having a hard time with the same question that Senator Kieckhefer asked. One of the steps in the investigation is an interview. In that interview, an officer is dishonest. The interview is stopped, and the officer is notified that he or she will be investigated for being dishonest.

MR. ROGER:

That is correct. *Nevada Revised Statutes* 289 provides that an officer has to be notified of the allegations against him or her. Policy violations or allegations of criminal misconduct go into the notices in order to give the officer a fair opportunity to address the charges.

The statute provides that if during the investigation or hearing evidence establishes other possible misconduct by the officer, the law enforcement agency shall notify the peace officer of that fact. It shall not conduct any further interrogation of the officer concerning the other misconduct until the office receives notice of the evidence of that misconduct.

We are saying that being untruthful during an interview is misconduct. Therefore, the statute requires the interview be stopped and the officer be provided additional notice that it is believed he or she is being untruthful.

Please understand, at least with respect to our collective bargaining agreement, misconduct is the "death penalty." If an officer is untruthful about a material fact in an interview, the result is termination—no questions asked. It is such a significant penalty that we wanted to clarify this statute to ensure police departments understand that the misconduct provisions require it to stop the interview and notify the officer of the allegations that he or she is being untruthful in the interview.

SENATOR SCHEIBLE:

Can you describe what that would actually look like in an interview? For example, I am the person conducting the interview of an officer suspected of misconduct. He says something that I think is untruthful. Do I have to stop the interview, type up a notice and hand it to him or her? Is it enough to simply say that does not sound truthful to me, we are going to investigate that as well and he or she may be held liable for it?

MR. ROGER:

The answer is yes, but let me give you another example.

SENATOR SCHEIBLE:

Yes to the former or the latter.

MR. ROGER:

I will explain. Based upon the language in this bill, if an interviewer believes an officer is not being truthful, he or she must stop the interview, provide the officer notice that it is believed he or she is not being truthful, present the evidence and renote him or her to follow up with the interview in 48 hours.

The statute provides that if an officer is giving a statement and it is believed that there is new misconduct as a result of the statement, the interviewer must stop, renote the officer and call him or her back in 48 hours.

SENATOR SCHEIBLE:

Obviously, being untruthful would not be in an officer's best interest. However, that means an officer would automatically get a 48-hour delay if he or she said something untruthful in the interview.

MR. ROGER:

That is correct.

CHAIR PARKS:

In that last scenario, if two officers being interviewed are involved in misconduct and one of the officers made a statement causing a separate incident that was somehow related, would that be grounds also for renoting the interview?

MR. ROGER:

That is correct. If an IAB interviews two officers and one officer said that the other officer is lying, IAB would be required to provide notice to the other officer that it has evidence that he or she was untruthful, provide that officer the evidence and call him or her back for a second interview.

SENATOR RATTI:

I appreciate the statement from the sponsor that the intent is not to undo the good work of body cameras. I appreciate your explanation of blurring the faces.

I need to understand more about the standard practice from a public records standpoint. If there is a significant incident, such as an officer-involved shooting, the officer is placed on leave. In northern Nevada, another agency within Washoe County will investigate the incident. In that case, there is

significant public interest and the media is covering it. Are the names of the officers released to the press?

MR. ROGER:

I cannot speak to northern Nevada, I can only speak to southern Nevada. Within 72 hours, the Clark County Sheriff or his designee will hold a briefing and identify the officers.

SENATOR RATTI:

Is the intent of the bill in those high-profile instances that if video footage is requested, the officer's face would be blurred when the name is already public?

MR. ROGER:

Yes, from our perspective there is a difference between giving out the officer's name and showing video of the officer's face. I suppose if someone were to search social media, he or she might be able to find that officer. Putting his or her face out in the public domain creates a significant safety risk to him or her. In addition, it puts the officer in a position in which he or she may not be able to work under cover because his or her face has been shown. An officer might go to work in narcotics and grow a beard, but his face is still out there. All we are trying to do is blur the officer's face unless he or she has been arrested or consents.

MIKE RAMIREZ (Las Vegas Police Protective Association):

We echo everything said by Mr. Roger and Senator Cannizzaro.

The intent of the notice is to properly prepare the officer to explain or refute the allegations. The notice should outline what is being alleged. That is why the officer is given 48 hours.

It is the same thing with truthfulness. I have been in interviews in which we do not get all the information. If there is an allegation of untruthfulness, the interview is stopped, the officer is notified and given 48 hours to either explain or refute the allegation. Unless body camera evidence is tagged, it is destroyed within a certain amount of time. That is why we are adding untruthfulness.

We have worked with police departments, the ACLU and the LVMPD. We heard their concerns; hopefully, we can work something out that is beneficial for everyone.

RICK McCANN (Nevada Association of Public Safety Officers):

We support S.B. 242. This bill strengthens and clarifies peace officers' rights to representation during questioning by their internal affairs reviewers. It strengthens their right to have allegations of misconduct brought to them to defend in a timely manner. It is simply a statute of limitations. It does not go back to the event itself but when the complaint was filed. Unfortunately, many internal affairs organizations delay these things, for whatever reasons, for an unnecessary period of time. This creates the latches problem referred to earlier by Mr. Roger.

It clarifies the officer's right to not be subjected to double jeopardy during internal investigations. If the matter is over, it is over. However, we recognize that sometimes new evidence surfaces. If that is the case, we will deal with it by adding language to the bill if necessary.

Officers will have rights to be compensated for being placed on unpaid leave when criminal charges are dismissed or unsubstantiated. If the police department decided to put an officer on unpaid leave and that decision turned out to be wrong, some form of proper compensation to that officer is needed because he or she could lose everything in the meantime.

Officer safety is an issue involving the transmission or dissemination of officers' faces on body camera video. *Nevada Revised Statutes* 289 says officer photographs cannot be released to the public. Photographs or videos are still the likeness of that officer. In a moment's notice, bad people can do bad things with that photo by getting that police officer's image out on the streets. It is no different for body camera video. We are not trying to take away body cameras. As Mr. Roger pointed out, in many of the departments there is a time frame in which officers' names are published.

When people want to sue law enforcement departments, cities, counties, the State or an officer, they are suing a name, not a face. Keep that face private unless the officer is arrested or the officer consents. It is no different from what we already have.

This bill offers a means for workable solutions to some of these issues. If it is not perfect, we will continue to work with the stakeholders.

The right to representation, investigating misconduct and withholding photos is provided under NRS 289. Much if not all of this bill is designed to strengthen and clarify what we already have. Beyond that, we are willing to work with the stakeholders in other matters. For that reason, we urge your support of S.B. 242.

FRANCISCO LOPEZ:

I am a sergeant with the LVMPD. I went through an administrative disciplinary process with my agency that lasted almost one year. I can speak from personal experience about most of those provisions.

Some questions were asked about being transferred out of an assignment. In my case, before I had been convicted of anything, my days off were shifted to new days off and my shift was changed from evening to a day shift. That had significant impact on my home life. This is what the bill would prevent. Most officers would rather continue working on their shifts, having their days off and things they bid for in their contracts until or if they have been found guilty.

The year-long statute of limitation provision for minor administrative misconduct makes sense because sometimes memories fade. In my case, I was not interviewed until almost six months after the alleged misconduct. I did not remember things. Truthfulness is an important and critical element. It is difficult for an officer to be at risk of losing his or her career over a truthfulness allegation and be compelled to make statements about something that occurred six, seven or eight months ago. The stakes are high if an officer loses his or her job for truthfulness because he or she cannot remember something that happened some time ago. It is not like a losing a job at Radio Shack. Someone who is fired from a police agency or loses a job for untruthfulness has a life that ceases to exist from a professional standpoint. No one will get gainful employment after being a police officer for 5, 10 or 15 years and losing one's job for something like that.

It is only equitable that officers are given the evidence their agency has against them during the interview process. In my case, that was important because many allegations were made by the agency. It had acquired a great deal of evidence, interviews and so forth prior to my interview. The only way an officer has access to all the evidence the department has—whether it is incorrect or if there are errors, which in my case were numerous—is to go to arbitration.

Obviously, that causes a greater delay. It costs an enormous amount of money for the officer, his or her legal team and taxpayers.

In my case, the department spent tens of thousands of taxpayer dollars unnecessarily to fight my decision to go to arbitration. That was the only way I was able to get all the evidence against me. Ultimately, the arbitrator found it to be comprised of a lot of nonsense and an enormous amount of lies.

Many things are often inaccurate whether intentional or not. These things could be sped up if the officer had full access to the evidence at the time of the interview. If there are unintentional errors on the part of agency investigators, things should be clarified in an expedient fashion early on in the process.

Sometimes, an adversarial environment is created in which the agency is compelled to give the officer a lesser discipline. If the officer takes a lesser discipline on the condition he or she does not go to arbitration, then no one ever knows the truth and the full body of evidence never sees the light of day. From the perspective of all parties involved, it is obviously in everyone's interest that all the evidence is shown to the officer as would be done in a criminal process. We do not convict a defendant and then later disclose the evidence. It is only reasonable that officers be given the opportunity to review the evidence ahead of time to make it more expedient for everyone.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

The peace officers' bill of rights, NRS 289, applies to me as a police officer of 30-plus years. However, I also wear the hat of management. Under NRS 289, the protections provided for officers is adequate. Every Legislative Session, the Las Vegas Police Protective Association (LVPPA) comes before you and whittles away at management's rights. Every session, there is bill which changes NRS 289. You heard Mr. McCann say that police officers already have these rights in place. This bill is intended to strengthen those rights.

Regarding section 1, when an officer is accused of a crime and is put on leave without pay, keep in mind that the officer is not working. If the officer is eventually found not guilty of that crime or the crime is adjudicated and the officer is exonerated, the agency may still be pursuing terminating that officer. There is a much higher burden of proof for criminal cases. For an agency to have to supply back pay to that officer when its intent is to terminate his or her employment is not right.

Section 2 would allow a peace officer to request a representative while being questioned by a supervisor for any matter. That will render a supervisor's job useless. If an officer shows up five minutes late to briefing or takes ten minutes too long on a lunch break, the supervisor cannot talk to him or her unless a representative is present. That creates an adversarial work environment and renders the supervisor's job ineffective. Obviously, if there is an open investigation against an officer who is being questioned about that, then he or she has a right to representation which is provided under NRS 289.

Section 4 talks about a statute of limitations and not being able to reopen an investigation. A year may go by and then we receive new information, a video or evidence that warrants reopening a case. I urge you to think about this and realize that police departments have to hold people accountable who do the wrong thing or make poor decisions. That is vital for public trust. If we do not hold people accountable and police our own, we lose trust with the community. That is the opposite of what we are trying to accomplish.

Also in section 4 is the reassignment of officers. This is problematic. For example, if an officer works in vice and it is alleged that he or she is having sexual relations with prostitutes, the police agency would have to keep him or her in vice while that is being investigated. Or if an officer is accused of sexual harassment with a person on his or her squad, the police agency would have to keep him or her on that squad and potentially put the victim of sexual harassment in day-to-day contact with that officer. The agency would not be allowed to transfer that officer to another assignment.

I do not know if the language in this bill limits this, but if a police agency has to assign an officer who is being investigated to a scene of civil unrest, does the agency have the right to do that? This is whittling away at management's rights and tipping the scale toward the employee's rights in these cases.

Section 5, subsection 3, paragraph (c) is also troubling. If an officer is lying about an incident, the police agency would have to stop the investigation, serve the officer notice and give the officer more time to figure out how he or she wants to tailor, rethink or try to justify his or her lie. A lie about the incident being investigated is not the same as a new allegation of wrongdoing. It is untruthfulness about the allegation being investigated.

Our officers are aware of the truthfulness policy and how serious being truthful is. The officer is admonished in writing and verbally prior to an interview taking place. They are all aware of the consequences should they decide to lie.

Section 6, subsection 4, paragraph (a) would allow an officer to inspect all evidence. In some cases, the LVMPD allows the officer to view body camera footage or other evidence such as surveillance video. The police agency may have victim statements, witness statements or statements from fellow officers. Turning all of that over to the officer being investigated will allow him or her to know who made the complaint or which officer made a statement. That does not do service to the investigation nor is it appropriate.

Section 7, subsection 2 would award the officer back pay, attorney's fees, costs and other relief that the court deems appropriate. First of all, consider that in 99 percent to 100 percent of these cases, the LVPPA represents the officer. The officers pay their dues to the Association. In most cases, officers are not paying these expenses out of pocket. Will these fees go back to the Association to compensate it for its representation? It is a double-edged sword. The police agency should also be awarded costs and penalties if the officer's wrongdoing is upheld by the arbitrator. That is a two-way street.

Internal investigations of police officers by the police agency strike to the very core of establishing public trust. If there is no confidence in the process, public trust is eroded. I urge you not to pass S.B. 242 as written.

SENATOR SCHEIBLE:

I appreciate you spelling out all those things so specifically. I wonder if some of them can be addressed with an amendment, particularly the one about questioning officers. Could this be more narrowly focused on questions relating to misconduct during the interview and that the officer has a right to representation and notification?

MR. CALLAWAY:

I am open to working with Senator Cannizzaro and the LVPPA to see if we can come to an agreement.

JAMIE FROST (Las Vegas Metropolitan Police Department):

I want to be clear that the only time the LVMPD can relieve someone without pay is if he or she has been charged and approved for prosecution or indicted with a felony. These are serious cases.

As Mr. Callaway mentioned, these officers have not been working during this period, so we would be paying them for time they were unable to work because they were arrested, in jail or relieved of duty due to a felony charge.

These officers might still be terminated. Just because their criminal cases have been either dismissed or they have been found not guilty does not mean that the Department is not conducting an internal investigation with charges that could result in termination.

Regarding section 2 and the questioning on any matter: Sufficient language is in NRS 289, and the Weingarten Rights are consistently applied by the Department. Officers have a right to have a representative present when there is either misconduct or an investigation as provided for in NRS 289 or something that the officer believes could result in discipline.

Also in section 2 is a limitation on conversations regarding any misconduct. Some incidents in which a supervisor might have conversations with a subordinate about minor misconduct would not result in discipline. Supervisors should be free to have those conversations.

Regarding section 4, as Mr. Callaway pointed out, we have specific incidents in which a complainant finally feels comfortable coming forward after more than one year. YouTube videos have surfaced that are more than one year old. The Department tries hard to investigate things as soon as it is aware of them. However, there times when it is not aware of misconduct until after one year.

Some Committee members alluded to reopening a case if new evidence is discovered that might change the outcome. The Department should be able to do that.

Section 4 prohibits the Department from placing an employee in a temporary new assignment while awaiting an investigation. This is saying that the Department either has to put an officer on relief of duty or allow him or her to work in a place that could create liability for the Department if it is aware of

certain misconduct going on but has not finished the investigation. Sometimes, there is no need to keep an officer at home on relief of duty because the allegation may not result in termination but might result in his or her removal from that specific unit. The Department would be wasting resources by keeping the officer at home.

Regarding the truthfulness issue in section 5, a case was taken to the Nevada Supreme Court, *Judkins v. Las Vegas Metropolitan Police Dept.*, 2015 WL 6163957 (2105). The allegation was that the LVMPD violated NRS 289 when Officer Judkins was terminated as the result of untruthfulness in the internal affairs interview. The Nevada Supreme Court found that this was not new misconduct that must be renoticed for the purposes of NRS 289.

Section 5 is an additional right the Association is asking for and one that is not necessary. It is clear in policy, in contract, in the Department's disciplinary decision guide, in the notice is given to the officer more than 48 hours in advance of the interview and in the verbal warning the day of the interview that the officer must be truthful. If no new evidence is discovered, it is not necessary to call the officer back for a new interview.

Section 7 would remove the word "prejudicial" from the statute which would not allow minor technical violations of NRS 289. For example, NRS 289 requires the Department to include on the notice to the officer anyone who is going to be present in the interview. If an individual is left off and not questioned, that would be a technical violation of NRS 289. The way the bill is written, the entire case would be dismissed as a result of that. The Department would be liable for attorney's fees and costs. These consequences are unreasonable. If it is prejudicial, information obtained in violation of NRS 289 would be excluded. That is an appropriate remedy.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

We have concerns about this bill. Many of these provisions strike at the core of establishing public trust. For example, we see issues with how this would impact the Nevada Public Records law and body camera laws.

Section 9 is the most problematic. This would carve out the most important work we did on the public records bill in both 2015 and 2017. There were many conversations and many concessions made to allow body camera footage to be accessible under the Nevada Public Records law.

Other organizations were fighting to have earlier access to those videos. The 72-hour waiting period applies in multiple jurisdictions. It is critical that we see the likeness of the officer involved.

I understand the concerns of the LVPPA. It wants to protect the identity of that individual. However, the public is entitled to that information. The people are entitled to see those interactions whenever an officer is involved in a shooting or some type of inappropriate conduct.

This bill does not accomplish the goal the LVPPA is trying to achieve. The public has a First Amendment right to video record a police officer. That information can be made public at any time; therefore, the bill does not provide the protection for the police officer that was intended.

There are over 431 exceptions and exemptions to the Nevada Public Records law. The more we chisel away at that, the more we strike at the heart of that law.

In section 3, there is an attempt to state that NRS 289.830, the body camera statute, does not apply in this situation. Other video footage would apply, therefore making that other video footage confidential and creating another exception to the Nevada Public Records law. Dash camera and surveillance footage would now be exempt. We would not be able to file a request for public records to obtain that information. We find that problematic.

We have many concerns with section 2, subsection 5. By stating that a compelled statement of a police officer is inadmissible in a civil case, the ACLU would not be entitled to subpoena that information if it wanted to file a civil rights action against a police officer. That is problematic. That could affect other cases outside of the internal affairs investigation.

We have concerns with section 4, subsection 1. We understand that this bill is meant to be applicable to the internal affairs investigation. The one-year statute of limitations is fine, but it is not the standard applicable in other settings. Information on YouTube or some other type of video could implicate a police officer in wrongful conduct. This is something to consider.

Section 4, subsection 3, paragraph (c), states, "If the law enforcement agency concludes that the peace officer did not violate a statute, policy, rule or

regulation, the law enforcement agency" cannot reopen that investigation for the same reasons. That would be problematic. The ACLU understands that this is for internal affairs. Typically, the ACLU is not involved in internal affairs; however, we have to acknowledge that sometimes the criminal investigation in an officer-involved shooting fails. The only recourse that victims have might be the outcome of that internal affairs investigation. Usually, an internal affairs investigation is not successful in finding recourse for families; however, the ACLU wants to maintain the integrity of those investigations.

For these reasons, we strongly oppose this legislation. However, if the body camera language is taken out and changes made to other language, we might be able to come to an agreement on an amendment.

SENATOR KIECKHEFER:

You referred to other video footage that may be collected as a part of an investigation. Where is that in the bill?

MS. WELBORN:

On page 3, line 30 adds in bold text "or video of a peace officer in the possession of a law enforcement agency are not public information and are confidential." We interpret that as any other type of video footage.

SENATOR KIECKHEFER:

Is that because body camera video is referred to as something specific such as a portable event-recording device?

MS. WELBORN:

On page 3, line 29 cites NRS 289.830 which is the body camera statute.

SENATOR KIECKHEFER:

I understand what you are saying.

DANIEL HONCHARIW (Nevada Policy Research Institute):

We oppose S.B. 242 because of sections 3 and 9 which would make the recorded videos of body cameras depicting the faces of police officers confidential. Senate Bill No. 176 of the 79th Session mandated police-worn body cameras specifically to shine more light on policing. This type of transparency provides tangible and well-documented benefits to both police officers and the public. Research suggests that equipping officers with

body-worn cameras reduces the number of use-of-force incidents while also reducing civilian complaints against officers.

Senate Bill 242, as written, would undo the critical elements of that reform. For purposes of accountability, knowing the likeness of a police officer on video is just as important as understanding how he or she polices the streets and interacts with civilians.

I encourage this Committee to strongly consider the negative and far-sweeping implications that would come from making secret police-worn camera footage.

While we oppose this bill as written, we support the amendment proposed by the Nevada Press Association (NPA) ([Exhibit O](#)), which maintains the due process rights afforded to police officers without making any body camera footage secret.

I have submitted my written statements in opposition to S.B. 242 ([Exhibit P](#)).

RICHARD KARPEL (Nevada Press Association):

There is confusion among many of us regarding what this bill intends to do and what it actually does.

I was gratified to hear Senator Cannizzaro say there is no intention to undermine the body camera bill passed in the Seventy-ninth Session. However, statements by Mr. Roger and Mr. McCann about redaction, specifically section 9, leave the NPA with significant concerns.

Most police officers are required to wear uniforms in public and to identify themselves when they interact with citizens. But if that same work is captured on video footage produced by a police officer's body camera, section 9 would require a redaction of the officer's face. That makes no sense. If we acknowledge that the routine, on-duty actions of police officers are generally a matter of public record, why would the face of the officer in videos of public activities be secret?

Section 9 assumes that body camera video will be harmful or embarrassing to the police officers who are pictured in it. In fact, the opposite is true. Most body camera footage shows police officers going about their work in a highly professional manner in circumstances that most of us would find daunting.

Presumably, that is part of the reason why the former City of Henderson police chief testified in support of S.B. No. 176 of the 79th Session, the body camera bill. He said, "Senate Bill 176 is necessary to achieve the transparency and accountability police agencies desire to provide to the public through body cameras." Yet, here we are considering new legislation that would cut the heart out of the very measures in that bill that provide transparency and accountability.

I note the irony of the fact that the LVMPD cited the prohibitively expensive cost of video redaction as one of the reasons it went to court to prevent the release of body camera footage related to the October 1, 2017, mass shooting in Las Vegas.

In the end, because section 3 makes video footage that is now part of the public record confidential and section 9 would require redaction of the faces of police officers in all video, including body camera footage, we have concerns about the bill.

I have submitted a proposed amendment to S.B. 242, [Exhibit O](#), and my written statements opposing S.B. 242 ([Exhibit Q](#)).

JOHN PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):

Obviously, because of our job, our objections are different from the other testifiers. However, we have the same questions on section 3 and section 9 about making body camera video confidential and blurring an officer's face. In our investigations, we need to see what an officer is doing, who is saying what and who is doing what when we are watching those videos.

After speaking with the sponsor of the bill, we tentatively have a conceptual amendment that adds an exception for criminal cases so that blurring an officer's face cannot be done when body camera video is evidence in a criminal case.

Section 2, subsection 5, says "or used in a civil case against the peace officer." We reached an impasse at this point but perhaps we can work something out with the LVPPA. If an investigation done by the police agency finds an officer violated a person's civil rights, any trial lawyer would have to get that police officer's permission to use his or her compelled statement as evidence in a civil

case against that officer or against the agency. That is where that section becomes problematic.

MARCOS LOPEZ (Americans for Prosperity Nevada):

We oppose S.B. 242. We have serious concerns about the way it would hamper routine accountability safeguards. It would harm and undermine the faith and trust of the community with law enforcement. There is no doubt that law enforcement does an important job of protecting life, liberty and property. That is the reason we have government and law enforcement. We need to make sure that law enforcement is always viewed as partners in the community and not in an adversarial role. This bill might undermine the faith the community has with our law enforcement officials. Improper conduct not only harms the liberty of citizens, but it undermines officers' ability to do their jobs effectively.

Some sections relate to 48 hours and back pay. Those are not given to civilians when they go through similar situations. It reminds me of the novel *Animal Farm* in which we are all equal, but some of us are more equal. We must ensure we apply the law equally.

Our peace officers are best supported, our liberties are best protected and the rule of law is best upheld when accountability standards remain strong. We hope the Committee takes this into consideration on S.B. 242.

Wiselet Rouzard, the Field Director for Americans for Prosperity Nevada, has submitted a letter opposing S.B. 242 ([Exhibit R](#)).

DOMINIC ARCHIBALD:

I am a mother who lost my only child to a police shooting. I am an educated, voting resident of the City of Las Vegas. I am a 2-time combat veteran who was at the Pentagon on September 11, 2001.

My son Nathaniel Harris Pickett Jr. was not gunned down in Nevada. He was killed by a deputy sheriff in San Bernardino County, California.

I want to give you a cautionary tale about some things that occurred, why they occurred and why this bill needs to be rethought in many ways. When people speak about the ability to redact and hide faces, remember that everyone has a smart phone. Cameras are on every street corner and on many buildings. My three-year-old nephew has a smart phone. You do not have the capability to

redact all the footage that will show an officer in action, particularly if that officer is involved in an egregious act.

I have had a civil trial. The jury, composed of old and young, liberals and conservatives, black and white, Asians and some who had just come here as immigrants, responded to the lack of transparency of the San Bernardino County Sheriff's Department with a \$33.5 million judgment in my favor. It was obvious that information was being hidden and that more protection was being given to the officer than was being given to me as the plaintiff. This is what happens when we attempt to hide the truth.

There were 16 working cameras at my son's home. We were able to prove our case point by point and even use the experts for the Sheriff's Department because it failed to be transparent. You may say that probably will not happen in Las Vegas because it does not indict anyone. It does not ever give out any judgments. However, it is coming if you continue in a path that causes a lack of confidence in law enforcement.

As an educated voter, I read this bill. It is clear to me that certain lobbyists got to certain elected officials to have this bill presented. I do not see anywhere in the bill where it protects the citizens. I do not know how it is supposed to benefit me or anyone else in this room who is not involved in law enforcement. I do not understand why you expect me to support a bill that affects only law enforcement.

As a combat veteran, I have been to Afghanistan, Kuwait and Iraq to ensure that other nations did not have the opportunity to give power and certain rights to a certain few. I could not imagine that I would be sitting here trying to do the same thing I was deployed for—to ensure that a small group, the law enforcement 1 percent, has greater power and rights than the rest of us.

I sat here and listened to someone say he or she was afraid to have his or her identity known. I was afraid every day I was deployed. If someone is afraid to be identified, perhaps he or she should not be in law enforcement. If someone is afraid to get into a situation in a job in which he or she is getting paid to protect and serve, why is that officer there?

When I was in the military, I could not get away with what many law enforcement agencies get away with. It is egregious, heinous and unacceptable.

I cannot imagine that we would give stricter codes and abilities to the law enforcement 1 percent.

The officer who killed my son was not transferred to another location within the department. In less than one year, that same officer shot another citizen six times. If that officer, who the department knew was a liability and had problems, had been transferred to a desk job during the investigation instead of trying to avoid transparency, we probably would not have this issue. Ironically, that deputy was transferred to the firing range to train other deputy sheriffs to use a weapon. He was finally transferred to the courthouse.

After a \$33.5 million judgment that could have been used for roads, schools or equipment for the department, that officer is being investigated for another case. Law enforcement already has the opportunity to police itself.

I heard one of the officers say that his life could be ruined because it is not like working at Radio Shack. I do not look down on anyone. If a person working at Radio Shack loses the job because he or she did not follow certain laws, it should be no different for a law enforcement officer.

My son not only had his civil rights violated but his human rights. I cannot support this bill.

Benjamin Franklin said, "Justice will not be served until those who are unaffected are as outraged as those who are."

I am asking this Committee to be as outraged as I am. Anyone who seeks justice is outraged at the thought that we would provide additional rights, restrictions and powers to anyone.

ALMA CHAVEZ:

I lost my son at the hands of police officers. I do not support this legislation because it is giving police officers more rights to lie, to prepare cases and to be untouchable.

There were many violations in my son's case. I was present at the moment of his murder. I saw how the officers twisted the truth and violated his rights and my rights. I did not get justice.

Unfortunately, the officers did not have body cameras. I had a video from one of the neighbors. The police went around checking to see who had videos of the incident, and they got the original image. I have a copy that I could not enlarge, but I have enough evidence to prove that my son did not put them in danger. That is what they disclosed in their statement.

If the evidence is not provided, the information is not going to be real. The truth is never going to come out. We need to see what really is happening in the department and if someone is guilty of a crime. Police officers need to pay for what they do. They are no different than anyone else. They are not here to decide when a person is going to die and then be untouchable just because they are concerned about their salaries. I was not prepared to lose my son that day.

I am speaking in the name of justice. I would like to have my case reopened one day. Then they will see how many lies were told. The officers did not give him any warnings. My son needed help. I made the call because I trusted in the system. I thought they were here to protect us.

Law enforcement needs more transparency and accountability; if officers make a mistake, they need to lose their jobs and go to jail. That is why I am here.

GARY PECK:

I have issues with law enforcement management and the lack of transparency and accountability that is built into the system. It is noteworthy that police management has testified that this not only strikes at the heart of public trust, it also strikes at the heart of the ability of police management to properly supervise their officers.

I disagree with some of the people who have testified. It is good the stakeholders are getting together and talking about the language. This bill cannot be salvaged by tweaking some language. It is important to understand that the predicate for all of this is the police officer bill of rights. It already elevates the kinds of protections police officers have that no one else has. For example, the employee at Radio Shack. There is a difference.

The more you shroud in secrecy police officers' bad behavior and disciplinary action taken against police officers, the more likely it is, contrary to the testimony you heard from a supporter of this bill, that a police officer will get another job with another law enforcement agency. It happens all the time.

I implore you, if you look at any of this, to have people go back to the drawing board and rework this bill in its entirety. When testifiers said that all the stakeholders are having conversations about this bill, it is pretty fair to say you heard from at least two stakeholders who are not part of those conversations at all. That is a problem. That just further erodes and undermines public confidence.

These are the kinds of conversations that should include community members. I understand the legislative process. The community needs to be heard and not just here for 30 minutes. This bill could not be more misaligned with the sentiments of broad swaths of this community. I am talking about black, brown and poor people. Those are the people who are most vulnerable and least able to fight effectively.

KENDRA BERTSCHY (Public Defender's Office, Washoe County):

We had an opportunity to meet with the proponents of the bill. However, I echo Mr. Piro's statement and add that the ability to access body camera video in a timely fashion is important to streamlining and potentially resolving our criminal cases. It is more important to understand what had occurred and determine how to proceed from there.

ERIC SPRATLEY (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association opposes S.B. 242. We met with Senator Cannizzaro and the proponents of the bill. We made progress on some of our concerns with the bill but still have major concerns about the bill as a whole. We have not seen any amendments yet.

It is not our most pressing opposition, but section 4, subsection 4 regarding reassignment is especially troublesome for the smaller, rural agencies in which an officer cannot just be reassigned because there is not a large group of people from which to choose.

I say "ditto" to all of the testimony from the LVMPD.

COREY SOLFERINO (Washoe County Sheriff's Office):

I have submitted written testimony in opposition to S.B. 242 ([Exhibit S](#)).

SHANI COLEMAN (City of Las Vegas):

The City of Las Vegas opposes S.B. 242. We have specific objections in sections 1, 2, 4, 5, 6 and 7, which have already been mentioned. The City is a financial contributor to the LVMPD. We also have our own law enforcement with city marshals. Therefore, this bill is of interest to us.

We spoke briefly with the sponsor of the bill. We will gladly continue to work with the sponsors and others on any amendments that are satisfactory to the City of Las Vegas.

PETRA WILSON:

I am the mother of nine children. My husband was a homicide victim of the LVMPD on October 13, 2016.

I read the overview of this bill. I understand that when you are looking at policy, procedure and law, it is important that the wording is clear and transparent. However, in what I have read, I do not see what I would consider transparent. What I do see is that this bill would infringe upon my family's rights. My family would be unable to view an officer on video who chose to kill my husband. I would not be able to see the footage that I did see. I would not have an understanding of the activity. I would not be able to have any type of oversight. That is bothersome.

I often look at data. When you are talking about the study addressing blurring the officer's face, I am trying to understand where that would come from. How do you decide how much harm that would cause an officer in order to create a bill that would prohibit the ability to view his or her face? We live in social media, and much of that social media is exposed worldwide immediately, probably within 48 hours, as what happened with the shooting of my husband.

How many officers would be affected by their faces being exposed? We can all put something into a policy or a law, but without some kind of supporting evidence, it would be hard to put that in place. I do not understand if that was a study or a survey. Where did this idea come from? Is it just something to protect the few? How will it be determined if an officer is lying or telling the truth? Who will determine that? Many people are pathological liars who can pass a polygraph, including police officers. How is management supposed to determine something like that? How is that going to be beneficial to the public?

I heard something that allowing all evidence opens opportunities for retaliation. I agree with that. If an officer is able to determine what his rights are, what is the point of the law? What is the point of equality in America? Officers are supposed to be held to a higher standard—not at a special privilege. In my experience since my husband died, officers are often given special privileges.

My family does not have the same rights as officers. These officers have been given much more than my family. I do not have rights, and I do not have help because my husband's death was a justified homicide. I do not have the same rights as if someone off the street had murdered my husband, simply because officers have special privileges.

I am encouraged that management from law enforcement came forward. I applaud them for scrutinizing this. I do not support this bill.

LISA RASMUSSEN (Nevada Attorneys for Criminal Justice):

I say "ditto" to all of those who came before me in opposition to this bill. We already have problems with transparency.

The Nevada Attorneys for Criminal Justice (NACJ) is a stakeholder, and we have not had conversation with anyone. This bill cannot be salvaged by amendment. I am asking you to vote no on it. It cannot be fixed.

The dash camera system in police cars predates body cameras. The Nevada Highway Patrol (NHP) has had dash cameras for a long time. The NHP uses them to prosecute DUI cases. Dash cameras capture the officer once he or she makes contact because it is pointing from the front of the car forward. It makes no sense that the dash camera video would suddenly become confidential and could not be used for any reason.

We adamantly oppose the blurring of faces on body camera footage. These are officers who put themselves out to the public as officers. Furthermore, only uniformed officers are required to wear a body camera. So the testimony you heard earlier in support of this bill about vice officers not being able to be moved somewhere else if their likeness is known makes no sense because vice officers do not wear body cameras.

There is a two-year statute of limitations to file a civil rights lawsuit when there is an issue against police. The proposed one-year statute of limitation makes no

sense when a civil rights lawsuit could be filed two years after the incident. That lawsuit would bring new facts of which the management from LVMPD may not have been aware.

The provision that allows the officer being sued to say whether the information about him or her from the internal affairs procedure gets to be released is untenable. It would literally foreclose many civil rights lawsuits.

I cannot see a way that this bill could be amended. I am asking the Committee to reject it outright.

Jim Hoffman from NACJ has submitted a letter opposing S.B. 242 ([Exhibit T](#)).

TERRY ROGACZEWSKI:

I am a resident of Las Vegas. I have been here since 2012. Before I moved here, I lived a life of saving others. I was a paramedic and worked in law enforcement for almost 20 years.

In 2012, I had a severe reaction to the medication Ambien. While in an incoherent state, I was shot by LVMPD undercover officers 21 times. While I sat in the Clark County Detention Center for five years, the officers were rewarded with eight months of paid vacation. They were lying about this case.

I am opposed to this bill. The lack of transparency is getting worse with the LVMPD. I urge the Committee to vote no on this bill.

CRISTINA PAULOS:

I am a police brutality survivor, and I have much survivor guilt. I was concerned about everyone in my community. I know how we are all affected by it. I am a taxpayer, and I oppose this bill.

MR. ROGER:

Fortunately, we make laws based on what is right and not based on emotions. Many of the arguments have been overstated. We are willing to work with the stakeholders to bring back something that is palatable to the Committee. We are not going to be able to please everyone, but we will do our best.

CHAIR PARKS:

We will close the hearing on S.B. 242 and open the meeting to public comment.

NISSA TZUN:

I am representing Trinity Farmer, the mother of Tashii Brown, and the family of Junior Lopez. Both were killed by police officers. No officers who have killed civilians have been indicted in the last 30 years in Clark County. Clearly, accountability and transparency are issues.

I have submitted my written statements opposing S.B. 242 ([Exhibit U](#)).

CLAUDIA LARIOS:

I oppose S.B. 242, and I hope this Committee will vote no.

ZACHARY KENNEY-SANTIWAN:

It is patently offensive and stupid to pretend that police officers are in any way held accountable. One of the sponsors of the bill stated the playing field needs to be evened out. I agree with that statement, but it is already tipped too far into the favor of police officers. We should be striving to achieve more accountability, not lessen it. To do otherwise would be disrespectful to everyone who has spoken before me.

Legislators, you have a choice to side with the victims and the regular people who elect you to your offices or with murderers and liars who continue to get off simply because they wear badges.

JONAS RAND:

If the principle of justice under a democracy is that all are equal under the law, the essence of this bill makes a mockery of democracy, deserving only the heartiest laughter from most of us here. This bill does nothing but reinforce the double standard that puts police above the law and allows police to have privileges above everyone else in this Country.

The bill allows police to escape accountability for prosecution and allows them to censor their faces when ordinary people would have their mug shots taken if they are criminal suspects. This bill allows these criminal suspects to get off and get away with lying because they work for the police.

I heard one of the sponsors of this bill say something to the effect that police need to have a fair chance and this bill is intended to do that. Police have more than a fair chance, and the record shows that. All we need to do is look at the records of the killings of Tashii Brown Farmer, Treyvon Cole, Stanley Gibson

Senate Committee on Government Affairs
March 20, 2019
Page 52

and Junior Lopez to see that in the last 30 years, not one police officer in the City of Las Vegas has been convicted of murder or manslaughter when he or she takes a human life.

I urge you all to see how this reflects on you whether you take the side of the victims and their families or the side of people who commit murder and engage in deceit.

CHAIR PARKS:

Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 4:39 p.m.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Government Affairs
March 20, 2019
Page 53

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	9		Attendance Roster
A.B. 65	C	1	Jennifer Ruedy	Work Session Document
S.B. 28	D	1	Jennifer Ruedy	Work Session Document
S.B. 103	E	2	Jennifer Ruedy	Work Session Document
S.B. 127	F	1	Jennifer Ruedy	Work Session Document
S.B. 150	G	3	Jennifer Ruedy	Work Session Document
S.B. 178	H	10	Jennifer Ruedy	Work Session Document
S.B. 183	I	1	Jennifer Ruedy	Work Session Document
S.B. 213	J	2	Senator Joseph Hardy	Proposed City of Laughlin Map
S.B. 213	K	2	Martin Knauss	Testimony in Support
S.B. 213	L	1	Lisa Hardin	Testimony in Support
S.B. 213	M	1	Gina Mackey	Testimony in Support
S.B. 213	N	1	James Maniaci	Testimony in Support
S.B. 242	O	4	Nevada Press Association	Proposed Amendment
S.B. 242	P	1	Daniel Honchariw / Nevada Policy Research Institute	Testimony in Opposition
S.B. 242	Q	2	Richard Karpel / Nevada Press Association	Testimony in Opposition
S.B. 242	R	1	Marcos Lopez / Americans for Prosperity Nevada	Testimony in Opposition
S.B. 242	S	4	Corey Solferino / Washoe County Sheriff's Office	Testimony in Opposition
S.B. 242	T	3	Lisa Rasmussen / Nevada Attorneys for Criminal Justice	Testimony in Opposition
S.B. 242	U	1	Nissa Tzun	Testimony in Opposition