

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
MARCH 2, 1977

This meeting was called to order at 12:30 P.m.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice-Chairman
Senator Eugene V. Echols
Senator Norman Ty Hilbrecht
Senator Norman Glaser
Senator Thomas R. C. Wilson
Senator C. Clifton Young

OTHERS: Ron Sparks, Deputy Fiscal Analysis
Howard Barrett, Budget Director
Larry Ketzenberger, Deputy Metropolitan Chief
Ray Gubser, Assistant Las Vegas Metropolitan Chief
Vince Swinney, Sheriff's Department, Washoe County Reno, Nevada
Bernard Dehl, Crime Commission, Carson City, Nevada
Dave Banovich, Churchill County
James A. Barrett, Director of the State Law Enforcement
Assistant Office
Bart Jacka, Las Vegas Metropolitan Police Department

Mr. Ray Gubser stated that there was prior discussion on the State's refusal to impliment a laboratory contract for 1975-76 as they had in the prior two fiscal years. Mr. Gubser said this was an effort, according to his belief, to come with the idea that they needed a state crime lab and the funding for it, particularly since Federal funding was being eliminated.

He stated he wouldn't go in to the correspondence that the Las Vegas Metropolitan Police went in to to get that contract signed over the period of a year.

Mr. Gubser said there are over 24 pieces of correspondence back and forth to have that contract validated for 1975-76. As a result of not signing the contract, the Metropolitan Police Department, was forced to bill small agencies to run their narcotics testing and examinations. Mr. Gubser said this puts the small agencies in a dilemma because we are down close to where the action is and they needed the information right away.

Mr. Gubser said a meeting was held two weeks ago. Statements were made to some of the smaller towns sheriffs and chiefs of police. He said they stated that the large agencies did not have the manpower, equipment or the time and their priority was the large agencies.

Senator Lamb asked who made those statements. Mr. Gubser said somebody from the Department of Law Enforcement Agency. Mr. Gubser said this has to sound enticing to the small agencies. He said he had talked to a small town police chief down south and he said it would be much more practical for those examinations to be conducted down south, but the budget was a problem and they were considering sending them up to the state. He said we pointed out to them that if we had been under contract for the Narcotics Analysis with the state, we wouldn't have found it necessary to charge. He said a year and a half has gone by and we have not collected on our contract although we have provided the services for that year. We are still quiliving over the amount due us.

Mr. Gubser said we are not trying to get rid of the Department of Law Enforcement

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system. He stated it is a necessary part of State Government to give assistance to all of Law Enforcement and Criminal Justice agencies. He said what our concern is that the monies they do have, not be used to duplicate services already being provided by other agencies and that they be used to provide additional services for both the small and the large agencies.

Mr. Ketzenberger said in reviewing some of the state budget from the Department of Law Enforcement Assistance, we found some interesting things. He said in their proposed budget for the up coming biennium, a total of 144 people were requested by the titles listed in the budget document. The interpretation is that 107 of those positions are supervisors. In addition, there was a substantial request for a pay raise for the director, which is nearly \$8,000.

In 1976, the Las Vegas Metropolitan Police Department was awarded a total of about \$35,000 in grants. To circumvent the red tape put upon by the Department of Law Enforcement Assistance and its staff, approximately \$8,000 was spent in plane fare per diem, trying to overcome the problems. We would like to see it back at the level it was when it was created.

Mr. Ketzenberger said in terms of the narcotics operation, it was intended to help the smaller communities. We recongnize they have state wide authority and they will get involved in larger operation.

Mr. Ketzenberger said in the document provided, there is a copy of an artichel written by Mr. Calhoun where he states in substance: "We don't have time to go to the small community." He said the intent was to help the small communities. What has happened is that Nye County, Lincoln County called because the state wouldn't respond. In summary, we are not against the Department of Law Enforcement Assistance, we just want it run the way those of us who created it intended it to run.

Mr. Vince Swinney said he was one of the charter members of the Crime Commission in 1969-70 and at the present time is serving as a Police Administrator. He said the philosophy, with regard to the Crime Commission, was that it be involved in communication, crime labs, scientific investigations and support services on a regional basis. Mr. Swinney said one region was to be in Washoe County and one in Clark County, to service not only our own counties but the adjacent smaller counties. He said there would be certain aid from the state in terms of services supplied to the counties outside of our own. He said the state would serve through the Commission and the Department of Law Enforcement Assistance as a coordinator.

Mr. Swinney said they have moved away from this and we would like to see it return to the original philosophy with the Commission, expecially in the Sheriff's Department in Washoe County.

Mr. Swinney said the Commission being the actual policy body for local law enforcement agencies, in regard to appropriate state or federal funds, particularly in these areas of communications and regional crime labs with the state providing the coordinating functions. He said he would support the testimony given this morning with regard to POST POST, has been a successful and necessary program.

Mr. Bernard Dehl, Chairman of the Crime Commission, said he represents the feelings of the Commission, and the communication users in the state. He said we understand that the federal funding for the positions of the Communications Technicians and Field Technicians is severely reduced and will be entirely cut out for the following year. He said the Statewide Communications has been an important link in law enforcement throughout the state. If we loose the capabilities of Statewide Communications, we are severely crippled.

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Mr. Dehl said we won't be able to operate. If federal funding is cut out or restricted, let the state assume the responsibility of funding the communications positions and the field technicians.

Senator Lamb asked Mr. Dehl if he agreed with the testimony given to the committee. Mr. Dehl said some of the testimony by Deputy Chief Gubser has already been handled on A.B. 278. He said some amendments are in order which we will respond to later. He said this also includes A.B. 261.

Senator Wilson asked if they concur to comments made on policy questions. Mr. Dehl said the Commission feels the Department of Law Enforcement Assistance is becoming too large and they would like to retain some act of control over the department.

Mr. Dehl said we lost sight of what our original intent was. He stated in 1973 the size of the Department of Law Enforcement Assistance was 40 people and in 1975 it was 63 people. He said the last he had heard was 87 and today he heard 144.

Senator Young inquired on the coordination between the narcotics division and the counties. He said he had always been worried the buyer was from one agency and the seller from another. Senator Young asked if they really coordinated?

Mr. Swinney responded in regard to his own department. He said when the task force began operating in the local area we backed away from the narcotics completely. He said if a narcotics situation fell into our lap or if our people came across a specific narcotics violation, they will deal with it. He said if there is something that is purely county that the task force does not want to take care of, we will create a temporary unit within our particular division to deal with it.

Mr. Swinney said we feed our intelligence and our information to the task force locally in Washoe County in hopes they will effectively treat it and we won't get into that situation.

Mr. Swinney said there is some competition locally in Washoe County between Reno narcotics people and the task force people. He said there is no competition between the Sheriff's Department personnel and the task force.

Mr. Ketzenberger said he talked at length with the commander of his narcotics unit and with as many people as are involved, there is going to be conflict.

Mr. Ketzenberger said he is not happy with the state's narcotic forces in Las Vegas.

Mr. Bart Jacka said Chief Gubser and Chief Ketzenberger have adequately responded. The Department of Law Enforcement Assistance has grown beyond what we had envisioned when it was originally conceived. He said the most important thing for us in Law Enforcement is to return back to the level of training that Senator Glaser talked about, particularly for the smaller agencies.

Mr. Jacka said the narcotic unit in Las Vegas is directly under my responsibility and we haven't had any difficulty. He believed the narcotic unit when it was originally conceived on a state level, was to handle specifically those small communities and stay out of the larger areas.

Mr. Jacka said as far as the other bills that have been addressed, you are talking about money. The whole purpose today is to show a scheme the Department of Law Enforcement Assistance has developed over the past few years.

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Senator Wilson wanted to explore a comment that was made this morning on the possibility of a state laboratory.

Mr. Gubser said the original concept that the Crime Commission took was to have two regional laboratories. One in Washoe County for the purpose of analyzing narcotics run by the state, through the narcotics division.

Mr. Gubser said many other examination would be run through the Washoe County Sheriff's Department. For the purpose of the south, the state entered into a contract with the Metropolitan Police Department to perform all narcotics analysis for the agency and the county in the south. That was their intent and purpose.

Mr. Gubser felt that smaller agencies could provide services of a State Crime Lab. A person was hired who was employed by the Las Vegas Metropolitan Police Department in our crime lab to come up and work with the State Crime Lab in various types of analysis. A document examiner was also hired from the Las Vegas Metropolitan Police Department. The staff at that location now includes some five field technicians which were originally intended to be funded to the Metropolitan Police Department, to take care of the finger print and file system which was not to be developed on the state level. He felt those funds were diverted from what they were intended.

Senator Wilson asked when did the contract end. Mr. Gubser said on July 1, 1975. On that date a new contract was sent to Carson City to the Department of Law Enforcement Assistance with the Sheriff's signature on it. We heard nothing from it until we inquired at a later time; the contract was improperly drawn and a new contract was needed.

Senator Wilson understood that in the biennium of 1975-77 there was no money in the budget for the biennium to set up an operating crime lab.

Mr. Gubser said he could not answer that because he was not on the Crime Commission. It was never intended there should be a State Crime Lab. He said we were surprised they had X number of employees this year and more down the road. He stated that the employees are coming aboard without the knowledge of the Crime Commission.

Senator Wilson asked whether the funding for the crime lab was appropriated for fiscal 1975-77 and whether the funds were diverted for that purpose.

Mr. Dehl said in Washoe County, approximately four years ago, we went for a discretionary Federal Grant, to operate a crime laboratory for three years, after which it would be picked up by the county. This was to form the basis for the Northern Regional Crime Laboratory.

Mr. Dehl said the intent of the Crime Commission originally going back to 1969-70, was the Sheriff's Department Crime laboratory would do the ballistics and tool mark examinations for the northern half of the state.

Mr. Dehl said after a period of time this would be reimbursed in grant and aids from the state, or if federal funds were in existence, from that source. This was going back to the original concept of a regional laboratory, doing primarily narcotics work for the smaller counties, and narcotics work only.

Mr. Ketzenberger said he polled half a dozen members from the Crime Commission and asked them that same question. They all responded in the same manner that they had never seen a Department of Law Enforcement Assistance budget.

Senator Hilbrecht asked if Mr. Howard Barrett knew of this mysterious laboratory?

Mr. Barrett said last years budget or the budget we were considering two years

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ago contained two chemists for the Northern Nevada Narcotics Laboratory. Mr. Barrett said it contained \$17,000 in services which was intended to be the contract with the Las Vegas Metropolitan Police Department.

Senator Hilbrecht said that answer does not contemplate a State Crime Laboratory.

Mr. Howard Barrett said in the request there is a \$80,000 item for specialized equipment which is mainly laboratory equipment. We did not recommend this.

Senator Wilson asked Mr. Barrett if there was any indication that funds have been transferred and used for purposes other than what they were originally intended.

Mr. Barrett didn't really know.

Senator Wilson said there was an inference of diversion of funds from one category to another. He wanted to know if there was any track of diversion.

Mr. Barrett said no, the laboratory in the north has existed there for a couple of bienniums.

Mr. James Barrett said there is bureaucracy in the Department of Law Enforcement Agency. Being candid and honest, he said he has been in law enforcement for nearly thirty years. When the Governor asked me to join him in his administration, I had several requests, dislikes and likes about the make-up.

Mr. Barrett said we have a Crime Commission. A Crime Commission under any designated factor of law enforcement or legal position is a very powerful body of men and women. He said in excepting the Department of Law Enforcement Assistance funds from Washington, they have what they call a Board of Supervisors. Mr. Barrett said we have a Crime Commission and a Board of Supervisors. In Nevada, they put these two groups together.

Mr. Barrett said you have Crime Commission members approving grants and people accepting grants at local levels who are members of the Crime Commission. There is really no separation. When we get involved in areas of federal money they came down over the period of years and they unfortunately sneek in on us with seed money and they plant ideas.

Mr. Barrett said there is very little coordination between the federal system and Mr. Barrett's budget office, in creating even the accounting faze of the agency. He said things grew because there wasn't proper planning every month of the way.

Mr. Barrett said funds are being poured into the identification and communication areas. Through reorganization, toes were stepped on, people changed. He said he felt the Crime Commission in Nevada is very poor. He said it should be a strong enity. Mr. Barrett said the Department of Law Enforcement should not have all the functions that are assigned to it. One end of the week I am a Director of the Crime Commission and the next I am Director of the Department of Law Enforcement. He said I am dealing with people who are under a system where if it were seperated, he wouldn't be turning against himself.

Mr. Barrett said sometimes he wakes up in the morning and looks at himself in the mirror and asks himself who is he today.

Senator Wilson commented that he recongnizes in Mr. Barrett's last comment that there is a adversary relationship; if in the morning he feels schizophrenic when he gets up and that suggests he isn't working one with the other. Senator Wilson drew the inference that it's not the way it is suppose to work.

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Senator Wilson wanted to know the story on the state laboratory.

Mr. Barrett said there are two chemists in the Northern Nevada State laboratory. He said he didn't learn until nine months ago in 1976 that there was not a written contract for the \$17,000 fee for the Las Vegas Metropolitan laboratory. Mr. Barrett said this should have been put into effect and in writing in June of 1975.

Senator Wilson asked Mr. Barrett to tell him about the general policy with respect to laboratory service, the extent of services, the extent to which counties are suppose to rely upon municiple labs in Reno and Clark County and to the extent to which the state is to provide laboratory services to the rural areas. Senator Wilson asked what are we suppose to be doing and what are we doing?

Mr. Bennett said he was in favor of having a laboratory set up with the Las Vegas Metropolitan Police Department. He said he didn't see where it would be cost effective to establish something down there.

Senator Wilson asked what the facts were today.

Mr. Barrett said everything is coming up to our Reno laboratory with the state working on it.

Senator Gibson said then you don't have the money for the Las Vegas laboratory?

Senator Wilson asked why are they asking for these services? Mr. Barrett said there is a need for them.

Senator Hilbrecht said at looking at your idea with regard to the Communication budget and the Federal Grant program, he said there is a supervisor and three finger print technicians.

Mr. Barrett said under Statute 216, we are authorized to establish a State Repository for all finger prints from all Law Enforcement Agencies in this state.

Senator Hilbrecht said then we are doing it from two places.

Mr. Barrett said no, but the decision was made prior to my coming in that we utilize Las Vegas Metropolitan, that they don't send any of their finger print cards up. He said we get the cards from the small counties and process them.

Senator Lamb asked what services are used out of this area?

Mr. Banovich said we use them all. He said I've heard pros and cons in regard to Nye County and Lincoln County working through Metropolitan Police Department. Mr. Banovich said there has been fantastic results and cooperation until the charge for the services came in to it and you had to pay. He said our county can't pay for it.

Mr. Banovich said we have been working through the Crime Commission. He said they have been extremely cooperative. Mr. Banovich said Clark and Washoe County take care of their own departments before they take care of the small counties. He said this is what we are concerned about. He said the Crime Communications laboartory in Carson City takes care of us immediately.

Senator Lamb said when this was set up this was the whole purpose behing it, that the rural counties would get the benefit of it. He said we weren't worried about Metropolitan or Washoe County. Senator Lamb said we knew they had it closed up and were experts in this area and could do it themselves.

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Senator Young asked if there was testimony from a witness or work done, does the small county pay anything through the Metropolitan, Washoe County or the state.

Mr. Banovich said up until 1976, when we received a letter from Metropolitan that said they would have to charge, that they were sympathetic about it at that time, the state has never charged us.

Mr. Swinney said that if it was an emergency situation or an immediate crime scene, we would respond as an original commitment. He said if it was a normal laboratory examination request, it would fall into the line the same as if detective 'A' got there before detective 'B'.

Mr. Swinney said there is a great deal of difference between those two types of requests. He said the original intent was to respond to immediate needs and normal requests would be in sequence.

Mr. Jacka made a comment to Senator Young prior to 1976, when the budget crunch hit everyone including transported investigators and field technicians, throughout the state. He said we provided criminalistic services for every law enforcement agency. He said we are just saying go back to what can be provided to the small counties and cities and stop the empire building.

Senator Young asked if it wouldn't be more feasible to have two laboratories, one in Washoe County and one at Metro.

Mr. Dehl said it goes back to federal guidelines and maintaining of criminal history records. He said this is where we get into the privacy and security area. Mr. Dehl said the questions are; who is going to keep these records, who is going to post entries of these records, certify when they are released for trial and that they are true and accurate.

Senator Lamb asked Mr. Dehl if he was chairman of the Commission.

Mr. Dehl said yes. Senator Lamb asked what kind of authority or input do you have? Mr. Dehl said we have had a problem with the wording of the Legislature. He said it is not clear and we have two conflicting discussions, that we have more or less a policy making authority and then another where we have direct administrative responsibility. He said probably the most authority the Commission extends is in the approval of grant requests.

Senator Lamb asked where the two bills came from.

Mr. Barrett said 278 came out of committee and 261 was given to the bill drafter by Mr. Peevers.

Senator Lamb asked Mr. Peevers if this was so. Mr. Peevers said yes.

Senator Gibson asked what the problem of the bill 261 was, where you say it doesn't relate to what you worked out.

Mr. Gubser said we worked very diligently with several agencies to create the wording in the Security and Privacy Act that we felt we could live with. He said the people of the Department of Law Enforcement Assistance changed that to make the Director of the Department of Law Enforcement all powerful with no control,

Mr. Barrett denied that statement. He said we set the printing guidelines and the privacy and security plan that was assigned by the Governor. He said we sent it over to Mr. Daykin's office and he said his men would draft that bill and I will take an oath that I had no input to that bill.

Mr. Barrett said he read that he was named in naming a committee, when the plans were that the Governor would do so.

Mr. Jacka he had checked with the bill drafters office to see where the input came from. It came from the Department of Law Enforcement Assistance.

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When the bill was drafted, they sent it to DLEA with five copies and asked for specific comments. No comment was received.

Senator Lamb said they had to do some work on this matter and thanked everyone for coming.

Meeting adjourned at 1:15 p.m.

RESPECTFULLY SUBMITTED:


HENRI VALENTA, SECRETARY

APPROVED:


FLOYD R. LAMB, CHAIRMAN