

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

**Eighty-First Session
March 12, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:06 a.m. on Friday, March 12, 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:

Assemblyman Jason Frierson, Assembly District No. 8

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Judith Bishop, Committee Manager
Kyla Beecher, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing the American Civil Liberties Union of Nevada
Steve Grammas, President, Las Vegas Police Protective Association
Jim Hoffman, representing Nevada Attorneys for Criminal Justice
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Troyce Krumme, Sergeant, Las Vegas Metropolitan Police Department; Vice Chairman, Las Vegas Police Managers and Supervisors Association
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Mike Sherlock, Executive Director, Peace Officers' Standards and Training Commission
Jagada Chambers, Private Citizen, Las Vegas, Nevada
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
Gerri North, Private Citizen, Las Vegas, Nevada

Chair Flores:

[Roll was called. Committee rules and protocol were explained.] We have one bill presentation that will be followed by support, opposition, and neutral. We have Speaker Frierson joining us today. He will be presenting Assembly Bill 111. Good morning, Speaker.

I would like to open the hearing on Assembly Bill 111.

Assembly Bill 111: Revises provisions relating to the Peace Officers' Standards and Training Commission. (BDR 23-106)

Assemblyman Jason Frierson, Assembly District No. 8:

I am here to present Assembly Bill 111. The proposed amendment [[Exhibit C](#)] changes the composition of the Peace Officers' Standards and Training Commission. Before I go through the sections of the proposed amendment, I want to express why I brought the bill forward and how we have gotten here today.

Assembly Bill 111 represents a reasonable step forward to increase trust and accountability in how our current and future peace officers are trained. From 1993 to 2019, overall confidence in police has steadily declined. In 2003, a Gallup poll reported that public trust and confidence in various institutions was 64 percent. In 2019, public confidence fell to 53 percent. Gallup also reported that trust in our law enforcement officers varies among demographics. In younger individuals, people of color, and women, that confidence was even lower. It is important, this session more than ever, we continue to have collaborative

conversations about how we should police our communities and which perspective should be provided in training officers. This will make them effective in policing and being accountable to the communities they police.

I recognize we have a lot of work to do to rebuild trust. It works in both directions, between law enforcement agencies and the communities they serve. It will take a lot of collaborative and collective effort to build that confidence. At the end of the day, we all want safe communities and law enforcement agencies that value the perspective of our community.

I think A.B. 111 represents the way policy should be advanced. There was an original bill and I was reached out to by members of the law enforcement community, in particular the Peace Officers' Standards and Training Commission (POST) and Executive Director Mike Sherlock, to come up with a better way than the original bill. This provides an opportunity for the community to get involved and have influence on how our officers are trained. Breaking down those barriers and having community and law enforcement working and communicating together is always a good thing.

Assembly Bill 111 is a way to modernize our police training standards. All states maintain a POST commission or similar entity. Every state's POST commission operates differently. The POST commissions create the amount of training requirements for peace officers, and are responsible for ongoing certification and continuing education. The amendment [[Exhibit C](#)] replaces the original A.B. 111. Originally, it was proposed to make the POST executive director position appointed by the Governor rather than hired by the commission. However, after discussions with members of the law enforcement community and POST Executive Director Mike Sherlock, the amendment proposes to take out the original bill and add two civilian members to the commission. I believe civilian members with that expertise and these backgrounds would better serve the commission.

Section 3 increases the POST Commission from 9 members to 11 members. Section 3, subsection 2 states that two members will be appointed. One will be appointed by the Majority Leader and the other by the Speaker of the Assembly. The current composition of the POST Commission is primarily representative of law enforcement agencies throughout the state. There are some other members that come from a list recommended by law enforcement agencies. I think a civilian voice with expertise in areas that are not necessarily exclusively from the law enforcement community is missing.

Section 3, subsection 2 discusses the two additional appointees. These appointees would not be police officers; they would be civilians and would have expertise or background in one or more of four areas: implicit and explicit bias; cultural competency; mental health as it relates to policing and law enforcement; and/or experience working with vulnerable populations. It can be any combination of those. I see no better way to address the community trust in our law enforcement and give law enforcement an opportunity to make their case to the civilian community than giving a seat at the table to provide the input as to how our police officers are trained.

Section 3, subsection 5 amends to add, "In making the appointments to the Commission, the Governor, Majority Leader of the Senate, and Speaker of the Assembly shall consider the racial, gender and ethnic diversity of the Commission." It directs that they take those areas or requirements into consideration when making appointments. The commission managing and developing training for peace officers will better ensure that individuals making those decisions look like the populations that they serve to the extent that is possible.

This concludes my testimony and the basic layout of the bill. I welcome any questions.

Chair Flores:

Thank you, Speaker Frierson, for those remarks and walking through the genesis and the intent of the bill. Members, we will open it up to questions.

Assemblywoman Brown-May:

Thank you for bringing this bill forward. I think it is an exciting opportunity to address how policing and informed training is done through POST. I want to thank you for including the vulnerable populations; it is so important. Section 3, subsection 2, paragraph (d) states "persons with physical, mental and developmental disabilities." Are we working to address mental health? Is it the intent of the language to identify people diagnosed or experiencing a mental health crisis alongside those who might be diagnosed with an intellectual or developmental disability?

Assemblyman Frierson:

That is correct. I recognize that once you have a list of what you include, it runs the risk of excluding those that are not on that list. I have been in conversations with some stakeholders about ways to make sure that these particular criteria are broad enough to be inclusive. I welcome that input.

The intention is to make sure officers are trained on encounters they have with the community with various backgrounds. That would be the intention. There is another piece of legislation that is looking at training for crisis intervention. I think those two bills would be a good combination to make clear what the intention is.

Assemblyman Ellison:

These recommendations are going to go to POST to make the changes that we see in the future. The Highway Patrol has their own POST and Las Vegas and the rest of them have another one. Would this go to both training organizations?

Assemblyman Frierson:

I believe Executive Director Sherlock, from the POST Commission, is going to testify. There is one statewide POST. My intention is for that to filter down to the training for law enforcement statewide.

Assemblyman McArthur:

In section 1, "The Governor shall appoint an Executive Director of the Commission" is completely crossed out. I did not see that, in the rest of the bill, the Governor was appointing the executive director. Is that still in there? Is the Governor not going to appoint the executive director?

Assemblyman Frierson:

That was completely removed from A.B. 111. The bill has nothing to do with who hires the POST executive director. The bill adds two bodies, who are civilians, who have backgrounds that would be valuable to the community.

Assemblyman McArthur:

I am specifically talking about the executive director of the Commission. Is the Commission going to appoint their own director?

Assemblyman Frierson:

There is no change to *Nevada Revised Statutes* (NRS) 289.520 being proposed with respect to the executive director hiring or appointment. That is going to remain as existing law has it. In other words, do not look at the original bill.

Assemblyman McArthur:

I was not. It did not show who was appointing a director in the amendment.

Assemblyman Frierson:

It is not proposing that the Governor appoints the director.

Chair Flores:

Members, do we have any additional questions? [There were none.]

I would like to invite those wishing to speak in support of Assembly Bill 111.

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

We are here in support of A.B. 111. As Speaker Frierson said, trust in the community with law enforcement is very important. We are constantly striving to improve that. This bill is a step in the right direction. We are here to support it. Thank you.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing the American Civil Liberties Union of Nevada:

We would like to thank the Speaker for bringing this bill forward. We think that adding perspective on this commission will help rebuild the trust that is necessary between the police and the community. We are grateful for that. Civilians governing our military adds an appropriate check. It is time to put civilians on commissions that deal with police as a check and balance. We are grateful to the Speaker for bringing this bill forward.

Steve Grammas, President, Las Vegas Police Protective Association:

We are calling in support of this bill. It is our belief that contrary [unintelligible] trust between communities we police and the police departments. We thank Assemblyman Frierson for bringing this bill forward.

Jim Hoffman, representing Nevada Attorneys for Criminal Justice:

We support this bill. Anytime you can address a problem upstream, it is better than addressing it downstream. If we all work to make sure police officers have the best training, then we will not have some of the problems we have seen. It is better for everybody if you do this through training and membership reforms on the POST Commission. We support this bill. Thank you.

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

We are here in support of A.B. 111. Thank you, Speaker Frierson, for the amended version of the bill. The addition of these two members would be a welcome addition. They would add diversity and expertise to the commission. We are in support of this bill. Thank you.

Troyce Krumme, Sergeant, Las Vegas Metropolitan Police Department; Vice Chairman, Las Vegas Police Managers and Supervisors Association:

We would like to thank Speaker Frierson for bringing this bill. It is our belief that the most important metric in policing is public trust. We believe the amended version of this bill and the two added members to the POST Commission will go a long way in establishing public trust, which is always needed in law enforcement. We call in support. Thank you.

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

I want to thank Speaker Frierson for bringing forward this incredibly important bill. Although it does not have a lot of changes within it, the changes it makes are vital to ensuring our public has trust in those who are engaged in police officer activity. This provides transparency, accountability, and diversity within the POST Commission. This will lead to trust in the system. We support this bill.

Mike Sherlock, Executive Director, Peace Officers' Standards and Training Commission:

I am here to voice my support for the current amendment to A.B. 111. I truly believe that with this amendment to the bill, it will enhance the transparency of the POST Commission while maintaining the integrity of that mission. I fully support this amendment. I want to thank Speaker Frierson for his hard work and his ability to understand the issues, listen to evidence, and make changes that incorporate that evidence and truly address the issues. Thank you, Mr. Speaker, for your work. Mr. Chair, please note my support of this bill.

Jagada Chambers, Private Citizen, Las Vegas, Nevada:

I am a Las Vegas resident. I have the privilege to represent the city I lived in during former U.S. Attorney General Eric Holder's National Initiative for Building Community Trust and Justice. I was a resident of one of the six cities named. I have invested a lot of effort

and work in my city and my community's trust with law enforcement. I want to commend Speaker Frierson for bringing this bill. I think it is a monumental step in establishing the community's trust in law enforcement. I cannot salute the Speaker more in lifting this bill up and hoping it is able to garner the support to become legislation. Thank you so much. I hope the Committee is able to have a good weekend.

Chair Flores:

Can we continue in support of Assembly Bill 111? [There was no one.] Can we please go to those wishing to testify in opposition to Assembly Bill 111? [There was no one.] I would like to invite those wishing to speak in the neutral position for Assembly Bill 111. [There was no one.]

Before we go to closing remarks, I want to say that it is always a great day when we have the American Civil Liberties Union, law enforcement, and public defenders all call in support of a bill. I appreciate the hard work. I know we will not see that repeat itself this session.

Mr. Speaker, do you have any closing remarks?

Assemblyman Frierson:

I strive to have this. We do not always succeed with engagement from such a broad base of stakeholders. I am appreciative and grateful that we got here. I neglected to mention that someone emailed me an additional amendment. Section 3, subsection 2, paragraph (d) states "vulnerable populations." There was a friendly request to generalize that to say "experience working with children, elderly persons, persons who are pregnant, persons with physical, mental, and developmental disabilities, and other vulnerable populations," just to make sure we are not leaving anybody out. I consider that to be a friendly amendment.

There is another friendly amendment. Assemblyman Tom Roberts has requested to be added on as a sponsor. I will be submitting that in writing.

I appreciate your time, attention, and questions. I look forward to further vetting this policy.

Chair Flores:

Mr. Speaker, thank you for joining us this morning. We will close the hearing on Assembly Bill 111. I would like to invite those wishing to speak in public comment.

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

My apologies for offering my support in favor of A.B. 111 during public comment.

Chair Flores:

I would like to reopen the hearing on Assembly Bill 111. We will go to testimony in support.

Richard P. McCann:

We are here to support A.B. 111 as amended. These areas of expertise are both needed and wanted in law enforcement. We believe this bill takes a step to accomplish this effort.

I would like to thank the sponsor of this bill, Speaker Frierson, for bringing this bill and listening to the input from the stakeholders. Thank you.

Chair Flores:

I am going to close the hearing on Assembly Bill 111. We will come back to public comment.

Gerri North, Private Citizen, Las Vegas, Nevada:

Good morning, Chairman Flores and members of the Committee. I am a resident of Assembly District 12. I have been retired from the Clark County School District since 2008 as a full-time teacher and have been a guest teacher from 2010 to 2020. I am a member of the Nevada State Education Association-Retired (NSEA-R) and Clark County Retired Education Association.

As a retiree on a fixed income I know how rising health care costs are a continuous worry for many Americans. Many Nevada educators and other state workers who are eligible to retire continue to work because they have no access to Medicare, having never paid into social security. Many retired educators I have spoken with use smaller doses of maintenance meds, with or without doctor input, to make ends meet. Unfortunately, even those with some coverage do not go to the doctor because they still cannot afford it. Workers who dedicate three or four decades to the great state of Nevada deserve better.

Please keep in mind active and retired state workers need access to affordable health care when they retire. Members of NSEA-R appreciate anything you can do to help contain the costs of health care and medicine. We hope you would consider a study to determine the status of state workers and steps that could be taken next session to ensure all Nevada workers have access to affordable health care and medicine in their golden years.

Chair Flores:

Do we have anybody else wishing to speak in public comment? [There was no one.] We are going to close out public comment.

Thank you for the work and the attentiveness this week. Next week, we will have Speaker Frierson and Lieutenant Governor Kate Marshall present Assembly Bill 184. Please give yourself the opportunity to become familiar with that.

I want to remind you that we have a lot of you with floor statements. It is likely you will have those coming up. Assemblywoman Anderson, you have the floor statement for Assembly Bill 22, Assemblywoman Considine, you have the floor statement for Assembly Bill 48, Assemblywoman Thomas, you have the floor statement for Assembly Bill 77, and Assemblywoman Brown-May, you have the floor statement for Assembly Bill 86. I want to make sure you are all ready for that.

Thank you, members. I appreciate all of the hard work. We are adjourned [at 9:43 a.m.].

RESPECTFULLY SUBMITTED:

Kyla Beecher
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 mock-up of Proposed Amendment 3127 to Assembly Bill 111, dated March 8, 2021, submitted and presented by Assemblyman Jason Frierson, Assembly District No. 8.