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# Peace Officers Research Association *of Nevada*

Senate Government Affairs Committee  
72<sup>nd</sup> Session  
Nevada State Legislature  
401 S. Carson St.  
Carson City, NV 89701-4747

April 7, 2003

Re: Senate Bill 360

Dear Chairwoman O'Connell and Ladies and Gentlemen of the Committee;

My name is Ron Dreher. I apologize for not appearing in front of the committee this afternoon but significant previous engagements in Reno prevent my appearance. Please accept my written testimony and please oppose SB360.

I am the president of the Peace Officers Research Association of Nevada (PORAN). I am an honorably retired Reno Police Officer having served the people of the state of Nevada over 26 years in local law enforcement. A large portion of my career was spent working patrol and traffic assignments. For approximately the last 10 years of my career I was assigned to the Major Crimes Unit of the Reno Police Department. My duties in that capacity were to investigate major crimes including office involved shootings, child abduction murders, kidnappings and death investigations. I also served in the capacity as the president of the Reno Police Protective Association. I have represented police officers in discipline/discharge disputes for 20 plus years. PORAN is a professional peace officer association. We represent the professional peace officers of our great state. We do not racially profile and are completely against bias based policing. We ask that you oppose SB360 for the below listed reasons.

As professional peace officers we are taught in the police academy setting and throughout our training to "criminally profile". We spend our careers "criminally profiling". We are taught to look for abnormal conduct in a "normal setting". An example of this would be patrolling a residential beat and observing a vehicle in the residential area that stands out; that does not fit the area. A vehicle that contains 6 Caucasian males, in an Hispanic neighborhood, driving at a high rate of speed, or at a very low rate of speed, shouting obscenities at children, passerbys or other vehicles. If I, as a patrolman, stopped that vehicle for speeding, disturbing the peace, careless driving or any other valid reason, I would be racially profiling according to SB360 Section 4 - which defines "racial profiling".

According to the definition any time a law enforcement officer would make a traffic stop on any person when they did not have an "identifying suspect" description they would be "racially profiling". If the objective of SB360 is to prove that law

enforcement officers "racially profile" then section 4 of SB360 would reach the objectives that the bill appears to want to prove. That again is because any stop of any vehicle where a "suspect description" is missing would be construed as "racially profiling" according to the definition.

As stated we do not in any way condone bias based policing in the performance of our duties and support punitive action against any officer against whom a clear case of such discrimination can be made. We do not believe that this legislation will accomplish the spirit of that goal. We do believe that the current legislation would have a severe negative impact on law enforcement's ability to perform its function - "To protect and to serve". We as law enforcement officers are held accountable for the performance of our duties. We are subjected to and openly accept repeated complaints by citizens, administrators, supervisors and anyone else that wishes to legitimately complain. The checks and balances are in place currently to determine when and if an officer "racially profiles". As can be seen by the lack of court cases nationwide "racial profiling" is not widespread. It is not the problem that certain groups keep shouting that it is. SB360 would prevent law enforcement from doing its job. Our communities do not deserve this restriction on law enforcement. We need to continue to "criminally profile" in order to protect and serve.

In the 2001 legislative session, AB 500 brought the issue of racial profiling to the forefront. That legislation also put into motion a statewide effort to identify incidents of racial profiling by law enforcement officers. While PORAN has not been directly involved in the surveys ordered by the 2001 session, it is our understanding that they are less than conclusive. SB360 would create and in-valid, non-credible, on-going statistical analysis that would forever attempt to validate that we "racially profile".

Valid training, regarding "bias based policing" can be accomplished in the academy levels and yearly training conducted by and through the Peace Officers Standards and Training Commission (P.O.S.T). Section 6 could be amended to incorporate a committee appointed by POST to develop the criteria for the training classes. We would certainly recommend that a rank and file law enforcement officer, with at least 10 plus years of law enforcement "street" experience" be placed on this committee, in addition to the Attorney General, Director of Department of Public Safety and "heads of the law enforcement agencies". This would provide a "street level" perspective as to recent trends in law enforcement policing for the committee.

Mike Neville, president of the Washoe County District Attorney's Investigator's Association recently wrote the following in opposition to SB20 - legislation that would have made it a misdemeanor for and law enforcement to "racially profile":

The proper way to prevent abuse of power by a law enforcement officer is through rigid hiring practices, thorough and comprehensive training, and effective discipline of misconduct. If officers feel that they will be the subject of a potential criminal prosecution whenever they encounter minorities in the otherwise legitimate performance of their duty, they will

likely avoid such encounters in all but the most blatantly criminal circumstances. What we will have accomplished at that point is the erosion of effective law enforcement in a misguided effort to prevent misconduct by those very few officers who might be inclined to violate the rights of racial and ethnic minorities.

Investigator Neville's statement regarding the above can easily be amended to the requirements of SB360.

In conclusion we ask that you oppose SB360 in its present form. If amendments are offered to the bill we ask that the committee delete the current definition of "racial profiling" as stated in Section 4 and prepare a valid definition of "bias based policing" that outlines and specifically states that the stopping of someone based on their race, etc. is improper and unacceptable. We also ask that section 6 be amended to include a rank and file, "street" officer on the committee to develop appropriate training. Professional peace officers accept accountability for our actions. We ask that you support our ability to "protect and serve" by opposing SB360.

Please feel free to contact me at 775-830-8877 should you have any questions.

Sincerely,



Ronald P. Dreher  
President - PORAN

cc: file