

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

**Eighty-First Session
March 11, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:01 a.m. on Thursday, March 11, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Judith Bishop, Committee Manager
Zachary Khan, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Edward Ableser, representing Nevada Police Union
Troyce Krumme, Vice Chairman, Las Vegas Police Metro Managers and Supervisors Association
Daniel Honchariw, Director, Legislative Affairs, Nevada Policy Research Institute
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Maria Nieto, Nevada State Coordinator, Mi Familia Vota
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chair Flores:

[Roll was called. Procedures were explained.] This morning we have Assembly Bill 186 and we are going to welcome back Assemblywoman Nguyen, who is now making it a habit to make this her second home. Assemblywoman, whenever you are ready, we will open up the hearing on Assembly Bill 186.

Assembly Bill 186: Establishes provisions relating to the issuance of citations and arrests by peace officers. (BDR 23-634)

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10:

I am here to present Assembly Bill 186 for your consideration. It is a pleasure to be back. It is my second-favorite morning committee, and I do seem to be spending a lot of time here. Perhaps I can get some honorary membership in Government Affairs this session.

Assembly Bill 186. What is the problem? Ticket and arrest quotas are perverse policy policing activity that, at many times, are used by police departments and also to evaluate the effectiveness of the peace officers. Their use damages the integrity of law enforcement and communities throughout Nevada. Quotas set a predetermined number of transactions that peace officers are required to issue in a given time frame. This practice has been criticized as

a revenue-generating measure that encourages unjust policing and pressures officers to unfairly target individuals, particularly near the end of a given quota period.

Whether in fact quotas exist or are in practice, I think we are all familiar with the concept that I am talking about. I am sure many of you have been driving around your communities and you see a disproportionate number of police officers pulling over drivers, and you think, Hey it must be the end of the month and they are trying to get their quota of tickets. So, I think we are all familiar with that policy. While I have been told that many communities and many of our law enforcement agencies do not practice this, I think we are all familiar with the concept and we see some of these implicit practices still occurring today. By considering the quantity of tickets in officer performance evaluations, quotas can encourage more aggressive rather than more effective policing. When a peace officer is pressured or incentivized to issue a certain number of tickets or arrests, the interactions with citizens become less about peacekeeping and more about forced confrontation. Furthermore, the domino effect of officers making arrests based on quotas can have a negative effect across the justice system, including overworked investigators, crowded jails, and overburdened courts. However, by far the worst effect of quotas is on the individuals who otherwise would not get caught up in the justice system. The long-term ripple effects on people's livelihoods, families, finances, and future job prospects can be devastating, particularly for people who are barely getting by as it is.

Assembly Bill 186 seeks to prohibit law enforcement agencies from requiring a peace officer to issue a certain number of traffic citations or make a certain number of arrests. In addition, under this bill a peace officer's evaluation, salary, or eligibility for promotion must not consider the number of tickets or arrests issued. If we can improve the environment in which our peace officers interact with our citizens, the effects may be fewer claims of unnecessary targeting and use of force. There are other, more effective ways to evaluate the performance of peace officers, and most of our law enforcement agencies are actually doing this. Peace officers should be incentivized for productivity by considering the other types of data and focusing more on technique, demeanor, and meaningful outcome. If we can do away with quotas, an officer's direct supervisor will have more subjectivity when evaluating the effectiveness of their employee's work. Finally, I want to point out that many states have implemented antiquota legislation, including Iowa, Minnesota, Missouri, Montana, Nebraska, Pennsylvania, and Illinois, just to name a few.

Mr. Chair, that concludes my brief opening remarks, and at this time I would now like to provide Edward Ableser and Troyce Krumme the opportunity to provide some additional testimony in support of A.B. 186. Also, they would be here to answer any questions about the bill and the conceptual amendment that, I apologize, came late [[Exhibit C](#)]. And I also see that there are some typos in it, but I think the intent is very clear. In the language in section 1, we removed the suggested language after consulting with all the stakeholders. With that and the Chair's permission, I would like to turn this over to Edward Ableser.

Edward Ableser, representing Nevada Police Union:

We are proud to represent the Nevada Police Union. This is the first statewide category I peace officer union that encompasses the brave women and men from state parks, university police, game wardens, and the Department of Public Safety. I want to extend a special thank you to Assemblywoman Nguyen for her leadership and sponsorship of this very important issue. This past year has been a whirlwind for our peace officers, from the national tension to the many tragic deaths across this country to the attempt of law enforcement to enforce COVID-19 policies in many different communities and then the siege on our nation's Capitol, our brave women and men who wear the badge have gone from being praised to being demonized to being canonized all in a period of ten months. Our goal at the Nevada Police Union is to support reasonable, commonsense policies that drive directly at the primary goal of law enforcement—to keep all in our community safe.

It is with that intent that the Nevada Police Union has brought the problem of quotas in citations and arrests, commonly known as "policing for profit." I want to be very clear that the practice of demanding a specific quantity of citations and arrests, from management to line level staff, does not adhere to the mission of keeping everyone in our community safe. While evaluating officers based on the number of citations and arrests was a way of managing in the 1970s, this methodology's time has come and gone. What this method does is hurt the most vulnerable and underprivileged citizens in our community. Moreover, underprivileged and communities of color are disproportionately affected by these practices.

An example is the men and women from low-income communities who oftentimes cannot afford basic vehicle repairs, such as a broken taillight or headlight, not to mention expired registration. When there is a quota on file or in practice by police management, police officers will stop and ticket drivers for very minor traffic offenses and violations or for exceeding the speed limit by only a few miles per hour. These are violations and speeds that would not normally be bothered with by our peace officers. Moreover, when officers are pressured to reach a certain target of custodial arrests, they oftentimes are forced with tough decisions of arresting someone and reaching the quota or simply providing a citation for issues like trespassing, petty larceny, or panhandling, which at most times the appropriate course of action might be a simple citation. But if they do that, they might be placed on a 90-day performance review period for not reaching their arrest quota. In some circumstances, officers are being pushed to average around 100 citations per month, along with the many other tasks that they engage in.

Management generally does not put quotas into writing, although verbally they will tell officers to push for higher numbers, where officers are often writing tickets near the end of their month that they might not normally write. If officers do not meet these quotas, they may face possible financial punishment by being given a "does not meet standards" on their work performance standards, resulting in loss of promotion, raises, and step increases, along with the loss of a positive work culture at that agency. In my role working with the Nevada Police Union, I have heard many accounts of what this archaic method does to our officers. I want to share a couple of examples.

One trooper who led their shift in crashes investigated, DUI arrests, and calls for services was brought to the command staff and instead of being praised for the good work he was doing, was reprimanded by management for having the fewest number of citations on the squad. That trooper left that disciplinary meeting and gave a citation to the first person he caught speeding, a senior citizen woman who was on the way to the hospital attending a family medical emergency. That officer regrets that decision and that experience but was following management orders.

Another story is of the tongue-lashing that happened to an officer by management because he was issuing too many warnings. He was told that warnings do not look good on performance reviews and instead to start doing more citations. Another example is the officer who was actually honored and praised by Mothers Against Drunk Driving (MADD) for the great work in the substantial DUI arrests and protecting the roadways from inebriated drivers. This officer was given so much grief about not writing enough tickets and focusing too much on DUIs, that eventually the officer increased his number of citations, did not focus on the DUIs as much, and management never complained to that officer again.

Honorable members of the Government Affairs Committee, the language of this bill is simple but effective. *Nevada Revised Statutes* (NRS) Chapter 289 will be amended to prohibit any law enforcement agency from ordering, mandating, or requiring that any peace officer must issue a certain number of citations or arrests. Furthermore, these agencies are prohibited from considering the number of citations and arrests in the peace officer's performance review and should not factor into promotions or salary assignments. A quota might be good for manufacturing factories. They simply have no place in modern-day policing. I am available for any questions you might have. I know my colleague from the Las Vegas Metropolitan Police Department (LVMPD), Troyce Krumme, is on and wants to provide some testimony from his side as well.

Troyce Krumme, Vice Chairman, Las Vegas Metro Police Managers and Supervisors Association:

At the Las Vegas Metro Police Managers and Supervisors Association, we are also proud members of the Public Safety Alliance of Nevada and we represent over 10,000 officers across the state of Nevada, stretching from Reno all the way down to Las Vegas. I am here speaking on their behalf as well. We would like to thank Assemblywoman Nguyen and the sponsors of this bill for taking up this legislation. In our opinion, for far too long the policing profession has relied on statistics in the form of how many tickets officers are writing and how many arrests they are making. The belief is that an officer producing high numbers in these statistics is a productive police officer, and vice versa, one who is not producing in these areas is not productive.

If policing were a Fortune 500 company, this belief would be accurate. But policing is not a Fortune 500 company dependent on profits to exist. Policing should exist to accomplish one mission: provide safety to the community. What the overreliance on statistics has produced is pressure from executive management down to the line officers to produce in areas of increasing vehicle and person stops, writing citations, and making arrests. While

these actions are legal in the eyes of the NRS, those may have otherwise not been made due to officer discretion and absent pressures from above. Stops such as these result in unnecessary police-citizen contacts.

When Assemblywoman Nguyen approached our group regarding this bill, we were enthused that a reform topic such as this was being taken. Our only concern with the initial language was that we felt it limited the supervisor's ability to hold the rare officer who simply does not work when he comes to work accountable. The community as well as police leaders should expect police officers to show up to work and do their best to keep the communities safe. The accountability piece on work performance was important to us at the supervisor level. The amended language that Assemblywoman Nguyen has offered [[Exhibit C](#)] accomplishes that mission.

In a Fortune 500 company, the leaders are accountable to its shareholders. In policing, we should be held accountable to the communities we serve. The community should have a say in how they are policed, and the communities in Nevada have spoken. They want police to keep them safe while at the same time eliminating unneeded contacts. Public trust should be the metric by which police effectiveness is measured. We believe this bill outlawing quotas, both implied and overt, will accomplish this mission. It is time for police executives to strategize based on positive progress rather than bean counting. I am here for any questions.

Chair Flores:

Thank you to all three of you for joining us this morning and walking us through the objective of this bill. We have quite a few questions, so we will go ahead and start off with Assemblywoman Thomas.

Assemblywoman Thomas:

I do appreciate the bill as a citizen of Las Vegas, Nevada, and Assembly District No. 17 in beautiful North Las Vegas. At the end of the month, we do see a high number of our police officers at checkpoints and a lot of people being pulled over. My question has to do with the effectiveness of the bill. How do I know this bill will ensure that all police departments across the board will adhere to what this bill stands for? What is the meat of the issue of ensuring that this bill will be effective?

Assemblywoman Nguyen:

Assemblywoman Thomas, that is one of the questions I had. When I was first approached with the bill idea to ban quotas, my first thought was, Oh, my gosh, do we still have quotas? Is that something that still exists in statute? Is that still something that exists in government departments? I learned there are certain agencies that still do have them to a certain extent. Then it got to a large question of how do you take care of this cultural shift and this cultural change. I know that most agencies, including LVMPD and others, will come in and say, We do not have quotas, we are against quotas. Obviously, you can see some of the pervasive philosophy behind quotas still exist there when you see tons of police officers making arrests at a certain time of the month. You can hear from supervisors and management that it is something we have just become accustomed to in law enforcement to quantifying that

number because it is easy to quantify that number. It is probably more difficult to quantify how many positive interactions, or engaging in community policing organizations, or helping victims of domestic abuse go to a shelter and get them resources. Those are not things that are easily quantified. They should be quantified if we are going to start putting numbers on things. How many of these more evidence-based policing practices should be rewarded within that promotion and evaluation system? Will this completely eliminate that? Probably not. But I think it is a very good step in the right direction in giving guidance on what our policy is as a state to curb these negative, unnecessary policings for profit and interactions with our communities. I think Mr. Ableser and Mr. Krumme might be able to expand on that as well, because they are obviously in the field doing this work. I can turn it over to them if they have any further remarks.

Edward Ableser:

I would contend that section 1, subsection 2 of the bill provides what I believe is a significant structure in prohibiting this practice from being widespread within departments. Unfortunately, we know through work performance standards, there is a quantified value that every employee is based on. I am going to give you an example of state employees. The Department of Administration has work performance standards for all state employees. They are all judged based off of the same form and there is a box on that form and it had to do with quantifiable data. When I was an administrator, I did it as well. You evaluated your employee based on this quantifiable data. In the Department of Public Safety, state parks, wildlife, university police, in their work performance standards they have quantifiable data, which is how many tickets and how many arrests did that individual do. We want to pivot away from this legalistic style of policing and move more towards a service style, watchdog style of policing that engages with the public and creates a broader trust. In our experience working with the women and men on the line level, they do not desire to go out and just create unnecessary contact with the public. They want to do the good work, protect the public, help drivers or individuals who are in need on the roadside, rather than trying to meet a certain number in order to keep their job or get promotions and raises. I think that, section 1, subsection 2 carries a lot of weight in preventing that.

Troyce Krumme:

I am going to offer a hypothetical. I think I understand the question is, How do we hold agencies accountable for violating this law? I will be honest. I do not know whether the law as written will, but I am going to offer you how it can be effective anyway. This law is going to be put into NRS Chapter 289, which includes what is known as the "Peace Officer Bill of Rights." I am going to paint a hypothetical question on how that law can be used to address an agency from an officer perspective.

Say you have a young lady who comes on the police department; she wants to make a difference in her community. In her day-to-day business, she goes out, maybe she goes through Mario's Market on the corner of Lake Mead Boulevard and Martin Luther King Boulevard, and sees a lady taking her groceries out. She helps the lady with the groceries, and she has some conversations about the community. She reads to some kids at the local elementary school to try to build on positive community relations. She helps out at the

Bolden Little League, which is a Little League that got started a few years ago to address the community. That is how she spends her day. Yes, she answers calls for service. Yes, she solves conflicts. Yes, she makes appropriate arrests when probable cause exists and it is the right way to quell a certain situation. But that is not the focus of her time. The focus of her time is on the community.

She spends three days of her workweek doing that, and then we come to her fourth day—and, because of some pressures from above, because the arrest numbers are not where the area command would like them to be when they have to report up—she is pulled aside, thanked for all her great work, but told, Hey your arrest numbers are a little low, I need an arrest by the end of this shift. Now, that is not a quota. Las Vegas Metropolitan Police Department does not have quotas. I will be the first one to say that. They do not say, You have to make this many. What they feel is pressure to produce these things. If a sergeant sees his numbers are low and he knows that the lieutenant is possibly going to ask him questions, it is easier to ask the officer to go out there and do what he knows she can do.

What type of attitude is she now going to go into that shift with? She is going to go down to her local area and maybe she spots a gentleman jaywalking. She would not have otherwise stopped him, but she needs to produce these numbers, so she goes ahead and effectuates the stop. The gentleman feels like the police are just messing with him, and unfortunately, in this case, he might be accurate because the only reason she is stopping him is to meet this standard so she does not catch grief at the end of the shift. If that call somehow goes bad, the headline is "Call goes bad" or "Use of force used to stop jaywalking" when in fact, that is not what happened. Neither the officer nor the citizen wanted or needed to be there in this case.

With this law in place, what that officer could do is go to her association. She could tell her association, Hey, I am feeling pressured to produce these numbers that NRS Chapter 289 prohibits, and the association acting on her behalf can file a grievance with the agency. Now, is one grievance of this measure going to make a difference? No. But if the processes do not stop at a particular agency and grievances start to pile up, those can then be presented to say at another legislative session or to independent third-parties, Hey, the way we tried to solve the problem is not working, maybe we need to take it a step further. In my opinion, and I know it sounds bad from the union guy, asking the union to help out with effectiveness on agencies and creating better community relations, I think that is a way that this law can be used to address that. I hope I answered your question.

Assemblywoman Thomas:

Mr. Krumme, thank you so much for that explanation. If I understand this correctly, Mr. Ableser and Mr. Krumme, you would suggest that the culture and leadership should change, and the only way you could effectively get them to change is perhaps through your union by using this bill?

Troyce Krumme:

That is 100 percent correct, Assemblywoman Thomas. In our opinion, to effectively reform policing, you have to reform at the executive level. An anecdote I use is the Navy guy

swabbing the deck is not even allowed in the room where the steering wheel exists to turn the ship. There is only one person on the ship allowed to steer the ship in a different direction. And I believe that should be our goal with the community and policing, to steer the ship into a different culture, and the only way to do that is to effect executive leadership. I think the executives in Nevada by far do a really good job. I know the sheriff whom I work for does amazing work and supports his officers. However, the overreliance on statistics is a culture thing. It is not a specific police-executive thing. It started in the 1970s, 1980s, and 1990s. You could say what you want about the broken windows theories and the chief of police who ushered in computer statistics and the idea that statistics is what creates productivity. That notwithstanding, that is how, I believe, we got to where we are today in the overreliance on statistics. What we need to do is find ways to pressure executives to stop relying on statistics and start relying on progress with the community. I have seen it work firsthand and I know it can work.

Assemblywoman Brown-May:

Thank you, Assemblywoman Nguyen, for bringing this forward. I am really looking forward to seeing how the conversation fleshes out. My question is relative to anticipated cost savings. If we are going to rely less on arrests and the supporting processes that support arrests and instead issue citations, do we anticipate a cost savings for some of our departments that we can reallocate toward more community engagement activities? Has anybody fleshed the numbers out?

Assemblywoman Nguyen:

We have not looked at it from a financial aspect, honestly. I do not know if Mr. Ableser has additional details. Banning quotas across the country has become something that, I think, people are trying to make as a policy shift. Most evidence-based policing realizes that the number of arrests does not necessarily make your community safer. I know police and law enforcement agencies currently have lots of different avenues to address policing and crime prevention as well as enforcement, and they do not always have to end in an arrest. Sometimes they can issue a warning, sometimes they can be directing people to other resources in the community and working with their community policing programs as well as their community partners. I do not know. Mr. Ableser, do you have any information about cost savings?

Edward Ableser:

We have not analyzed or done a financial audit of what it would look like. I think there is speculative and strong assumptive reasoning that if you pull that thread and you look at the goal and purpose of the exhaustive men and women who are on the streets, they are limited. If they are paying attention to citations and perhaps not focusing on other preventive or helping with traffic accidents or certain calls to service in the community, that shift occurs and there is less attention paid in these other areas. I think you can look at all law enforcement agencies and see a reallocation of priority and focus, which would then provide value to the community and might show some cost savings at the end of the day.

Assemblywoman Brown-May:

Thank you. I appreciate that response. I realize we are not in the money committee and that we did not want to throw a monkey wrench in here. I think it is a great thing to get on the record, that as we shift the focus on policing, potentially that could be an area where we would continue to work.

Assemblywoman Anderson:

I have a quick question that is not necessarily from the language of this bill but was something in both an answer that you gave as well as one Mr. Krumme gave. Number one, for the evaluations, is that decision made at the state level? Is that made at a county level? How exactly are the evaluations set up? Number two, is there a way to start adding in that positive community experience as part of the evaluation process? I realize that is not germane to the language that is being presented today, but was something based upon some answers that were received; it made me think about some items.

Assemblywoman Nguyen:

I do not know who would be best to answer this, probably Mr. Ableser or Mr. Krumme because I know they work in this field and they know how this would be enacted. Do either of you have an answer?

Edward Ableser:

I know that Sergeant Krumme will have a take on this, especially from our municipal and local-level approach. I will tell you that while it is not germane to this piece of legislation, I would encourage legislators to review the Department of Administration's work performance standardized forms. I think there is value in differentiating what those look like to the variety of employees throughout the state in recognizing that not all should be evaluated on one metric. More importantly, how can we encourage our law enforcement agencies to add other types of metrics into their evaluation process and encourage them to utilize some of the other fundamental philosophies of policing, such as service-based police or watchdog-engaged policing? I think those would be much more valuable to the evaluation of that officer. I know Sergeant Krumme has some anecdotes, and in his duty he has had experiences, so I am sure he can add value as well.

Troyce Krumme:

At least for LVMPD, we do not list statistics on our evaluation, and you asked about the evaluation period. Our evaluation periods are yearly unless you are a probationary employee, meaning a newly hired coming out of field training or newly promoted. There is a one-year probationary period and you are evaluated either quarterly or every six months, depending on which position you are in. At LVMPD, we do not specifically talk about statistics. There are generic lines that drive the supervisor on what to evaluate, and it is really up to the supervisor as to how they want to pull the employee category in there. If you were asking me, and I have not even really offered this before, I just thought about it when you were asking the question—I would love a line in the performance evaluation that says, "How did you help your community?" And then that drives some conversation with the

officer to get there. To answer your question, at least from LVMPD, the statistics we are talking about do not specifically appear on our evaluations.

Assemblywoman Torres:

Thank you so much for the presentation, Assemblywoman Nguyen, and for this legislation. I think it is really clear to me that evidence-based policing is about preventing crime, and I think this legislation reinforces what we know to be evidence-based policing, so I appreciate it. My question is for Mr. Krumme. Could you give us an example of when LVMPD implemented a strategy that did not prioritize arrests and citations as a performance measure?

Troyce Krumme:

In 2015 in LVMPD's Bolden-area command, which encompasses most, if not all, of the historic west side of Las Vegas, the leadership there implemented a program in which they were going to stop focusing on beans. They were going to stop focusing on statistics: how many citations, stops, and arrests. And what they were going to focus on was positive community relations. From the captain to the lieutenant who worked with the captain, the lieutenants and supervisors were instructed to tell their officers to stop worrying about the stops, stop worrying about the number. What they wanted to do was encourage contact. They wanted the officers to get out of their cars, to go talk to people. I do not know if everybody is aware, but I guarantee you, the lady sipping her lemonade in the rocking chair on the front porch in the neighborhood knows everything that is going on. If you go up there and hand her a bottle of water on a hot day or hand her a cold case homicide flier and start to build a conversation, that tends to lead to community trust.

The metric that saw this succeed over a 90-day period was that violent crime dropped 61 percent. If we are counting beans and we are saying beans are the reason that happened, you would say, Well, the arrests must have gone up. Arrests dropped dramatically. What did go up was calls for service. That is the community reaching out to the police, trusting the police to come deal with an issue that they have. In my opinion, that is how you measure public trust, by those increased community contacts. When the community wants the police to come out to solve a specific problem, again, violent crime came down, the number of arrests came down, and the calls for service went up. That was a 90-day period.

Additionally, there was another captain who, in 2012 to 2014, ran a similar type of strategy, and in an area command that historically had the highest number of homicides in a number of years actually saw zero homicides take place over a 19-month period. That is a huge leg up. It has been shown to work and it can.

Assemblyman Ellison:

Nobody should be on a quota for tickets. One of the things one of the presenters said is their people were told not to do DUI pullovers and arrests, but to issue tickets. I thought the number one thing of police officers was public safety, not issuing a ticket. If they are not doing DUI arrests, then the public is in danger of being killed or hurt or of damage to properties. I have a problem with that. We should not be limiting arrests based on quota; we

should be making arrests based on public safety. Do you want to answer that question? Because I hope I misunderstood that.

Assemblywoman Nguyen:

I will be honest with you. I do not remember anyone saying it. It obviously is not our intent to stop officers from arresting people for committing crimes that endanger our public. I do not think there is a police officer I know of, who I would hope does not exist, who would not arrest someone for actively committing a crime such as DUI. I did not hear that, and if there was some misunderstanding where that came out and someone said that, I do not think that is an accurate representation of our intent or what this law would cover.

Assemblyman Ellison:

Thank you for that. The statement was that one of the officers was doing more DUI pullovers than writing citations, so he got in trouble for not doing more tickets and stopped doing the DUIs. That is what I thought I understood, because that is important. I had a sister, a flagperson on a highway many years ago, hit by a drunk driver, and she suffered for many years. The tragedy she went through—I do not stand for drunk drivers. I think once they are caught, they should have to follow the letter of the law. I do not know who made that statement. I want to make sure I did not hear that correctly, and I thought it was Mr. Krumme.

Edward Ableser:

I did want to clarify; I am not an officer. I work with Tri-Strategies Limited. We are the firm that works and represents Nevada Police Union. I was using an anecdote I have heard within our team that there was an officer who actually received an award in a prior period from MADD for the work they did in DUI arrests and really, aggressively ensuring that our roadways are safe from intoxicated drivers. Rather than being internally praised by management, management did criticize this individual because they had no citations, or the lowest citations, of officers. [Assemblyman Ellison's connection was briefly lost.] The point I was getting to is we have multiple stories where the use of quotas disincentivizes officers many times from protecting the safety and peace of the public because they have to reach a certain amount of citations. Oftentimes, management command, in their way, disincentivizes those engagements of DUI stops and incentivizes the numeric value of citations. I gave an anecdote of an officer who was praised and honored by MADD for their great work, and they were, unfortunately, not praised by management. They were disciplined by management because they did not have enough citations. I think that was the story that you are getting to. We think it is very unfortunate. We think that type of practice from management should never exist. Our officers who are out there doing the hard, good work of keeping the roadways safe should be praised for their great work. Instead, remove these quotas, which is the intent of this bill, and that is why we brought this forward, Assemblyman Ellison. We believe putting these prohibitions in place for law enforcement agencies will take away management's use of that type of demand or order on quotas for citations and arrests so that our officers can actually get out and do the full breadth of their job in protecting the public.

Assemblywoman Nguyen:

Just to clarify, Assemblyman Ellison, we are using the term "citation." In this example, the officer was making DUI arrests, protecting our community, was praised by community groups such as MADD, and then internally was being penalized in performance evaluations because they were not giving out other types of traffic citations. This is what this bill intends to protect, if that makes sense.

Assemblyman Ellison:

Thank you. I appreciate that. That is what we need to do. We should be arresting the people who are breaking the law, not for jaywalking.

Chair Flores:

Thank you, Assemblyman Ellison. I think you just endorsed the bill there.

Assemblyman Matthews:

Welcome back, Assemblywoman Nguyen. It is good to see you back with this Committee again. My question is for Sergeant Krumme. Thank you, for your remarks, Sergeant. You touched on this a little. I wonder if you could speak a little bit more to how the push of the burden of knowing that you have to make an arrest or write a citation negatively impacts interaction between the police and the public.

Troyce Krumme:

Assemblyman Matthews, that is a great question. I think it is all based on attitude, to tell you the truth. Attitude, for the most part, will dictate how a contact is going to go. If an officer wishes to be doing some other type of community contact and opts to make a stop that he otherwise would not make, he already potentially has a negative attitude. We would hope they would not, that they would be able to disguise it, so to speak. But he has a negative attitude. And being stopped by the police is not fun. It is not. The officer can be as nice and professional as they can, but when the blue lights go on in the back window or the blue lights come on while you are walking down the sidewalk, there is a level of stress on the individual being stopped, and it is across the board in my opinion. You potentially have an officer who is not excited about making the stop because they would not have otherwise done it, and then you have an individual who does not want to be stopped to begin with because nobody wants to be stopped by the police, and you understand where those two negative influences come together. You have a potential for a bit of a powder keg, so to speak. I apologize, I speak plainly sometimes. Not that all of these contacts blow up, but sometimes they are not nice, whether they are verbal or not. In our opinion, that is why this bill is important and that is what drives that.

If I can have a minute to indulge. A lot of people on the Committee might be wondering, Well, if they are not holding them accountable with the numbers, how can they hold them accountable? I can speak as a supervisor. I have been a sergeant for ten years next month. I represent middle management at LVMPD, the largest police agency in this state. I can assure anyone who has a question about whether a supervisor could hold their people accountable to work productivity in light of this bill passing. I can assure the Committee that

they can. They will have to find new strategies, which I believe is the point of reform. I hope that answers your question, Assemblyman Matthews.

Assemblyman Matthews:

It does, thank you. By the way, point of clarity, I think this is a really good bill, so I thank all of you for bringing it forward. I understand very clearly the value of removing the consideration of the number of citations and arrests from that review process. I would imagine that there is value in the data and the statistics on the number of arrests and citations made by particular officers and getting a good handle on that for the purpose of identifying possible outliers. And that can go either way. If you have an officer who is making a disproportionately low or a significantly higher number of either, I would think that is something worth exploring. I wonder if you could talk a little bit, absent it being involved in the performance review process for that officer, about what might be done with that information if you discover an officer whose numbers are way out of sync with what you would typically expect. What might be done to address that?

Troyce Krumme:

Are you asking what type of accountability piece could happen if the numbers were low?

Assemblyman Matthews:

Either way; if you have a particular officer whose numbers of either arrests or citations, on either the low end or the high end, really jump out as an outlier and are very different from, say, the rest of the force. I am wondering if you could walk through a little bit what might be done to at least inquire or look into what might explain that or come from that without it being used in the performance review process.

Troyce Krumme:

Speaking from LVMPD and obviously at the municipal level, our performance evaluations are written yearly. My executive management might not like me saying this, and I do not want to say they are discounted, but effectiveness is leading throughout the year, not when we sit down and write it on a piece of paper. Let us go to the extreme high end first. Let us say I had a patrol officer, and his numbers were out of line with the rest of his squad working the same days off in the same areas. I would tell you what I would do—which they should be doing anyways—I would pay more attention to reading the details of his arrests. Why is he making the arrests? What is going on? Does he think he needs to make these arrests just to produce numbers? Does he have a misinterpretation of how the department and his boss feel about him? I would go over the quality of his work rather than the quantity. The reason quality is important: If he stops somebody because through his training and experience he identifies that what this person is doing in a certain neighborhood does not look right—in policing, we use JDLR—"just does not look right"—that raises the hair on the back of our neck—and we articulate some reasonable suspicion to stop them, and we run their background. Let us say they have a series of robbery convictions in their area and we happen to have a high level of robberies going on in that particular area, and he makes an arrest because the person has a violent crime warrant. I am not going to get on that officer for effectuating that arrest. If all his arrests are for minor traffic citations that went to a warrant,

while some of those are effective, a warrant signed by a judge is an order by a judge to bring the person to court. But NRS gives us discretion for a reason, and I believe that is why. From an accountability piece, I do not know that I would necessarily put it on a performance review. What I would do is, throughout the year, sit him down and talk about the importance of having a positive impact on the community and to effectuate quality work and not worry about quantity. I hope that answers your question.

Assemblywoman Dickman:

I want to agree with Assemblyman Matthews; I think this is a great bill. I am not sure who this question might be for, and maybe no one is going to want to take it, but I am curious. Besides performance evaluations, what other reasons are there for requiring quotas? Do the courts rely pretty heavily on the fines that you generate? If that is the case, we should be finding a different way to pay for the courts. That is just my opinion.

Assemblywoman Nguyen:

I appreciate your support of A.B. 186. Our local law enforcement agencies are not funded through traffic tickets. They are not receiving that money directly. Some of our courts have those provisions where currently there is an awkward distribution. I do have an Assembly bill to decriminalize [Assembly Bill 116], so you will hopefully see some changes in that area in how we are funding our court systems and how we are collecting those fees for that. I think that is a larger policy issue we probably should address as a state: how we are funding our courts, how we are funding our government. I think that is a bigger picture. This bill does not directly relate to that, but I think it is a change that is necessary. I think it is evidence-based. I think it incorporates better practices going forward, and I think it will lead to better relationships among our law enforcement and our communities.

Assemblywoman Dickman:

It seems to me that police officers would be freed up to do so many other things if they were not forced to do this. That is one of the reasons I appreciate the bill.

Assemblywoman Nguyen:

I think it is difficult to change a culture. You heard from some of the testimony of the people who are in these industries, the anecdotal evidence and their examples in the community about being penalized or being talked to about either high numbers or low numbers or the fact that we are still talking about numbers. I think it is very much ingrained in the culture of law enforcement, and I think moving to some of these more evidence-based practices, these deterrent practices that have been shown to show significant decreases in violent crime, to show increased trust and reliance with law enforcement and community partners. I think that shows as a state that we want to move in that direction.

Assemblywoman Torres:

Assemblywoman Nguyen, I really thank you for this piece of legislation. Thank you for working with the stakeholders on it. I think it is an excellent bill, and I am hoping that with your amendment, you would not mind adding me on as a cosponsor.

Assemblywoman Nguyen:

I would be honored to add you on, Vice Chair. If there are any other members on this Committee who would like to be amended into the bill, please feel free to reach out. There obviously is a forthcoming amendment with section 1, taking out that "suggest" language. If you do have interest, please let me know, and I would be happy to add you on.

Chair Flores:

Assemblywoman Nguyen, I was hoping you would be the first one to say no to someone trying to add themselves as a sponsor. I do not know if we have ever had that, but I had my fingers crossed that you would say no to the Vice Chair; that she would, in a very disappointed manner, turn off her camera. I wanted to say thank you, members, for all the questions.

Assemblyman Ellison:

Mr. Chair, she did a great job explaining. Thank you very much.

Chair Flores:

Thank you, Assemblyman Ellison. At this time, I would like to invite those wishing to speak in support. I am first going to check to see if we have anybody wishing to speak in support who is joining us virtually.

Daniel Honchariw, Director, Legislative Affairs, Nevada Policy Research Institute:

The Nevada Policy Research Institute supports A.B. 186 and thanks its sponsors, specifically Assemblywoman Nguyen, for bringing it forth. Never should law enforcement be incentivized to find crime. Any policies which encourage law enforcement to do so typically result in dramatic disparate impacts on marginalized communities. We have seen this pattern before, specifically in regard to Nevada's laws governing civil asset forfeiture. When police are incentivized, financially or otherwise, to locate potential criminal activity, it is lower-income minority neighborhoods which suffer most. Additionally, prohibiting the use of quotas is hardly a novel concept, as Assemblywoman Nguyen explained. She mentioned a few states which have passed laws to restrict or entirely prohibit the use of such quotas while assessing the quality and/or performance as a peace officer; I will add to that list the states of New York, California, Texas, Nebraska, and North Carolina. Assembly Bill 186 seeks to eradicate the potential for such unjust impacts on the marginalized, and thus has the Nevada Policy Research Institute's full support.

Chair Flores:

And thank you. I do not believe we have anybody else wishing to join us via video. At this time, we will go to the phone lines. If we could go to the phone lines and invite those wishing to speak in support of A.B. 186.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

I want to thank Assemblywoman Thomas for her question. If I could address a few issues first, because I think that question brings up the larger issues about the deep problems associated with NRS Chapter 289 and the public's ability and law enforcement management's

ability to hold individual officers accountable for misconduct. *Nevada Revised Statutes* Chapter 289 is full of provisions that suppress evidence of misconduct in internal affairs investigations and in civil cases. It is frustrating for us as civil rights organizations to have to deal with that. However, that issue will require an entirely new piece of legislation and an examination of why we have decided, as a legislature and as a state, to codify law enforcement collective bargaining agreements.

But our hands are not completely tied in holding both accountable under the provisions that this bill would create. *Nevada Revised Statutes* Chapter 289 does present challenges, but it is not the only road to holding law enforcement agencies accountable to the courts. This bill will give us the tools we need to monitor law enforcement behavior. I am happy to send the Committee information from a lawsuit that is developing in Rhode Island under a very similar law with a peace officer bill of rights that is very similar to ours. I will be sure to share that information with the Committee. I do not want, yet again, to be another exclusion of evidence, but this prohibition and this bill are absolutely necessary as a matter of policy. Quotas lead to illegal arrests, unnecessary encounters with law enforcement, and ruined lives. A quota policy can only generate disrespect for and cynicism about law enforcement. We thank Assemblywoman Nguyen for bringing this bill forward and encourage the Committee's support.

Maria Nieto, Nevada State Coordinator, Mi Familia Vota:

Mi Familia Vota would like to express their support for this bill. We would like to thank the presenters for bringing it forward. Police are more likely to write tickets to Black and Brown communities, which continuously put us and our communities in the criminal justice system. It is important to note the effect it can have on our communities. An unpaid ticket equals jail, a driver's license suspension, and could also lead to deportation. We would like to extend the support and do not want to be repetitive to what everyone else has said. Thank you so much for bringing this forward.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

Today I am testifying in support on behalf of my office as well as John Piro with the Clark County Public Defender's Office, and Sarah Hawkins, who is the president of Nevada Attorneys for Criminal Justice (NACJ). We appreciate Assemblywoman Nguyen for bringing this important bill forward. It is time for Nevada to join the other states across the nation that have already banned traffic ticket quotas. This practice has led to several issues, and it is extremely troubling to hear that it has led not only to disproportional treatment of our citizens, which has led to mistrust, but more importantly, that our officers are focused on traffic tickets rather than public safety. I would note that the NACJ did a very lengthy teach-in on NRS Chapter 289. If any of the Committee members have questions about that, I am happy to provide information. I believe there was a recording of that video.

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers:

I will make it brief, which is rare for me. We are in support of A.B. 186 with this amendment. I do want to thank the sponsor, Assemblywoman Nguyen, for the bill and for working with the stakeholders on the amendment that you have before you.

[[Exhibit D](#) and [Exhibit E](#) were submitted in support of A. B. 186 but not discussed.]

Chair Flores:

Thank you for joining us this morning. Is there another caller wishing to testify in support of A. B. 186? [There was no one.] At this time, I would like to invite those wishing to testify in opposition to A.B. 186.

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

We are in support of the intent of A.B. 186, which you heard from the police unions on today. However, the way the bill is written, we have concerns and I am here in opposition. I know an amendment was submitted this morning that removes the word "suggest," and I think that is a step in the right direction. However, I wanted to put on the record that the LVMPD does not have quotas. We do not receive any direct revenue from citations. Obviously, we are funded through the city and the county, and potentially, revenue that comes to them could be used to fund us, but our agency does not receive direct revenue from traffic citations. We are not policing for profit, as was stated in some of the testimony. We do have performance measures and we do expect officers to be proactive. Officers engage in numerous activities throughout the day, community policing, responding to calls for service, assisting with neighborhood disputes, and stand by for move outs, and everything you could imagine, but let us not forget that a component of law enforcement is enforcing the law.

To give a couple of quick scenarios, one of the top complaints we get from citizens in neighborhoods are speeders and traffic issues. Constituents call in daily about this—school zone issues where people are driving fast and endangering children, people getting their cars broken into in neighborhoods. We expect our officers to be proactive and to go out and address those situations. If we had a squad where eight officers were working very hard to reduce crime in their neighborhoods and we had one officer who had not done anything for a month, the taxpayers are paying the salary for this officer and we expect them to work. Although we do not have quotas, and we are not telling them to write x number of tickets, a supervisor needs to be able to have that conversation with employees, that they need to get up and address crime that is occurring. And often, that requires citations to be written and it requires arrests to be made. Officers have discretion where they do not have to make an arrest or write a citation if one is not warranted, but we have had 18 fatalities so far on our roadways this year. We have seen an uptick from last year in violent crime and it is important that officers are proactive, and it is important that supervisors can hold them accountable.

I have some concerns with the language in section 2. Senate Bill 2 of the 32nd Special Session made an effort to repeal some of the language that had passed in, I believe was

Senate Bill 242 of the 80th Session, on the police officer's bill of rights that again makes it difficult to hold bad apple officers accountable. In section 2 it is still a little unclear to me how that impacts an investigation against an officer for some type of wrongdoing. If that officer were then to turn around and claim his supervisors were requiring him to write tickets and an arbitrator believed that, that would warrant throwing out evidence in a case, an internal investigation of that officer. I have concerns. I appreciate Assemblywoman Nguyen's working with us and holding a recent conversation on this. I look forward to working with everyone moving forward to ensure that we cannot have quotas, but we can hold our employees accountable.

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:

I will start off by saying none of the Nevada Sheriffs' and Chiefs' Association membership supports having quotas. We absolutely support the intent of the bill and have worked with the bill sponsor. We appreciate that opportunity to arrive at language which ratchets down on the types of improper supervisory and officer behaviors we have heard here today. It gives law enforcement agency leadership the ability to properly manage these supervisors and officers. We have not yet arrived at that language. The language in this bill is only considering a potential quota on a minimum number of traffic citations or arrests.

We know there are officers who do not use proper discretion when dealing with the public, and as you heard in testimony here today, will issue a citation to a little old lady on the way to a hospital when that is clearly improper and not in line with how Nevada law enforcement agency executives want their officers serving the public. You might have supervisors who encourage their team in a competition for more citations or arrests, or officers who among themselves engage in a competition at the expense of the public. There are supervisors leading teams in this kind of behavior or promoting improper numerical requirements of any kind. That behavior needs to be stopped. Law enforcement leadership needs to have the ability to address heavy-handed officers or supervisors.

[Eric Spratley's connection was lost. The Committee recessed at 10:16 a.m. and reconvened at 10:16 a.m.].

Law enforcement leadership needs to have the ability to address heavy-handed officers or supervisors who are writing excessive citations for minimal violations or taking every person they can to jail. The language in this bill would not allow us to address officers who are outliers and are too aggressive, or supervisors who encourage this behavior, which is not the direction law enforcement executives in Nevada are headed these past several years. Our law enforcement leadership is interested in public service and public safety, not in arrests or citation numbers or generating revenue, also known as policing for profit. We are not interested in that. Being able to correct the poor behavior of an officer or supervisor requires having the ability to review all aspects of their job performance so that it is in line with the public safety mission of the agency executives and the people they serve.

This bill does not allow leadership to consider citation or arrest numbers, even if they are excessive, to address them. We have heard the term "evidence-based" several times here

today, and our law enforcement agency leaders across Nevada are fully engaged in evidence-based practices. This bill, in section 1, subsection 2, does not allow all of the evidence of improper behavior to be addressed, considered, and/or used in disciplinary actions to correct aggressive behaviors, which we have described previously. For that reason, we must be opposed.

Chair Flores:

If we could please go to the next caller wishing to testify in opposition to A.B. 186. [There was no one.] At this time, I would like to invite those wishing to speak in the neutral position to A.B. 186. [There was no one.] Assemblywoman Nguyen, if we could have you come back and give any closing remarks you may have.

Assemblywoman Nguyen:

I will continue to reach out to the opposition. I think it is important that we continue to have this full conversation. When I was initially approached with this topic in the fall of 2020, I reached out to many of these agencies. I know there is a lot of support, although I will say that some of this opposition also shows just how ingrained these quota policies are in our agencies. We heard a lot about evidence-based policing, and I will thank our law enforcement partners who were here testifying in support and in opposition for teaching me a lot about what is effective and what evidence-based policing is about. It is about preventing crime. Deterrence is much more preferable than enforcement, and I think shifting that policy within our state and within our different agencies from the top down starts here at the Legislature.

I always think of it this way: One of the good examples I was given to explain some of this evidence-based policing and deterrence is New Year's Eve on the Las Vegas Strip. It is the perfect example of this policy and it is how we can learn that numbers and using numbers and arrests does not evaluate effectiveness in keeping us safe. Every New Year's Eve, we have thousands of cops; they are all on duty. Everyone who has known a cop, who has been a cop, knows they are working on New Year's Eve. And they are working on the Strip and it is one of the days where they have very few arrests, and it is because it is effective. It is that high-visibility patrol. It is being in the community, and I think we can learn a lot from that example moving forward. This policy is just a step in that right direction. In closing, I would like to thank everyone for the opportunity to present in Government Affairs again. It is always my pleasure. For the people who came to testify, I look forward to continuing to work to move A.B. 186, and I would urge your support for this important piece of legislation.

Chair Flores:

Thank you, Assemblywoman Nguyen. Again, it is always a pleasure to host a hearing with you presenting, and thank you to your copresenters for walking us through real-life examples and how this impacts the day-to-day operations in the life of a member of law enforcement. To law enforcement, we are always thankful for all the work you do day in and day out. We hope this bill can potentially help with your interactions with the public and building community trust. With that, I am going to go ahead and close out the hearing on A.B. 186.

At this time, I would like to invite those of you wishing to speak in public comment to please call in. As you are calling in, I want to remind you to please refrain from trying to engage in a debate on a bill we have already heard. This is not a time to do that. If you wanted to speak on a bill in the past and did not have the opportunity to do so, please make sure you submit some written remarks, and we can always get that on the record. The purpose of public comment is for you to speak about any type of item that falls under the general purview of our Committee, and I ask that you please try to limit your remarks to two minutes for the sake of efficiency and allowing others to speak.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother, Thomas Purdy, was 38 years old when he was hog-tied by Reno Police on October 4, 2015, and then asphyxiated to death over 40 minutes later while still hog-tied by Washoe County Sheriff's Office. My brother was the second of three men to be asphyxiated by deputies. The medical examiner in my brother's case said my brother would not have died but for the restraint and physical force used against him by the officers.

Niko Leron Smith was 31 years old when he was asphyxiated at the Washoe County Sheriff's Office, August 29, 2015. The inmate death rate was five times the national average when Mr. Smith died a horrible torturous death at the hands of Sergeant Corey Solferino, Brandon Wood, and Paul Hubbell, who also asphyxiated my brother, Thomas Purdy, to death. Mr. Smith was taken into custody at a bail bonds business clearly in the midst of a mental health crisis. Instead of getting him help, deputies, six to eight of them, surrounded Mr. Smith, who was face down and crawling, and kneeled on his back with full weight and asphyxiated him to death. No deputy attempted cardiopulmonary resuscitation.

I would just like to mention that my family was not notified that my brother was lying up at Renown Regional Medical Center on life support, brain dead by Washoe County Sheriff's Office. My brother was lying at Renown, all by himself, brain dead for two days before the hospital was able to reach out and find us. The jail just dumped him there and said, We do not want him. Please promote bills that support and promote accountability and transparency from law enforcement and please support bills that protect the community members from excessive policing. Thank you.

Chair Flores:

Thank you, ma'am. I know we have had the opportunity to hear from you in the past. It may be of interest to you to potentially give information that you have regarding this matter to our committee manager who can share it with the members. I know we have an opportunity to hear from you, but it may be of interest to the Committee to actually have an opportunity to get documents from you, and maybe could follow up with you individually. But that is up to you. I am just suggesting.

If we could please go to the next caller waiting to speak in public comment. [There was no one.] At this time, I would like to close out public comment. Thank you, ma'am, for calling in and joining us this morning. Members, I want to remind you that tomorrow we are going to be hearing Assembly Bill 111. Speaker Frierson will be joining us and hopefully we can engage in some meaningful dialogue. Please give yourselves an opportunity to review that bill ahead of time so we can prepare and have some good conversations. With that, members, I appreciate everybody's attentiveness and conversation. This meeting is adjourned [at 10:26 a.m.].

RESPECTFULLY SUBMITTED:

Zachary Khan
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed conceptual amendment to [Assembly Bill 186](#), dated March 11, 2021, submitted by Assemblywoman Rochelle T. Nguyen, Assembly District No. 10.

[Exhibit D](#) is a letter dated March 11, 2021, submitted by Matthew Kaplan, President, Nevada Police Union, in support of [Assembly Bill 186](#).

[Exhibit E](#) is a letter dated March 10, 2021, submitted by Ronald P. Dreher, Private Citizen, Reno, Nevada, in support of [Assembly Bill 186](#).