

MINUTES
CRIME COMMISSION QUARTERLY MEETING

DATE: March 20, 2013
TIME 1:35pm – 3:25pm

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

METHOD: Conference **RECORDER:** Linda Herron

MEMBERS	PRESENT	ABSENT	
Patricia Lee	X		
Chris Perry	X		Michelle Hamilton
Bruce Breslow	X		
Greg Cox		X	
Michael Willden	X		
David Gustafson		X	
Leo Drozdoff		X	
Claudia Vecchio		X	
Shawn Reid	X		
Richard Clark	X		
Connie Bisbee	X		
Robert Roshak	X		
Dick Gammick	X		
Doug Gillespie	X		Chuck Callaway
Robert Fisher	X		
Tom Lozich	X		
Greg Smith		X	
Lucas Foletta		X	
Richard Varner	X		
EX-OFFICIO MEMBERS			
Stephen Herkins ATF		X	
Kevin Favreau FBI		X	
Paul A. Rozario DEA	X		
Michael Harris ICE		X	
ADMINISTRATIVE STAFF			
Michael Jensen Gen. Counsel	X		
Linda Herron Exec. Sec.	X		
			Brett Kandt

#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 thanked everyone for coming to the special secession of the Crime Commission meeting.

#3. APPROVAL OF THE JANUARY 9, 2013 MINUTES

Chairwomen Lee asked if there were any changes to the January 9, 2013 meeting minutes. Dick Gammick made the motion to approve the minutes, Richard Clark seconded the motion. Motion passed.

#4. CONFIRM SUBMISSION OF ERRATA TO LAST GOVERNOR REPORT

Chairwomen Lee stated that the Commission members should have received a copy of the errata that was submitted to the Governor including the changes discussed at the last meeting. She corrected the spelling of Mr. Rozario's name, and clarifying the members actually in attendance at the June 20, 2012 meeting. The errata further corrected spelling of the word Legislatures to Legislators and the correction of Senator Settlemeyer's name Mr. Willden's name will be corrected for the record also. She will submit an additional errata to the Governor.

#5. REVIEW /APPROVE CONSOLIDATED REPORT TO THE GOVERNOR

Chairwomen Lee stated she is going to submit a consolidated report to the Governor from the January 9, 2013 and the March 20, 2013 meeting. She entertained a motion to submit the consolidated report to the Governor, Richard Gammick made the motion, Connie Bisbee seconded to motion. Motion passed.

#6. REVIST AND CONTINUE TO DISCUSS VARIOUS ISSUES ASSOCIATED WITH THE BDRS THAT ARE LIKELY TO BE PRESENTED FOR CONSIDERATION DURING THE 2013 LEGISLATIVE SESSION

Chairwomen Lee obtained some bill draft language for some of the BDR's and a copies were emailed to all the Commission members.

BDR 137 - Revises provisions of DNA testing for a person arrested for and convicted of certain felonies also known as Brianna's Law

Chairwomen Lee opened the discussion – We have language for the purposed bill – there is an assessment of \$2.00 fee for those that are arrested on felonies, tested and then found guilty per incident, this would be some of the funding. Chairwomen Lee asked if there were any issues, Dick Clark replied that the funding would deduct from the court

assessment money that POST receives and any deduction from that court assessment would be a hardship, however the way the bill is written, is an additional assessment and shall not decrease from the regular court assessment. Dick Clark feels if the Justices honor it, the POST Commission wouldn't have an objection. Chairwomen Lee replied that is how she understood the purposed language as well; she then asked if anyone else had a different understanding. Sheriff Gillespie asked Robert Roshack to weigh in on the funding issue. Chuck Callaway responded that they have been working closely with the Dennison Family and Senator Smith on this bill since the beginning. In the last session, they drafted the language without any input from Las Vegas Metro Police Department. There was some talk for a time about using revenue from cell phone citations that has since been abandoned; LCB found the revenue from cell phone citations was already ear marked for road projects or Department of Motor Vehicles so they are looking at the core assessment fee of a \$2.00 additional fee as Mr. Clark said. Additionally, early this year President Obama signed a bill that would give thirty million dollars in grant money to states that have all felony arrest DNA laws and currently there are 28 states that have all felony arrestee laws so they're hoping they can also get in line to apply for some of the grant funding. There are some concerns that the \$2.00 assessment may not be enough to cover the costs. This time LV Metro Police put together a fiscal note for 3 million dollars which is considerably less than what was submitted last session but they are saying the number is based on the number of felony arrests that they received from the Criminal History Repository and basing that on \$75.00 per sample to process those DNA samples.

Doug Gillespie asked if there was any calculation done on the projected revenue on the \$2.00 surcharge on the arrestees. Mr. Callaway responded that per Senator Smith they are working on a projection on how much revenue it would bring in. He hasn't seen those figures yet but based on what they would bring in from the cell phone tickets they were projecting anywhere up to 10 million dollars. He wasn't sure what formula they were using. Connie Bisbee asked what the expectation was of collecting the \$2.00, what is the actual projection of them paying it. Chuck Callaway hasn't seen a figure yet from the court assessment fees and they would take that into consideration currently on how many people they won't be able to collect assessment fees from. He would check with Senator Smith and see if they have a calculation on how much money this would bring in.

Dick Clark asked about sharing the cost – if each person who has to be tested has an assessment fee of \$2.00 what is the actual cost for that individual, everyone will accumulate so much cost to make sure that the \$2.00 is all it takes for that individual to be processed. Chuck Callaway said the court assessment fee as written in the bill, it's any misdemeanor, gross misdemeanor or felony arrest, if the person is convicted they would pay the \$2.00 court assessment fee. Only felony arrestees would have their DNA taken so they are projecting \$75.00 per arrestee. The Criminal History Repository figures were about 26,000 felony arrests. Also, Mr. Callaway said something to take into consideration, they talked to Senator Smith about potentially amending the language in that area because there is a bill in the session that has gotten a lot of momentum, every Legislator except for six have signed onto it and it would make very minor traffic offenses a civil infraction instead of a misdemeanor. The more serious things like driving without a license or reckless driving, DUI will remain a misdemeanor, but rolling through a stop sign, having your tail light out would become a civil infraction. Some

other states such as Arizona have already done this for years and it's been getting a lot of legs with Legislature. If that measure were to pass that could have an impact on the funding because this bill is not addressing traffic violations that would be a civil infraction, only addressing misdemeanors, gross misdemeanors and felonies.

Dick Gammick stated with the success that they have had with DNA testing he doesn't think it would be an issue that needs to be discussed. They have cleared numerous murder cases, robbery cases, sexual assault cases with DNA testing. Mr. Gammick made the motion to support Brianna's Law with one condition that Senator Smith and the people who are working on the bill find a satisfactory means to finance this bill.

Chairwomen Lee had a couple questions before the motion can be made. Dane Claussen of ACLU attended our last meeting and he was concerned about the use of the DNA evidence outside of the scope of just matching, she saw that there was language in the BDR that cannot be used for any other reason than matching. Chuck Callaway said the hearing was held in the Senate Judiciary on this bill and just for the policy portion it had to go to the money committee for the funding part. The ACLU did attend and raised their concerns on privacy. They don't look at DNA as a modern day fingerprint; they look at it as obtaining more viable information about a person. Mr. Callaway felt there was some compelling testimony given about how Cotis operates and there are only 13 identifiers that are entered into Cotis even though your DNA makeup has millions of identifiers. With that information it looks like a bunch of numbers, someone couldn't take that information and break it down and find out anything about you except your gender. He said there was some really good testimony given in that regards but there may have been a member or two of the committee that expressed some concern, but by and large most of the committee didn't see it to be an issue.

Chairwomen Lee also questioned purging; she saw an opportunity to purge the DNA evidence. She questioned if Cotis was a Federal database and how would we compel the Federal FBI to purge the information out of their system. Mr. Callaway said Cotis is a Federal Database, through the Criminal History Repository, they upload the Cotis information of the DNA profiling in the Cotis system. The perspective from Law Enforcement is that it cannot be an automatic expungement if a person is found not guilty or the case is dropped to a lesser charge than a felony. The person who was charged must have it expunged. They don't have the resources and the manpower to track every case to have them expunged automatically. ACLU feels that it must be expunged automatically. There was some discussion at the time of booking they would give the suspect a piece of paper that explains the process of expungement. If they are found not guilty they would have the information on how to have the sample expunged. Like all Federal databases the question is if we purge it from our system whether it gets purged from the Federal system, he doesn't know the answer to that.

Dick Gammick made the comment, it's nothing new for those arrested today, and it's their responsibility to take the step for expungement or sealing of their records. Chairwomen Lee asked if it is true that the Washoe County Sheriff's Office would oversee the management of administration of these. Chuck Callaway said yes Washoe County Sheriff's Office Lab is currently the designated lab for administrating Cotis. The language in the bill the way it was drafted gives the Washoe County Lab authority over the Clark County Lab. We have been assured that is not the case and it was put on the

record during testimony that they operate as a sister lab. Chairwomen Lee reiterated that the money would go to both labs. She then asked if there was Public Comment or questions or concerns about this bill. Sheriff Gillespie said it is looking good in Las Vegas. Chuck Callaway said the policy committee hearing went really well, and he suspects that it will get out of committee and we'll see how the money committee goes. Debbie Smith is the chair of that committee. It's a good possibility it will get out of the Senate side.

Mike Willden asked once there are sister labs does the DNA go to both labs or does the Las Vegas sample go to Las Vegas and the Washoe DNA sample go to Washoe lab. Do the arrestees petition expungement from both labs? Chuck Callaway answered that both labs submit their DNA sample profiles to Cotis to the Federal lab but the Washoe Lab is the designated lab to be administrator of the Cotis. The person has to go through Cotis not the agency. Chairwomen Lee said that Department of Public Safety has forms that set forth the specifics on expungement and the use of the biological specimens. Mr. Callaway also understands that the Criminal History Repository will be presenting a fiscal note on the bill but wasn't sure what their projected cost is. Chris Perry said that the Criminal History Repository will submit a bill on costs and the costs won't be that significant. They manage all the information for Cotis and that is where all the expense will come from.

Chairwomen Lee entertained a motion on what we should recommend to the Governor. Dick Gammick made a motion that the Governor support this bill on one condition that Senator Smith and the people who are working on the bill find a satisfactory means to finance this bill. Sheriff Gillespie seconded the motion. Motion passed.

(BDR 40-46 & 89) – Revises provisions relating to the medical use of marijuana

Chairwomen Lee stated that there was some controversy as to whether the Commission should even be talking about the grow houses and dispensaries that are being proposed by Senator Segerblom who attended our meeting in the past. It is an issue with Law Enforcement in that the grow houses would be heavily regulated and any violations of the proposed law would be within the purview of law enforcement. She had an extensive conversation with Dan Bogden, and invited him to our meeting but he has to remain unbiased. He can't take an official position in any type of presentation format. He has offered us in terms of the Federal Government's position with respect to the grow houses and dispensaries in Nevada, if we were to craft questions for him in terms of what policy considerations we needed clarification on or the Governor's Office might be interested in – his office would issue an advisory opinion to us.

Chairwomen Lee had gone over to Legislature to see what the process looked like – this particular bill is still being worked out and the BDR language has not been finalized. Some Senators and lay people are taking a field trip to Arizona to look at their dispensaries and grow houses to see how they are implemented. They wanted to see if they make sense as a model for our state. The use of medical marijuana is already legal in our State; there is no legal way of dispensing it in a uniform way. This bill is proposing to do that. If you looked at that preliminary language proposed, it's her understanding that the final bill will have some provisions changed but this is essentially

what is being proposed. Just to highlight a few of the regulating language with respect to the dispensaries and the people that manage them, she believes the Department of Health and Humans services will oversee the administration of the process in terms of the certifications. They can't be more than 500 ft. from a public or private school. They must have a medical director that's assigned to their facility. It must be a nonprofit dispensary, they haven't worked out the details yet – they are not saying a nonprofit as in a 501 (3) IRS sense, they are going to try and regulate how much money can be made from these dispensaries. The people who would be authorized to run these grow houses including the directors of the nonprofit organization would have to submit their fingerprints, no felonies or misdemeanors, must be over the age of 21, cannot owe back child support, their certification must be renewed every year and if they have any suspensions of any professional licenses they wouldn't qualify. It limits the number of dispensaries to 1 for every 10 pharmacies unless there is a county that has less than 10 pharmacies, and then they would be permitted to have one. The application would only be open for a 10 day window each year and before the law was implemented the Department of Health and Human Services would have to conduct a study to determine the number of dispensaries that would be appropriate to make sure they are not excessive or insufficient. If there are more applicants than grow houses necessary they will do it by a lottery. The facility has to be tightly secured with an alarm system and other bells and whistles. You would not be able to consume on the premises and it limits the amount, you could not dispense to an individual no more than 2.5 ounces within 14 days. We have the opportunity to submit something to Dan Bogden if we're interested. If this is an issue we want to shy away from she can tell the Governor that the Commission can't take a position either way regarding the grow houses and dispensaries. She feels this is something the Governor was interested in.

Dick Gammick commented that there are some provisions in this bill that can't be enforced on medical marijuana. 2.5 ounces over 14 day period you can't be arrested. There's also been some discussion if they are on medical marijuana they can't be arrested for DUI and he doesn't know if it addresses felony DUI or substantial bodily harm. Mr. Gammick questioned Senator Segerblom whether his bill was going to address the abuses of prescriptions as in California, Montana, & Wyoming. The last he heard Montana and Wyoming have withdrawn medical marijuana because of the abuses. It was his understanding this was primarily to treat people with cancer and terminally ill people. It's used for hang nails, bruises and just about any possible ailment a human can have where the abuse came in. Senator Segerblom told him that wasn't a function of his bill so he wasn't going to address it. Mr. Gammick feels until the abuses are addressed and until law enforcement are comfortable with it he feels there are serious problems and the fact that the BDR having not be written yet he joins with the group that say it's really not our issue from a lot of other perspectives.

Sheriff Gillespie says it's very difficult for the Commission to give the Governor advice referencing the final language of the BDR and knowing how BDR's work he has been at a number of meeting and was told what a BDR was going to say and it doesn't quite resemble what was said. Based in the information contained on the proposed BDR he questions not only it's enforceability but also its reality of dealing with the issue at hand. If you truly need medical marijuana, what does being behind in child support have to do with receiving the prescription drug or not? This shows the flaws and the philosophical approach to this and from the law enforcement stand point, 33 years in the business he

knows the author of this bill will move forward to the legalization of marijuana in the state of Nevada. He would not support anything that his name is attached to in regards to this. Sheriff Gillespie said if you should see anyone traveling to Arizona visiting dispensaries to stop and talk to the Sheriffs and Chiefs in that state that have had to deal with the issues of dispensaries in Arizona.

Chris Perry agrees with Dick Gammick and Sheriff Gillespie. From the Public Safety perspective there are too many holes in this bill draft, not compared to the legislation because as the Sheriff said, what is in the BDR may or not resemble what comes out after they fine tune it. He would not support a BDR or draft legislation or a piece of legislation that says it's okay to drive impaired under any circumstance whether its medical marijuana or not. It puts the public at significant risk and at this point in time and as a committee he doesn't know at this time, based on that one issue they could support this BDR and everything else that is problematic in this.

Brett Kandt there on behalf of the public, the Nevada Prosecution Council and District Attorney's Office wanted to inform the Commission there is a separate bill out there AB 351 independent of the bill that would provide a person under the existing law that has a valid registry identification card for medical marijuana under NRS 453A would be exempt from criminal prosecution under the illegal per se laws for operating a motor vehicles with an amount of marijuana in their system that would be in violation of the illegal per se law. Mr. Kandt says prosecutor have significant concerns about that bill and they feel it will create a hole in Nevada by laws certainly if a person is to obtain a medical marijuana card under any pretense for pain or otherwise under that bill if enacted into law they would be exempt for prosecution for DUI in the per se laws, so he has grave concern over that.

Bruce Breslow feels that impaired driving is impaired driving. If you are getting medical marijuana for pain you shouldn't be in the car driving anyway. This is a key issue any way these bills are spun and show up at LCB everyone in this room would be called to testify or would voluntarily testifying anyway, he feels that the Crime Commission cannot take the position on it yet. Brett Kandt wanted to clarify that what he was referring to is a bill already; it's out there now he knows it's not on the agenda and we may not be able to make a recommendation to the Governor about it. Mr. Kandt doesn't want to speak for law enforcement but he's speaking for the prosecutors' grave concerns over that bill. Mr. Callaway agrees with Mr. Kandt and he believes that this bill is a majority leader's bill so he doesn't know how much juice it will get but in addition this week AB 402 came out, Assemblyman Hogan's bill that legalizes up to one ounce of marijuana for recreational use and imposes a 25% tax on the sale of marijuana on recreational use.

Chairwomen Lee stated that both of these things are beyond the scope of the bill that's on our agenda today; we can memorialize our concerns to the Governor without making an official recommendation because it's not on the agenda but memorializing our concerns in that regard and not having the language before us she agrees that we cannot take a position one way or the other. Chairwomen Lee asked Mr. Willden with Health and Human Services if they were responsible for issuing the medical marijuana cards. Mr. Willden replied that they issue the cards; she asked if they set the criteria for the cards. Mr. Willden replied that they run them as a registry, it's very simple, if they clear

the background check and have a doctor's order for one of the lawful reasons that the doctor can order for medical marijuana and pay the \$100.00 fee they get issued a card. He also addressed the child support issue, it's a federal directive any privilege licensee that is not in compliance, the license is taken away. Chairwomen Lee replied that its not the patients that would receive the medical marijuana but the licensee that runs the dispensary who wouldn't get a license if they didn't pay their child support. She does agree without the actual language this is up in the air. She is also concerned with the bill discussed about being able to drive under the influence with a medical marijuana card. The difficulty is that there is a constitutional right for Nevadans to have medical marijuana, and getting it in the hands that need it in a lawful orderly way and that is the challenge that the Legislature is struggling with. She asked to entertain a motion on what the Committee should recommend to the Governor on this particular bill and if we should solicit an advisory opinion from Dan Bogden who has offered to do one if we want one.

Dick Gammick understanding is that there are some pretty heavy pushes being made for the Attorney General now to take a firm position on marijuana from a Federal stand point and there are other US attorneys waiting to see what he will do, there are several Congress people involved in that push to take a firm stand also. Chairwomen Lee said Lucas Foletta addressed that a couple of meetings ago where it was an unofficial understanding between the Federal Government and the States in that as long as the citizens were compliant with that states law that the Feds wouldn't come down on them very hard. Mr. Rozario said that was not the case, Chairwomen Lee read the DEA official position, Mr. Rozario said you could look at California's medical marijuana laws on the books for the last 6 or 7 years and they have been very active in shutting down dispensaries in California. There are so many of them it's hard to get to all of them. In the past it was put on The US Attorney General to prosecute in their respective districts. Colorado is more lenient on the Federal side as opposed to California that's why Dan Bogden was brought into the equation. His understanding was that the Attorney General was supposed to come out with clearer definitions as far as what the Federal Government was going to do about it, that was expressed to both State Attorney General's at a meeting in Washington about a month ago. We are waiting to hear from Washington, and that's somewhat frustrating. In the past it's up to the respective US Attorney for the prosecution of those cases. Mr. Rozario said in Nevada two years ago DEA along with Metro, North LV, Henderson along with the US Attorney Office executed Federal warrants on dispensaries that were operating illegally to Federal and State law. In the event state dispensaries would pop up what would the Federal government do, at this time it would be prosecution. The Attorney General of the United States is the head of the Department of Justice – he is Dan Bogden's boss, he's our boss he will decide what the direction is and they haven't heard anything from him. Chairwomen Lee asked if there was an ETA when we may hear something. Mr. Rozario replied no.

Mr. Gammick said one issue that is a much bigger issue than the marijuana law is the Supremacy Clause of the United States Constitution and the states coming up and passing laws in contradiction of the Federal Law. This will have to be resolved by somebody. Chairwomen Lee agrees.

Sheriff Gillespie asked if he could make a motion for a recommendation to the Governor in regards to this issue that we as a Commission are reluctant at this time to make a

recommendation on the BDR they have to review however we have a number of concerns in regards to proposed legislation how it is regulated and enforced. Richard Varner would like to add the concern expressed that we should put in the exemption from prosecution of driving under the influence AB351. Chairwomen Lee said there was also a concern about AB402 possessing marijuana for recreational use. Mr. Gammick would like to add the abuses of the dispensaries. Chairwomen Lee said that this bill addressed the means for dispensing the product, not necessarily the doctors that prescribe it. She doesn't know if there are any BDRs out there at this time regarding this. Mr. Gammick would like to address safeguards that the medical marijuana is dispensed lawfully. Bruce Breslow asked about the current Nevada Law that the most microscopic nano-gram of marijuana in your system would be subject to arrest. If for some reason the Legislature should pass some legislation the standard would have to be revisited, Chris Perry said an identifiable amount is based on the fact its considered possession if consumed and under the influence. There would be several laws that need to be changed.

Chairwomen Lee asked Sheriff Gillespie if he would amend his motion to include all the concerns that were discussed with the ultimate recommendation at this time that we cannot recommend this BDR until we see the actual language. Sheriff Gillespie agreed so moved. Dick Gammick 2nd the motion. Motion passed.

BDR 14-94 Revises provisions governing aliens unlawfully present in the United States.

Chairwomen Lee put the immigration BDR on the agenda but unfortunately she didn't send the language of the BDR so we don't have the language. If anyone has anything new or are aware of any developments on the law that was going to mimic all the legal parts unconstitutional on immigration that was passed in Arizona a couple of years ago. Certain parts of their legislation was struck down, those parts that remain are the ones the Nevada Legislators are looking to pass here in Nevada. She understands that Metro did not want to be involved with policing immigration that should be reserved to the federal government. The relationships with members of the Hispanic communities have a chilling effect on reporting crime. Chuck Callaway hasn't heard anything about a hearing coming up regarding immigration, they will be monitoring it. Dick Gammick said he and Sheriff Haley have discussed this issue and they have the mindset that they are not going to do this. They both have enough to do to enforce state laws without getting into the immigration fields, and the immigration laws are so hard to get into.

Sheriff Gillespie said there are a number of laws on the book regarding immigration and the enforcement of immigration laws and the responsibilities of enforcement of those laws that we don't need to create more laws, he feels that they already exist.

Chairwomen Lee would like to entertain a motion that the Commission would not recommend supporting any law that would expand the scope of local Law Enforcement agents to enforce immigration laws, that should be left to the Federal Government. Dick Gammick made the motion, Sheriff Gillespie seconded the motion. Motion passed.

BDR 137 – Campus Carry Legislation

Chairwomen Lee included some language from the actual BDR, Dick Gammick was kind enough to give her the corresponding Assembly bill. Her understanding is that the Senate version would expand the ability to carry weapons for employees of Universities and schools so long as they have CCW's and they made it known to the head of the school that they would be carrying on campus. The Assembly bill is a little broader and allows any CCW holder to carry on campus with the permission or knowledge of principals or heads of schools. Her understanding is that the past the Commission has been indecisive on this issue. She has heard really good considerations and concerns on both sides. We've never made a firm recommendation to the Governor on this bill so we will open the floor for discussion. The Assembly bill isn't on the agenda but we could discuss the contrast to the Senate Bill.

Sheriff Gillespie said this comes as a policy decision within the Legislature not necessarily a law enforcement decision. Law Enforcement may weigh in with regards as to whether they like it or not but when you're talking about a Crime Commission focused on crime that would be hard to focus on why they would want to get into this discussion. CCW would be another issue, when you could carry, qualification for on campus carrying and things of that nature, he didn't think that would rise to the occasion of recommendation to the Governors dealing with crime trends and crime issues.

Dick Gammick would like to clarify some of Sheriff Gillespie's questions. This bill and this approach came out of the Dennison/Biola case. Biola committed two sexual assaults on the campus before assaulting and murdering Ms. Dennison. One victim was assaulted in the parking garage at the UNR campus. She was a CCW carrier and to this day she said she could have stopped the entire situation and Ms. Dennison would still be alive if she was allowed to carry her gun on campus. It has come out of this case, a death penalty murder case an issue that should be looked at.

Sheriff Gillespie appreciates the comments of Mr. Gammick, his feedback to the Commission as a whole would be maybe we make a recommendation like he suggested to some of his peers across the state in law enforcement. Rather than saying everybody and anybody that has a CCW could carry anytime and anyplace within institutions of higher learning, maybe we take a look at that from the standpoint of the facts and circumstance that have lead us to this decision, later hours, those that attend evening classes, those that have to walk to remote areas, those attending college in a more rural area and also attaching some specific penalties to those that violate the law. This would give the campus police standing to deal with issues of open carry and CCW in and around campus. Chairwomen Lee read this as it refers to all schools public and private, not limited to colleges. The bill attached to the agenda actually goes beyond institutions of higher learning and includes public and private schools as well, she's not sure how we would discuss this. The assembly bill is broader than the Senate bill which limits it to CCW carriers that are employees versus anyone with a CCW. She asked Chuck Callaway if he has been involved with these discussions. Mr. Callaway said he has had extensive conversations with Assemblywomen Fiore about her assembly bill and she's open to discussion and potential for law enforcement. She has told him she doesn't want to make her bill to be something law enforcement isn't good with; she's willing to consider some of the options that Sheriff Gillespie talked about time, place and manner.

However on the Senate side the Legislative philosophy to ask for everything and see where the chips fall and see what you come out with it's a play on the Senate side. There are concerns about day care centers with people being armed. There are a group of bills being heard including the campus carry bill, the CCW bill getting rid of gun registration in Clark County, and then on the other side putting CCW on their driver's license. Then there's the constitutional carry bill where you can carry concealed wherever you in the state. We can get an idea if there is momentum on this. They have to go through judiciary and Senator Segerblom on the liberal side and has his own bill that bans assault weapons and magazine capacity. I'm not sure how much momentum this bill will get. Chairwomen Lee said there is a lot of gun legislation being proposed. Mr. Roshack said there are 8-9 other bills out there running the gamut trying to address carrying weapons on school grounds and the constitutional right to carry. You would have to attempt to address all of them to the Governor and it would be impossible.

Dick Gammick said last time this was discussed there would be kids running all over campus with guns and just wanted to mention that NRS 202.3467 a person must be 21 years of age or old to get a CCW permit.

Sheriff Gillespie said this isn't one bill there are a lot of them out there and he thinks we should be very careful like with the marijuana discussion in regards to attempting giving the Governor some direction when there are so many different bills out there. He thinks since we're going through the Legislative session and we've had this special meeting here we avail ourselves, bill drafts become bills, become through initial discussion and look more like a finalize law then we can give a final recommendation to the Governor. We can get back to him when we move forward. Mr. Gammick said there would be a better time to have this discussion after the bills go the other house before we make our decision. Chairwomen Lee asked when the session ends. Mr. Roshack said June 3rd, so all this should happen before June 3rd. April 24th is the cutoff date. Chairwomen Lee asked Sheriff Gillespie to make the motion since there is so much other surrounding legislation and the final bills will look like we can't make the recommendation until we have some more solid information. Sheriff Gillespie said so moved. Dick Gammick seconded the motion. Motion passed.

AB 62 – A bill that would exempt from POST certification bailiffs and deputy marshals hired by Justices of the Peace in Counties under 700,000.

Dick Clark said this bill was opposed at the February 28th POST Commission Meeting in Reno. The Commission motioned to oppose this bill and he would like to bring it before the Crime Commission to look for collaborative support of this bill. The bill is of great concern to the Commission because it allows the appointment of bailiffs or deputy marshals who would be exempt from POST certification with the only caveat that they were POST certified at some time in the past and not only from Nevada but from any state. He and the Commission honor those people that have served as Peace Officer and honorably retired. The issue with this bill is that there are many reasons why peace officers retire and leave service. They leave in lieu of discipline issues including dishonestly, criminal involvement, drug issues, health related issues that would inhibit their ability to be a peace officer. There is no background check required and the background check at this time requires a medical examination for fitness, current and past

employment history, criminal history, driving record, financial history, educational background, military service, a drug screening test, a psychological evaluation and a lie detector test. Mr. Clark said the lie detector test is required by any peace officer that transfers from one agency to another in the State of Nevada. If the bill was to pass there would be no update on training required, there would be no continuing education requirement, the individual would not be held to the professional standards of the POST commission because they wouldn't be certified. At this point in time there are no Nevada Peace officer that can recertified in Nevada if they have had a 5 year break in service unless they pass a background check, basic academy, physical fitness test and passing the State's certification exam and receiving a POST certificate. Other professionals, Attorneys, Nurses, CPA's and MD's must maintain expertise through continuing educations and so do Peace Officers. Giving an individual a badge and a gun with the authority to make constitutional freedom limiting life and death decisions without justifying that they meet and maintain a standard of professionalism required by all other Peace Officers is not a good idea. Currently all requests for waivers for those who don't meet the POST Standards that have come before the Commission have been denied. The Commission is opposed to this bill and ask that the Crime Commission take a similar stand. Dick Gammick said for Law Enforcement it's been a long hard road to get to the professionalism we have gotten to. Chairwomen Lee asked who would be exempted from certification. Mr. Clark said it would be Bailiffs and Deputy Marshals that would be hired by Justices of the Peace in the counties less than 700,000 people. Chairwomen Lee reiterated that it would be court room Bailiffs and Deputy Marshals and counties with less than 700,000 people. That would exclude Clark County. She asked if there was some reciprocity with other states. Mr. Clark said yes, if people from other states, peace officers who retired or left service and would like to take residence in Nevada and they have had less than 5 years break in service they have the ability to take a 2 week in lieu academy to bring them up to the NRS standards and they have to pass the physical fitness test, background tests and other requirements of that agency for hiring. They also have to take the POST exam and pass. They would have to have a 24 hour continuing education requirement that they must mandate or they are suspended.

Chairwomen Lee asked who is proposing this bill. Mr. Clark didn't know the information and he doesn't know what the benefit would BE other than it makes it easier for Justices of the Peace to hire people they would like to hire because everybody who's going to enforce the law in the State of Nevada and any Peace Officer who has more authority than any other profession to make life and death decisions and constitution limiting without supervision should be at a high professional standard. Bob Roshack said that the Nevada Supreme Court filed the bill. Chairwomen Lee asked if there were any questions or comments from the public. She then asked for a motion. Mr. Clark made the motion to recommend to the Governor's Office to oppose this bill. Sheriff Gillespie seconded the motion. Motion Passed.

“Support for a National Commission on Crime” - Sheriff Gillespie

Chairwomen Lee turned the floor over to Sheriff Gillespie for further discussion.

Sheriff Gillespie said some discussion has taken place on the Law Enforcement side since the discussion came up on guns in America. It has been a recommendation by a number

of national Police Organization, International Association Chiefs of Police, National Sheriffs Association, major city Chiefs as well as major county Sheriffs that the President of the United States come forth with an executive order to establish a National Commission on Crime. That Commission would be a similar model that took place in the Lyndon Johnson Presidential era where a number of recommendations came out of that Commission that has led to the standardization in Law Enforcement , training criteria, equipment as well as community policing. We believe that rather than just talking about guns there needs to be a true national discussion in regards to violent crime in America and what can we done to reduce it. The reason he put this agenda item would be to send a recommendation to the Governor because the Governor Associations nationally will be reached out to in the near future to weigh in on placing some pressure on the President. Sheriff Gillespie would like the Commission to make the recommendation to our Governor for him to follow the recommendation of Law Enforcement that this Commission be established.

Dick Gammick questioned Sheriff Gillespie whether this also include the District Attorney's Office being involved due to NRS 202. Sheriff Gillespie said yes the Commission would include all aspects of the Criminal Justice System; it would also include other aspects from education to social service and a number of the society type issues that they deal with young people making inappropriate decisions leading them to a life of crime. It would be all inclusive to all many aspects of government and private sector in the discussion as well as representation of the Crime Commission.

Chairwomen Lee asked who from our state would be appointed to the Commission. Sheriff Gillespie said the Commission would have to be established and then the criteria would have to be established for representation, as it moves forward that would be part of the discussion. A year ago there was preliminary discussion and letters were sent from respective Law Enforcement National organizations and it didn't get much traction at all. Recently because of the discussion on Crime some of these high profile incidents that took place there is a better window of opportunity to encourage the President to make a move in this direction. Chairwomen Lee asked if it envisions it as to resource pooling organization educational vehicle across states. What is the purpose of the Commission? Sheriff Gillespie said the purpose of the Commission would be to reduce violent crime in America. Chairwomen Lee asked if there would be an interstate educational component. Sheriff Gillespie said there would be an educational component, training component, component that would deal with the prison system, the component dealing with the jail system, from recidivism rates and things that could be done. Best practices, academic approach such as the Kennedy School of Government as well as John J Criminal Justice Program. We in the Crime business you can't arrest out of these situations, there are a lot more factors that come into play and this is an opportunity as a whole to address an issue that they haven't address from the Commission standpoint since the mid 1960's. Sheriff Gillespie said the 9 11 system we have today was a by product from that Commission.

Chairwomen Lee asked to entertain a motion, she doesn't see a down side, and Sheriff Gillespie made the motion to support the approach to a National Commission on Crime supported by the President of the United States. Dick Gammick seconded the motion. Motion passed.

#7. FUNDING PRESENTATION (Informational Item)

Chairwomen Lee said that Michelle Hamilton was with us today to discuss possible funding

Michelle Hamilton of Office of Criminal Justice Assistance explained OCJA is an agency within Department of Public Safety. The office's primary function is to administer the Justice Assistant Grants. They take in several other assistance grants also. The office is a grants office and they are sub granted out. Ms. Hamilton wanted the Commission to know that when she was in Washington DC the meeting was strictly about the evidence based practices and the emphasis that the Department of Justice wants to put on evidence based practices and it's a solution to a crime that have been practiced in another jurisdiction. It has been highly researched and evident that it works; at that point that practice is taken into other jurisdictions and through the same evaluations it is replicable in other jurisdictions.

The Department of Justice has spent a lot of money through the bureau of Justice Statistics to analyze data and they have created crimesolutions.gov. In that web site there are 240 evidence based practices that could be adopted by the State of Nevada, a lot of them deal directly with DNA, some of them deal with recidivism and pretrial assessments. Her purpose is to let this Commission know this funding is currently available, the application period will be closing on April 12th and the eligible participants can only sub grant to a local unit of government without a waiver. If a nonprofit were to apply then that jurisdiction would have to get a waiver from that local unit of government. Ms. Hamilton has spoken to Nevada Sheriff and Chiefs, she has put out post cards, she would like to get the input from the Crime Commission if there are priorities within the State of Nevada where they would like the funding to go. There was strategic planning done over a year ago and the appetite was for information sharing and for the reduction of crimes and to bring in the deficiencies within the Correction system and the recidivism rates. She wanted to bring it to the floor and get feedback and to let them know that our agency would be willing to address the information they need.

Chairwomen Lee asked if anyone has comments or concerns and that included the public. Dick Gammick said that DNA was one of the approaches they have taken. Would Brianna's law qualify for this type of funding? Ms. Hamilton said if you go into the crime solutions there are specific cases or agencies or jurisdictions that have adopted DNA laws already. You could look at what they are doing and tailor your grant proposal to it; there is a great appetite for the Commission to pick a pilot area such as Brianna's Law. Grants are an enhancement and then there is a funding mechanism that comes about. Chairwomen Lee asked who would be the actual applicant in terms of submitting the grant. Ms. Hamilton said it would be up to the Commission who would take the lead. Chairwomen Lee asked how much funding would be available. Ms. Hamilton doesn't know at this time because of the sequestration, at this time it is at level funding the same expect to see a 5.3% cut, she's not sure what the Federal Government was going to give them. Applications will be accepted through April 12th and awarded July 1, 2013. Chairwomen Lee asked if any funding has been awarded yet. Ms. Hamilton said no funding awarded yet and people can apply on the website www.ocj.nv.gov through April 12, 2013. Chris Perry said there are a number of applications received typically 20 – 25 applications per year, there are a lot of agencies competing for the grant. Director Perry

thinks if this is something the Commission is considering funding a part of the Brianna's Law there should be a single point of contact such as Washoe County Sheriff's Office - they are the Cotis contact. There will be some specific work if the bill passes. Per Director Perry, the application can still be accepted if the bill passes. Ms. Hamilton said the Forensic Science Improvement grant has just come out for \$50,000 and Washoe County Lab and Clark County Lab have been contacted, they decide on how to split the money. Chairwomen Lee asked if the Washoe County Sheriff's Office is contemplating an application that the Commission would need to check on.

On the agenda this is an informational item only however Chairwomen Lee will personally work with Michelle and go on the website and get more information. The next agenda item is setting the next meeting so maybe by then she can come with some concrete information even starting the process and put all the pieces in place. Dick Gammick will contact the Washoe County Sheriff's office and see if they have an interest in this grant and let Chairwomen Lee know. Director Perry said it could be an issue depending on how the fiscal note turns out and the cost. The grant must be in by April 12th contingent on Brianna's Law passing. Dick Gammick said under the grant process can the grant be a partial funding. Michelle Hamilton said yes it's preferable it shows more stakeholders there is more interest. Chairwomen Lee asked how the funds will be used. Do you have to designate it immediately? Michelle Hamilton said it's scalable; she works with the Washoe County Sheriff's Office often and they write a lot of money and they are very accountable for their money. Dick Gammick would like to find out if the Commission members are interested in this grant. Chairwomen Lee asked for a consensus of the Committee members in requesting this grant for DNA - all agreed. Bob Fisher said people have short memories but Brianna Dennison hit a nerve and the law should have been passed long ago. Shawn Reid asked if this is dependent upon the bill passing or can the money go to crime lab for DNA directly. Michelle Hamilton replied that it depends on how you write the grant, you can come up with your own DNA testing grant it's not contingent on the Brianna's Law bill. Chairwomen Lee also said that Brianna's Law was actually based on other state's successful laws, she believes it was actually patterned after other states law. Director Perry suggested to look at the backlogs that currently exist for DNA, then they wouldn't be incumbent upon the law passing because there already is clear statutory authority for taking and processing DNA in certain circumstances. Richard Gammick said in order to do the Brianna Dennison case the community raised 30,000 to get DNA samples. Chairwomen Lee will contact Mr. Gammick and visit the websites for information. She feels the backlog would be the way to go.

#8. SET SPECIAL SESSION OF THE CRIME COMMISSION TO BE HELD PRIOR TO OR DURING THE 2013 LEGISLATIVE SESSION.

Chairwomen Lee asked for a suggested date to meet based on the amended Executive Order our commission is expected to expire either this year or next but the Governor really needs our input during this critical time during the Legislative Session. She will be submitting a consolidate report from the January meeting and March 20th meeting. She hates to burden the Committee but we possibly need to meet one more time before the session's closing especially since we know about this grant. She recommends that we meet soon. Dick Clark said the timeframe discussed was after April 23 1st passage of the

house. We would know what is going forward and we could finalize what our recommendations would be. Bob Roshack said once they do the move a lot of things that didn't show up, show up again. Bruce Breslow said a lot of these people will be testifying at Legislature. Chairwomen Lee asked for a proposed date of May 22, 2013 1:30pm. Connie Bisbee made the motion, Richard Varner seconded the motion. Motion passed

Chris Perry said he received an email from our representatives in Washington DC regarding the Byrne Jag Grant that we were talking about. There was going to be an amendment on the Senate floor the following day. After that amendment hits we will push this out again and meet with the Sheriff and Chiefs for support and the appropriations committee so they will have to contact our Senators about the Byrne Jag Grant and how important it is to support the grant. Telephone calls and emails will alert them to what we need.

9. PUBLIC COMMENT

No Public Comment.

10. ADJOURNMENT

Dick Clark motioned for adjournment, Dick Gammick seconded the motion, Motion passed.

The meeting was adjourned at 3:25 pm

The next meeting was scheduled for May 22, 2013 1:30pm

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