

MINUTES
CRIME COMMISSION QUARTERLY MEETING

DATE: June 20, 2012
TIME 1:35pm – 3:10pm

LOCATION: Department of Public Safety – Headquarters Training Room
555 Wright Way, Carson City, NV
NHP Southern Command
4615 W. Sunset Rd., Las Vegas, NV

METHOD: Conference **RECORDER:** Linda Herron

MEMBERS	PRESENT	ABSENT	PROXY
Patricia Lee	X		
Chris Perry	X		
Terry Johnson		X	
Greg Cox		X	Sheryl Foster
Michael Wilden		X	
David Gustafson	X		
Leo Drozdoff		X	
Claudia Vecchio		X	
Shawn Reid	X		
Richard Clark	X		
Connie Bisbee	X		
Mike Haley		X	Tim Kuzaney
Robert Roshak	X		
Dick Gammick		X	Brett Kandt
Doug Gillespie	X		
Robert Fisher	X		
Tom Lozich			
Greg Smith	X		
Lucas Foletta	X		
Richard Varner		X	
EX-OFFICIO MEMBERS			
Stephen Herkins ATF		X	Jeffrey Nordello
Kevin Favreau FBI		X	
Paul A. Rosario DEA	X		
Michael Harris ICE		X	
ADMINISTRATIVE STAFF			
Michael Jensen Gen. Counsel	X		
Linda Herron Exec. Sec.	X		

#1. CALL TO ORDER AND ROLL CALL

Chairwoman Lee called the meeting to order at 1:35pm. Linda Herron called the roll and a quorum was established.

#2. COMMENTS BY THE CHAIRWOMAN

Chairwoman Lee asked each member to identify themselves before they speak to report their names properly for the record.

#3. PUBLIC COMMENT

There was no public comment.

#4. APPROVAL OF THE NOVEMBER 4, 2011 MINUTES

Connie Bisbee requested small corrections to page 5 first line – nation-states, line 10 motion to change and add page numbers. Chairwomen Lee requested the changes be made.

Connie Bisbee made a motion to approve the minutes of the June 20, 2012 meeting with the noted corrections. Dick Clark seconded the motion. Motion passed.

#5. REVIEW PROPOSED AMENDED BY-LAWS AND VOTE ON WHETHER TO ADOPT.

Mike Jensen looked at the By-laws and had issues that could possibly exceed the authority of the Executive Order.

Section 3 Page 4, Elections and Committees – provides for a simple majority to establish a sub-committee and a 2/3 majority vote to dissolve one of the committees. He suggested it be made consistent to be a simple majority to establish a sub-committee as well as simple majority to dissolve a sub-committee. It's not a legal change just a consistency issues.

Mr. Jensen's next concern is on Page 6 – Section One (Procedures) – proposal a matter of convenience for the commission, it provided a 2/3 vote to amend the by-laws and should be *majority vote* which is a policy question of the commission.

The last issue regarding proxy's - Section 3 Pages 6 Quorum – Last sentence of the by-law states any member may appear by proxy at any regular, special or committee meeting and quorum may be established by proxy of any member of the commission. Statutory commission will provide for certain members of the commission that are appointed. In the past because it is a Governor appointing a member it would not be proper to have someone appear in their place at a meeting. Mike looked at the first Executive Order, Amended Executive Order and a memo from Lucas Foletta. His opinion is that the by-laws exceed the Executive Order by having proxies making up the quorum or voting. Lucas Foletta agrees with Mike Jensen. Connie Bisbee questioned the voting on the by-

laws by the proxies present. Existing by-laws okay the voting by the proxy on the changes of the by-laws per Lucas Foletta.

Dick Clark motioned to accept the new by-laws; Dave Gustafson seconded the motion, motion carriers. From this point forward the Governors appointed Commission member must be present for the quorum.

#6. DISCUSSION OF AMENDED CRIME COMMISSION REPORT FORWARDED TO THE GOVERNOR ON APRIL 24, 2012.

Chairwomen Lee gave an update on the Crime Commission Report. At the last session Connie Bisbee pointed out some date discrepancies in this report, the dates were corrected and forwarded to Lucas. The report is now with the Governor.

#7. REVIEW AND DISCUSSION OF PROPOSED CYBER CRIME REPORT TO BE INCORPORATED INTO THE NEXT SEMI-ANNUAL REPORT DUE TO THE GOVERNOR ON JUNE 30, 2012.

Chairwoman Lee has put together the Cyber Crime report mainly with the presentation from Chris Ipsen from our last meeting and materials she received from him after the meeting. Connie Bisbee commented on the excellent report but found typos. She gave a copy of the changes to Linda Herron for correcting and Connie went over the changes with Chairwomen Lee. Chris Perry gave the corrected year as October 26, 2001 on page 4 and the 3rd Fusion center is located at the DEM/Homeland Security facility in Carson City. The 3rd Fusion Center will be combined with the Washoe County Fusion Center. Dave Gustafson said RSA is the name of the company on page 1, they are the founding members initials so the name cannot be spelled out.

Dave Gustafson said that we struggled in the Cyber Crime world on how to make recommendations – how do you know if you’re a victim of crime, who do you call, what do you do, we should think about the recommendation we could give to the Governor on how to go about getting society and the general public educated. Chairwomen Lee agreed this first report was a foundation so the Governor knew what resources were available. Chuck Callaway from Metro is making a presentation today letting us know about legislation coming down the pike – maybe the committees could get in touch with other local agencies regarding legislation and other resources we could use in our State to combat Cyber Crime.

Lucas Foletta suggested that the Governor would appreciate proposals around best practice to safe guarding state data, legislation around individual consumer data and also need to share data with some level of protection.

Bob Fisher questioned Mr. Foletta regarding an issue for storage for infra structure data, Mr. Foletta agrees the need to safe guard critical infrastructure could be investigated. Chairwomen Lee suggested having the sub-committees get in touch with the local agencies, committees, task force and see what’s on the horizon and see what assistance the Governor’s Office could offer to supplement our report. We could hold all the

information in a central location which would be the Crime Commission, report to the Governor and make recommendations based on what we found. Doug Gillespie chairman for the Crime Trends would be willing to survey the 17 counties and bring back a report on overall crime trends. Attorney General Katherine Cortez Masto's Crime Tech advisory board can give the Governor direction on issues on cyber crime. They deal with it in a legislative perspective as well enforcement perspective.

Chairwoman Lee asked Lucas Foletta if the Governor's Office relies on the Tech Crime Advisory board for legislative guidance in respect to Cyber Crime, he responded that the Governor's office relies on all advisory boards' reports that refer to Cyber Crime. Bob Fisher said Homeland Security Commission has dealt with Cyber Crime issues for the last two years. Chairwomen Lee would like to contact all these commissions and committees and see what they are doing and what issues they are facing. There are a lot of free standing committees that the Governor goes to for information about Cyber Crime. The Crime Commission could be the central repository for the information. Chairwomen Lee will include a summary of this meeting in the Governor's report.

#9. DISCUSSION ON CONFIRMATION FROM GOVERNORS OFFICE REGARDING ITS INTERPRETATION OF SB 251 (NRS 232A.020) .

Chairwomen Lee spoke about the email from Lucas Foletta confirming that the Governor's office's interpretation of SB 251 is that you can't serve on more than one *statutory* board at a time. No other issues were brought up regarding SB 251.

10# CRIME COMMISSION WEBSITE UPDATE INCLUDING STATUS OF MEMBERS BIOGRAPHIES. DISCUSSION AND VOTE ON ANY CONTENT THAT SHOULD BE PLACED THEREON.

Chairwomen Lee is encouraging all members to send their bio's to Dave Gustafson. Mr. Gustafson suggests the website needs an updated photo of the committee members; Chairwomen Lee agrees a new picture should be taken when possible. There was an issue that the agenda needs to be posted to the website within an appropriate amount of time for the general public to be aware of the date, time and location. Linda Herron will make every effort to get the information to Dave Gustafson timely.

Chairwoman Lee spoke about the issue of publishing the Semi Annual Reports on line – there was some debate about it. Brett Kandt questioned what rational reason there would be to not make the document public; it's public record. Mike Jensen said there would have to be a specific statute or some strong compelling public policy reason to not making it public – It would have to be something really sensitive in the report. Lucas Foletta replied that the Governor's Office's point of view is – if a request was made from the public the Governor's Office would disclose it. Chairwomen Lee asked if everyone agrees to publish it on line – Chairwomen Lee asked for a motion to include the Semi Annual reports to the Governor on the Crime Commission website – Lucas Foletta made the motion, Chris Perry second the motion, Motion carries.

#11 – PRESENTATION BY CHARLES CALLOWAY OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT DISCUSSING HOT BUTTON LAW ENFORCEMENT RELATED LEGISLATION THAT WAS INTRODUCED DURING LAST LEGISLATIVE SESSION; PREVIEW OF WHAT HOT BUTTON LAW ENFORCEMENT RELATED LEGISLATION IS LIKELY TO RESURFACE AND/OR APPEAR FOR THE FIRST TIME IN THE UPCOMING LEGISLATIVE SESSION.

Chairwomen Lee introduced Charles Calloway from the Las Vegas Metropolitan Police Department. He will discuss hot button law enforcement legislation issues from last session and ones that will resurface this legislative session. The committee's can research these issues and put a comprehensive report together for the Governor.

Chuck Calloway gave a brief overview of Legislative issues that impact Law Enforcement. Last legislative session they had a team that consisted of Las Vegas Metropolitan Police Department, Nevada Sheriff and Chiefs Association, and Washoe County Sheriff's office, representing every law enforcement agency in the state of Nevada. In the last Legislative session they tracked and worked on 462 bills, Mr. Calloway provided a global view of the various legislative issues they dealt with.

Funding is a major concern for all law enforcement agencies. Because of our current economic condition, law enforcement agencies are doing more with less. Some agencies are being required to provide services that used to be handled by other agencies. For this reason they are concerned with any potential unfunded mandates which may arise during the next legislative session. It is the intent of LVMPD to ask for the next quarter sent from the "More Cops" Clark County sales and use tax which was enabled by the Legislature in 2005 and to request some flexibility with how that revenue could be used. This additional revenue would help all of the major law enforcement agencies in Clark County.

Traffic – There has been a drastic increase in fatal traffic accidents this year in Clark County. Every session there are a number of traffic related bills that come up that directly impact traffic safety, these include the attempted repeal of the helmet law for motorcycle riders and the primary seat belt law. They would oppose any legislation that decreases safety on our roadways including efforts to reduce fines or fees for traffic infractions.

Illegal Drugs – Illegal drug use continues to create problems for law enforcement. Marijuana cultivation and the costs associated with clean up of grow houses has increased significantly over the last few years. They have also seen an increase of marijuana cultivation in rural areas and recreation areas such as Mt. Charleston. They tried unsuccessfully in the last two sessions to increase the penalties for cultivation.

Medical Marijuana – There are legal issues surrounding medical marijuana in the States and they are highly concerned about potential legislation to create legalized dispensaries and how those dispensaries would be implemented.

Needle Exchange – There has also been proposed legislation to create needle exchange programs and remove hypodermic needles from the drug paraphernalia section of NRS. Although they understand the risk involved with the use and sharing of dirty needles,

they are concerned programs such as these could potentially encourage illicit drug use and cause crime to increase in the areas where they are implemented. They are willing to discuss potential programs that ensure public health and safety and at the same time don't diminish our current laws.

Illegal Drug Use – The committee has also seen an alarming rise in illegal prescription drug use. Last year in the United States statistics showed more people died from prescription drug overdose than from traffic fatalities with one death every 19 minutes nationwide.

Trafficking prescription pills – The committee is working on potential legislation to change the language for trafficking prescription pills from a specific weight to a specific number of pills.

Synthetic Marijuana and Bath Salts - Synthetic marijuana and bath salts have become a growing problem. In the last session there were several bills that attempted to criminalize these substances but they were based on the compounds used to make them. This approach has not been successful because the criminals can change the compounds slightly to avoid the law.

Pharmaceutical Board - The Pharmaceutical Board has done emergency scheduling of some compounds and there is a bill in Congress (SB 3187) to outlaw the substances.

DNA – There have been several attempts in past sessions to pass “All Felony Arrestee DNA” Bills. Generally the committee supports the collection of DNA from all crime labs, expungement of samples and general logistics. Labs in Clark and Washoe counties are currently working with Assemblywomen Debbie Smith and the Dennison Family to provide some suggested language. We would be opposed to any measures that limit or restrict our current DNA laws.

Immigration – The committee is closely following the development regarding the Arizona Senate Bill 1070. The Supreme Court is due to render a decision by the end of this month on this law.

Most major law enforcement agencies in the Nation oppose this law and believe it should be the responsibility of the Federal Government to enforce immigration.

Laws such as Arizona SB 1070 have the potential to damage relationships with the Hispanic Community, tie up local police resources and cause some victims or witnesses to be reluctant to report crime.

In the last Legislative Session there were a couple of anti-illegal immigration Bills that could resurface if the Supreme Court upholds the Arizona Law.

Prisons and Jails – The economy has had a significant impact on our prisons and jails and resources are currently scarce. At the CCDC it costs on average about \$130.00 a day to house an inmate.

The committee supports programs that reduce recidivism and divert low level offenders from prison if these programs have been proven effective and proper funding exists.

They are concerned about potential legislation that would allow high level offenders to serve only a small portion of their sentence and then be eligible for early release.

There has also been discussion about reclassifying category B felonies since a large portion of the prison population are category B offenders. Obviously this raises some concern for law enforcement.

The committee is also concerned about potential legislation to take away a judge's discretion to send an offender back to prison for a probation or parole violation.

Firearms – Firearms issues are always a hot topic at the Legislative Session and it is not uncommon for law enforcement to be divided on some firearm issues.

The committee is not pushing for gun control or to ban assault weapons but they believe that when guns are used in the commission of a crime there should be stricter penalties for the offender.

There is a desire among some gun enthusiasts to have national reciprocity for CCW. We currently have reciprocity with 16 states which have similar criteria as Nevada. The committee would oppose blanket reciprocity legislation.

There have been attempts in the past to repeal the handgun registration law in Clark County.

Clark County is currently the only county in the State that requires handguns to be registered, however Clark County also has the majority of the crime and population. They believe handgun registration is an important tool for law enforcement and LVMPD would oppose any attempt to repeal the law.

“Campus Carry” legislation was highly controversial in the last legislative session. Most law enforcement agencies in the State had some concern about this bill but it did garner some law enforcement support. It is Mr. Calloway's understanding that the NRA will push for “Campus Carry” again this season.

“Constitutional Carry” is another legislative proposal that is popping up in some states. Although it hasn't gotten much traction the committee is concerned with a blanket CCW law which would allow anyone to carry concealed without a permit process.

Mr. Calloway said this only touches the tip of the ice berg there were many more areas that impact law enforcement that he did not mention including ; human trafficking, mental health, juvenile justice, pandering/prostitution, cyber crime, fraud forgery, sexual assault, collective bargaining, Homeland Security, purchasing and the list goes on and on.

He also reminded us that it is important to remember when dealing with the Legislative process that even though you may support a concept, you may oppose a Bill due to problematic language it contains.

Since the Legislative Session is about eight months away it is uncertain just how many legislative proposals will arise over the next few months that impact law enforcement. The November elections will also have an impact on certain proposals.

The NVSCA will meet in July and discuss what position they will take on many of these issues.

Cyber Crime – There are not any current cyber crime proposals at this time. There was a Federal SOPA bill “Stop On Line Privacy” with a lot of opposition by Google, Bing, MSN; currently this bill is on hold. Last session there was a bill regarding child pornography and they wanted to change the language , it says you have to possess child pornography - a lot of the pornographer’s are streaming on the internet – it make it hard to prosecute. The bill didn’t pass.

Paul Rosario from DEA said there is a major issue with marijuana dispensaries. At one time for example there were more dispensaries in Los Angeles County than Starbucks. This could be a potential for abuse and being completely overrun with the problem here in Nevada. Metro along with the Federal agencies has done a great job to stop them being so in your face. The other concern is the time between indoor Marijuana grower and the dispensaries is where they get their money. If you shut down the growers where do they get their marijuana for the dispensaries that are legal in Nevada, mainly from California or from Nevada? It’s a political issue for some organizations in Nevada; Mr. Rosario suggested erring on the side of caution with respect to any recommendations to the Governor’s office – Because it is against Federal law, you could have Federal agents in Nevada closing down dispensaries that are legal in Nevada. He’s not sure if that’s something that should be pursued right now or could be a potential problem down the road. Other states are dealing with that right now.

Brett Kandt on behalf of Dick Gammick, the District Attorney’s Association is also working closely with law enforcement agencies and also developing its own legislative proposals. At this time most will deal with criminal procedure and or perhaps DUI impaired driving.

The Attorney General is developing her bill package and there may be one or more bills dealing with different criminal justice issues including a bill dealing with trafficking minors for sexual exploitation.

There are also various other interim legislative or statutory Committees; the Advisory Commission of the Administration of Justice – they will have a bill on betting and submitting several other legislative proposals. The Statutory Substance Abuse Working Group chaired by the Attorney General may have one or more proposals and the Advisory Committee to study laws concerning Sex Offender Registration will have a proposal dealing with violent juvenile Sex Offenders. Some of these proposals may be of interest to the Crime Commission as well.

Also, the proposals regarding Prison Reform and addressing the Prison population – a lot of these proposals focus on moving out “non violent offenders” as opposed to violent offenders. With the rise of cyber crime a lot of these Prison Reform proposals target non violent offender, however, they fail to account for the rise of tech crime and what they do to our economy and people’s lives. The Crime Commission should consider if there are one or more proposals dealing with reforms adequately accounting for the negative and damaging impact on the citizens of the state of Nevada.

Chairwomen Lee said we would be tapping into all of these resources as we get closer to Legislature.

Bob Fisher would like to put in the record that Director Perry and the Department of Public Safety did an incredible masterful job on developing the Silver Alert for the State of Nevada. The Director should know that it’s the finest Silver Alert legislation in the country and has all the nuances that law enforcement wanted to include. Again, we would like to congratulate you on Silver Alert and a very long 2 session battle at the legislature.

Chairwomen Lee thanked Mr. Calloway for his very informative presentation and she asked him to come back and let the commission know what Legislation has actually reared its head during the 2013 session.

12 - DISCUSSION AND VOTE ON WHETHER CRIME COMMISSION SHOULD CONSOLIDATE THE CRIME TRENDS AND CRIME SOLUTION SUB-COMMITTEE

Chairwomen Lee said at the last meeting there was some discussion on consolidation of the Crime Trends and Crime Solutions. Sheriff Gillespie made the suggestion that the people on this committee all have successful solutions for crime trends and crime solutions and the information will be coming from the same groups so they should be consolidated. Chairwomen Lee would endorse the consolidation of the two committees. Sheriff Gillespie made the motion to consolidate the committees and Bob Fisher 2nd the motion. Motion passed. The Crime Trends committee is headed by Mike Haley and Crime Solutions Chris Perry will be co-chairs.

13 – ALLOCATION OF TASKS TO SUB-COMMITTEE TO ADDRESS HOT BUTTON ENFORCEMENT RELATED LEGISLATION LIKELY TO BE INTRODUCED DURING NEXT REGULARLY SCHEDULED LEGISLATIVE SESSION, IN ANTICIPATION OF DRAFTING REPORT AND RECOMMENDATIONS TO THE GOVERNOR REGARDING THE SAME.

Chairwomen Lee made the suggestion for the sub-committees to take over, research and gather information and Intel on the upcoming legislation items that the Governor would be interested in. She asked for any suggestions on how to move forward. Sheriff Gillespie asked for a list of the committees; Education Committee – Michael Harris Crime Trends/Crime Solutions – Sheriff Haley & Chris Perry, Reduction of Recidivism – Greg Cox, Legislative Sub-Committee – Dick Gammick and Fund Raising Sub-Committee – Tom Lozich.

In the past a couple of ideas were discussed, whether we take three or four major crime issues and assign the different components for funding, have multiple committees all conversing on an area of crime but looking at different aspects of it. Assign crime areas to different committees and have them do the leg work to figure out what Legislation is likely to offer and what the different groups think such as Nevada Sheriff and Chiefs Association or other law enforcement group. We can then make appropriate recommendations to the Governor.

Sheriff Gillespie asked for the deadline date of the bill drafts prior to the session. Mr. Calloway said that LCB would like bill drafts in by August but law allow bills be dropped up until the legislative session. Brett Kandt reiterated the State and local agencies bill deadline is August or early September, they have to be pre filed, Legislators have a little more flexibility and also bills for introduction can be brought in at a later time.

Sheriff Gillespie suggested we look at the bill drafts that come in , what the Sheriff & Chiefs association and the Law Enforcement groups are lobbying for, what the DA's Office feed back is on hot button issues, Legislative committee , and meet with the Governor's office or staff regarding what they feel regarding certain issues.

Chairwomen Lee suggested we meet with the Nevada Sheriff & Chiefs Association and the DA's office to try and narrow down the scope and before the September meeting, set up a meeting with the Governor or through Lucas and narrow down the scope and really hone in our September meeting about getting information to the Governor and assigning different tasks so the Governor will have some useful information going into 2013.

Chuck Calloway commented on an issue to be considered, with the elections in November some legislators will have potential bill proposals and if they are not re-elected and no one will pick up the bills. The other side of the coin there will be new legislators that will be elected that will drop their bills. After the November elections there will be some bills that will change dramatically, our primary bills that will cause us the most problems are presented by Legislators that come out weeks before legislature. By November you should be able to see what agendas they have.

Chairwomen Lee suggested that we may want to increase the frequency of our meetings so we are effective for the Governor – at our next meeting we can squeeze in a meeting before December so we can present a comprehensive report to the Governor before the beginning of the Legislative session in February 2013.

Sheriff Gillespie suggested we review bill drafts, legislative priorities of the Nevada Sheriff's & Chiefs and DA's office. Chairwomen Lee will contact the Governors Office and Lucas Foletta and see what they would be most interested in.

#14. PUBLIC COMMENT

No public comment

#15. ADJOURNMENT

The meeting was adjourned at 3:10pm.

The next meeting was scheduled for September.

**Meeting notes completed by Linda Herron. For questions, contact (775) 684-4556 or email lherron@dps.state.nv.us