

STUDY OF THE FUNCTIONS AND PLACEMENT  
OF THE INVESTIGATION DIVISION OF THE  
DEPARTMENT OF MOTOR VEHICLES  
AND PUBLIC SAFETY



*Bulletin No. 87-33*

LEGISLATIVE COMMISSION  
OF THE  
LEGISLATIVE COUNSEL BUREAU  
STATE OF NEVADA

August 1986



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APPROPRIATE PLACEMENT WITHIN  
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Assembly Concurrent Resolution No. 35—Committee on Government Affairs

FILE NUMBER.....99

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the functions and appropriate placement within the state government of the investigation division of the department of motor vehicles.

WHEREAS, An investigation division currently exists within the department of motor vehicles charged with the investigation of offenses relating to motor vehicles, controlled substances and dangerous drugs;

WHEREAS, A proposal has been made to transfer the division to the office of the attorney general and to broaden its investigative powers; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the legislative commission is hereby directed to study the functions and appropriate placement within the state government of the investigation division of the department of motor vehicles; and be it further

RESOLVED, That the results of the study and any recommendations for legislation be reported to the 64th session of the Nevada legislature.

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REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 64TH SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Assembly Concurrent Resolution No. 35 of the 63rd session of the Nevada Legislature, which directs the Legislative Commission to study the functions and appropriate placement within state government of the investigation division of the department of motor vehicles and public safety.

In order to conduct the study the Legislative Commission, under the auspices of the Joint Committee on Government Affairs, appointed a subcommittee to conduct the study and recommend appropriate action. The members of the subcommittee were:

Assemblyman Leonard V. Nevin, Chairman  
Senator Dean A. Rhoads, Vice Chairman  
Senator Donald R. Mello  
Assemblyman Joan A. Lambert  
Assemblyman Mike Malone

The subcommittee has attempted, in this report, to present its findings and recommendations briefly and concisely. A great deal of data was gathered in the course of the study. All of the data and the minutes of the subcommittee's meetings are on file with the Legislative Counsel Bureau and are available to any member.

This report is transmitted to the members of the 64th session of the Nevada Legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission  
Legislative Counsel Bureau  
State of Nevada

Carson City, Nevada  
August 1986

\* \* \* \* \*

LEGISLATIVE COMMISSION

Assemblyman Louis W. Bergevin, Chairman

Senator James H. Bilbray

Senator Helen A. Foley

Senator Lawrence E. Jacobsen

Senator Kenneth K. Redelsperger

Senator Sue Wagner

Assemblyman Bob L. Kerns

Assemblyman Robert M. Sader

Assemblyman James W. Schofield

Assemblyman Danny L. Thompson

Assemblyman Barbara A. Zimmer

## SUMMARY OF RECOMMENDATIONS

1. Take the divisions which primarily relate to law enforcement out of the Department of Motor Vehicles and Public Safety and place them under a new Department of Law Enforcement Assistance. (BDR 18-20)

2. Establish qualifications for the new position of Director of the Department of Law Enforcement Assistance which will ensure expertise in all facets of law enforcement. (BDR 18-20)



REPORT TO THE LEGISLATIVE  
COMMISSION FROM THE SUBCOMMITTEE TO  
STUDY THE FUNCTIONS AND APPROPRIATE  
PLACEMENT WITHIN THE STATE GOVERNMENT OF  
THE INVESTIGATION DIVISION OF THE DEPARTMENT  
OF MOTOR VEHICLES AND PUBLIC SAFETY

I. INTRODUCTION

In 1985 the 63rd Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 35 which required the Legislative Commission to study the functions and appropriate placement within the state government of the Investigation Division of the Department of Motor Vehicles and Public Safety. The Legislative Commission, under the auspices of the Joint Interim Committee on Government Affairs, appointed a subcommittee to conduct the study. The members of the subcommittee were:

Assemblyman Leonard V. Nevin, Chairman  
Senator Dean A. Rhoads, Vice Chairman  
Senator Donald R. Mello  
Assemblyman Joan A. Lambert  
Assemblyman Mike Malone

The subcommittee held three meetings. One in Carson City, one in Las Vegas and one in Winnemucca. The subcommittee heard testimony from representatives of law enforcement agencies, the Department of Motor Vehicles and Public Safety, the Attorney General and interested citizens.

II. FINDINGS AND RECOMMENDATIONS

The subcommittee found that the current statutory duties of the Investigation Division of the Department of Motor Vehicles and Public Safety are to:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the Attorney General or any sheriff, chief of police or District Attorney.
2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the Division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapters 453 and 454 of NRS relating to controlled substances and dangerous drugs.

7. Maintain the records and other information forwarded to the Division to assist in locating missing persons or identifying dead bodies.

8. Maintain and publish information on "wiretaps."

The subcommittee found that the Department of Motor Vehicles was created in 1957 when the functions previously performed by the Public Service Commission of Nevada and the Nevada Tax Commission were to be administered by one agency. The Department's original duties were to enforce Title 43 of NRS (relating to motor vehicles and watercraft), chapter 706 (relating to motor vehicle carriers) and chapters 365 and 366 (relating to motor vehicle fuel taxes).

In the 29 years since its formation, the following duties have also been given to the Department:

1. Administration of the state communications system.

2. Assignment of microwave channels to local, state and federal law enforcement agencies.

3. Enforcement of chapters 453 and 454 of NRS relating to controlled substances and dangerous drugs.

4. Administration of the Peace Officers' Standards and Training Committee.

5. Administration of the repository of criminal records.

6. Reporting of certain "wiretaps."

In 1985, the Department's title was changed to the Department of Motor Vehicles and Public Safety to denote the broad scope of its duties. A diagram of the current organization of the Department is attached to this report as Appendix A.

The subcommittee also considered the manner in which other states administratively assign the duties related to law enforcement currently performed by the Department. The 50-state survey is attached to this report as Appendix B. This survey shows that many states have chosen to separate the agencies which primarily relate to law enforcement from the agency overseeing the licensure of motor vehicles and the collection of related revenue.

After hearing presentations from law enforcement officers, the Attorney General's staff and concerned citizens, the subcommittee concluded that the Investigation Division is doing a good job under the current direction by the Department, but that the Department's duties have grown too diverse to allow for adequate attention to be given to the law enforcement aspects of the Department's duties. Therefore, the subcommittee recommends that the Legislature:

Take the Divisions which primarily relate to law enforcement out of the Department of Motor Vehicles and Public Safety and place them under a new Department of Law Enforcement Assistance.  
(BDR 18-20)

Because the duties assigned to the newly created Department of Law Enforcement Assistance will relate to the enforcement of laws, the subcommittee recommends that the Legislature:

Establish qualifications for the new position of Director of the Department of Law Enforcement Assistance which will ensure expertise in all facets of law enforcement. (BDR 18-20)

The recommendation to create a new Department in state government is not intended by the subcommittee to cause a need for extensive appropriations. The intention is that the only added expenditure necessary will be for the salary and other incidental expenses related to the employment of the Director of the new Department. The offices currently used by the Divisions transferred to the new Department should continue to be used in that manner, the computer facilities should be shared and the current personnel simply transferred on paper.

A diagram of the organization of the proposed Department of Law Enforcement Assistance and the Department of Motor Vehicles and Public Safety is attached to this report as Appendix C.

### III. APPEARANCES

The following is a list of the names of persons who appeared before the subcommittee:

James Bagwell, Sheriff  
Humboldt County  
Winnemucca, Nevada

Brian Hutchins  
Deputy Attorney General  
Carson City, Nevada

Don Maxon, Chief  
Winnemucca Police  
Winnemucca, Nevada

Brian McKay  
Attorney General  
Carson City, Nevada

Brooke A. Nielsen, Chief  
Criminal Division  
Office of the Attorney General  
Carson City, Nevada

Wayne Teglia, Director  
Department of Motor Vehicles  
and Public Safety  
Carson City, Nevada

E. J. Vogel, Captain  
Boulder City Police Department  
Boulder City, Nevada

Richard Wagner  
District Attorney  
Pershing County  
Lovelock, Nevada

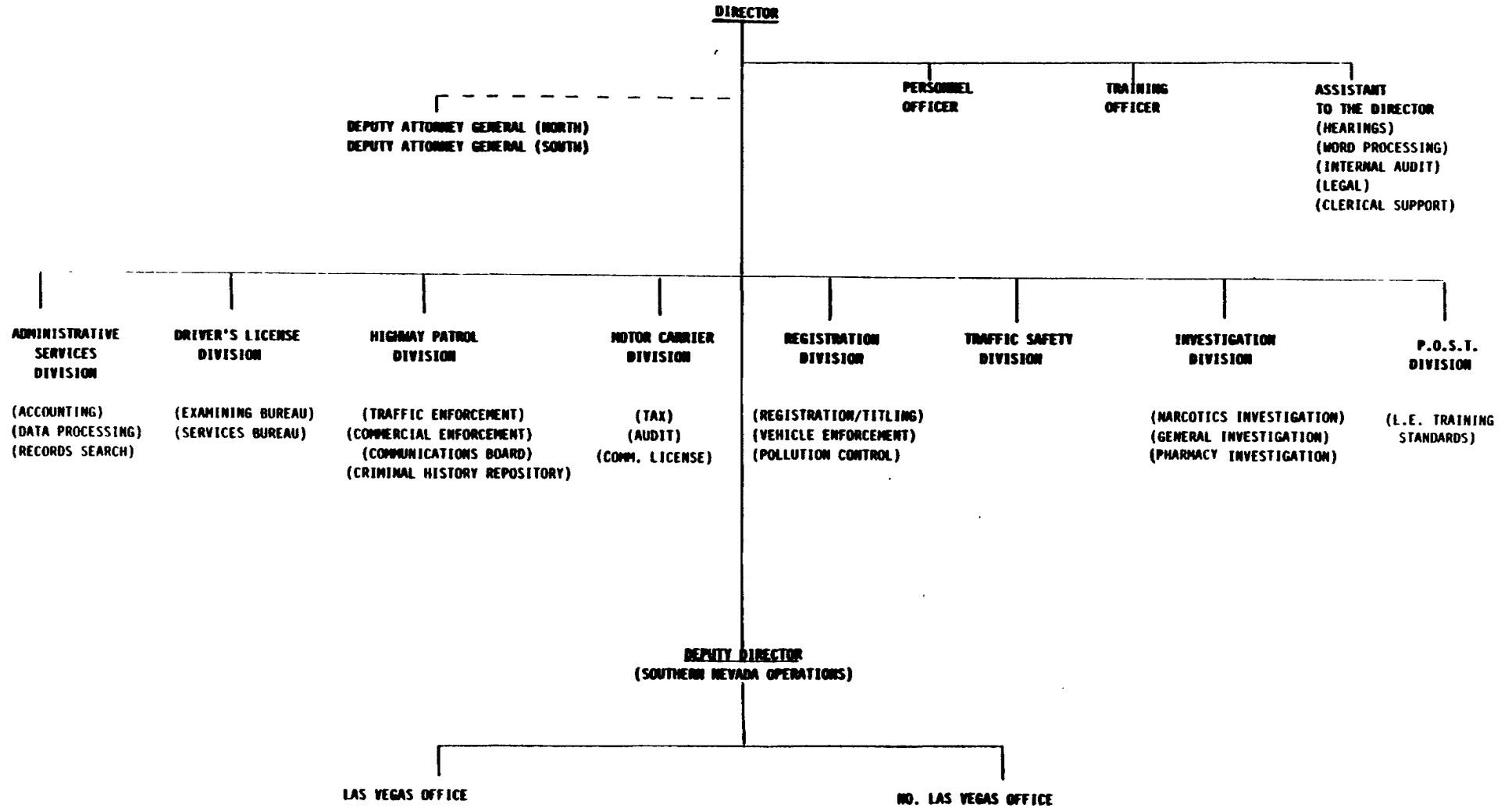
Curtis Watson, Sheriff  
Lander County  
Battle Mountain, Nevada

Danny Wood, Chief  
Fallon Police  
Fallon, Nevada

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STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
AL	Bureau of Investigation	DPS	Director	Governor	Yes	No	Here	Narcotics, Auto Theft, General Investigations	Upon request, A.G. will provide assistance to other agencies. If both A.G. & ABI are requested to assist, some interaction will occur.
AK	Criminal Inv. Bureau of Alaska State Troopers	DPS	Commissioner	Governor	Yes	No	Here	Narcotics, Intelligence,	Provide investigative assistance on request to A.G. No overlapping jurisdiction.
AZ	Criminal Inv. Bureau	DPS	Director	Governor	No	5 yrs admin. of law enforcement	Another bureau of DPS	Narcotics Division, Organized Crime Div., Investigations & Liquor Enf. Div., Intelligence Division	A.G. prosecutes all O/C & racketeering cases handled by DPS and/or AG staff. AG & DPS cooperate in a prison gang unit
AR	Criminal Investigation Division	State Police	Director	Governor	Yes	5 yrs exp.	Separate St. agency for state & local use	Narcotics & O.C. Investigation, Drug Inversion & Intelligence Units, Governor's Security, Inservice training, Assisting local agencies - All Law Enforcement aspects	Legal counsel for civil cases only.
CA	Division of Law Enforcement	DOJ (A.G.)	A.G.	Elected	N/A	N/A	Here	Law Enforcement Data Center, Bureaus of Criminal Identification, Justice Info Services, Criminal Stats, Narcotic Enforcement, Investigation, O.C. & Criminal Intelligence, Forensic Services. Advanced Training Center	N/A

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
CO	Bureau of Investigation	DPS	Director	Governor	No	No	Here	Original Jurisdiction - OC & as directed by Governor, Assist to local agencies on any case upon request	Legal advisor to DPS, concurrent jurisdiction in any multi-jurisdictional criminal prosecution handled by A.G.
CT	Special Investigations Unit of State Police	DPS	Commissioner	Governor	No	No	Another Div. in St. Police	Narcotics, All General Crimes, Crimes by State Employees	No interaction - conducts no investigations. A.G. defends law suits against State Departments and renders legal opinions.
DE	Delaware State Police	DPS	Secretary of Public Safety	Governor	No	No	None - FBI Lab used	Traffic, Criminal Investigations, Narcotics, Intelligence, O.C. Investigations	A.G. may request investigative assistance from State Police, as any other agency can.
FL	Division of Criminal Inv.	Dept. of Law Enf.	Commissioner	Governor	No	5 yrs police exec or public admin	Another Div of FDLE	All Criminal Investigations both self-initiated & local agency assistance	No Investigative staff; however, interaction with A.G.'s legal staff in filing civil RICO cases.
GA	Investigative Division	GA. Bureau of Inv.	Director	Governor	No	No	Another Div of GBI	Investigative support to local agencies - general cases, original jurisdiction - narcotics cases	GBI provides investigative staff for A.G. A.G. Task Force does O/C investigations. A.G. defends civil lawsuits against GBI.
HI	Dept. of Investigations	A.G.	A.G.	Governor	No	No	Honolulu PD	Prison Cases, Financial Institution Fraud, Public Corruption, Public Conflict of Interest	N/A

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
ID	Police Services Division	Dept. of Law Enf.	Director	Governor	Yes	No	Located in ID Dept. of Health & Welfare	Narcotics, Crime Analysis, Arson, Polygraphs, Training Investigative Assistance to Local Agencies	Provides assistance to local prosecutors upon request, work white collar crime & official corruption. Their investigators are <u>not</u> peace officers; they used to carry special officer commissions from IDLE but no longer do.
IL	Division of Criminal Inv.	State Police	Director	Governor	Yes	No	Another Div in State Police	Original jurisdiction in any criminal matter	Concurrent jurisdiction in hazardous material cases, revenue cases.
IN	Investigation Division	State Police	Superintendent	Governor	Yes	5 yrs police management	Another Div of State Police	Narcotics, Training, Criminal Intelligence	Only criminal jurisdiction by A.G. investigators is a consumer fraud unit. ISP assists upon request.
IA	Division of Criminal Inv.	DPS	Commissioner	Governor	No	No	Here	Narcotics, Intelligence, Lottery/Pari-Mutual (original jurisdiction), Fraud, Vice, General Crimes (local agency assistance by policy)	None. A.G. investigators (2) do civil work.
KS	Kansas Bureau of Investigation	A.G.	A.G.	Elected	N/A	N/A	Here	White Collar, Narcotics, Intelligence, Central Crim. History Repository, Statistical Analysis, Crime Prevention, State L.E. Telecommunications, P.I. Licensing, Field Investigation	N/A

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
KY	State Police	Justice Dept.	Secretary	Governor	No	No	Here	Total Police Services; provide assistance to local agencies and conduct independent investigations	Mainly involved in real estate frauds and child abuse cases. Concurrent jurisdiction on criminal matters.
LA	Criminal Inv. Bureau of the State Police	Dept. of Public Safety & Corrections	Dep. Secty. of Public Safety Ser- vices/Supt. of State Police	Governor	Yes	No	Another sec- tion of St. Police	Narcotics, assistance to local, state & federal agencies, Vice, Auto Theft, White Collar Crime, Arson, Intelligence, Racing Inv. Unit, Malfeasance of Government Officials	No interaction. Civil work only.
ME	Criminal Inv. Division of St. Police	DPS	Commis- sioner	Governor	No	No	Another sec- tion of St. Police	Original & concurrent jur- isdiction to enforce crim- inal laws of Maine	Another State Police Division is responsible for handling A.G.'s investigations.
MD	Investigation Division - Spec. Operations Bureau of St. Police	Dept. of Public Safe- ty & Correc- tional Services	Secretary	Governor	No	No	Another Div of State Police	A.G.'s Unit, Special Prose- cutor's Unit, Hazardous Waste Strike Force, General Assignment Unit, Auto Theft Unit, Administrative Unit, Warrant Unit, Polygraph Unit, Gasoline Tax Unit, Agency Property Officer	Governor gives standing author- ity to St. Police Investigators, assigned to A.G., to initiate investigations. They work white collar, bribery, extortion, theft, perjury, tax evasion, forgery, fraud, misappropri- ation by fiduciary & consumer protection.
MA	Office of Inv. & Intelligence Operations - Part of State Police	DPS	Commis- sioner	Governor	No	No	Another sec- tion in DPS	Investigates all crimes for A.G./D.A.'s in all counties	State Police investigators are provided to all D.A.'s - who are accountable to A.G.

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
MI	Criminal Inv. & Intelligence Bureau	State Police	Director	Governor	Yes	No	Here	Narcotics, Organized Crime, Central Records	Two investigators assigned to A.G.
MN	Bureau of Criminal Apprehension	DPS	Commissioner	Governor	No	No	Here	General Investigation, Narcotics, Organized Crime, Police Training, Criminal Justice Intelligence	Assistance on request.
MS	Criminal Investigation Bureau	DPS	Commissioner	Governor	No	No	Another section of DPS	Assist local, state & federal agencies, Livestock Theft, Correctional Intelligence	Assistance on request.
MO	Drug & Crime Control Div. of the Missouri Highway Patrol	DPS	Director	Governor	No	No	Another Div. of MHP	Narcotics, Arson, Missing Persons, Lottery, Intelligence/Vice, Assist to local agencies upon request	A.G. involved in legal opinions and civil matters only.
MT	Criminal Inv. Bureau	DOJ (A.G.)	A.G.	Elected	N/A	N/A	Another Div. within the D.O.J.	CIB assists other agencies upon request in felony investigations. Other Divisions of DOJ: Highway Patrol, Forensic Science, Peace Officer Training, Peace Officer Certification, Motor Vehicles (DL & Reg.), & legal assistance.	N/A

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
NE	Criminal Identification Division	State Patrol	Superintendent	Governor	Yes	4 yrs exp. in L.E.	Here	Narcotics, General Investigation Section, Organized Crime, Records.	Assistance on request.
NV	Nevada Division of Investigation	DMV & PS	Director	Governor	Yes	Exp. in Motor Veh. Administration	WCSD & LVMPD Labs- State Subsidized	Original Jurisdiction - Narcotics, Organized Crime Information & Missing Person/ Dead Body Information. General Investigative Assistance includes polygraph, upon request of A.G., Sheriff, Chief of Police, D.A. 481.240 NRS	A.G. has original jurisdiction for crimes committed by state employees in connection with their official duties, & for crimes committed at state prison facilities. They may ask for NDI assistance. A.G. must report to NDI annually wiretap information to include one-party consent situations, as prescribed in NRS 179.515.
NH	Detective Bureau of State Police	Dept. of Safety	Commissioner	Governor	No	No	Here	Major Felonies, Vice & Drug Offenses, Central Criminal History Repository, Assistance to Local/County Law Enforcement, Forensic Lab, SWAT Team, Polygraph	All homicides are prosecuted by A.G.'s office; therefore, A.G. staff respond to scenes, do search warrants, etc.
NJ	Investigation Section	Dept. of Law & Public Safety	A.G.	Governor	No	No	Another Section in Dept.	Criminal Investigation Bureau, Narcotic Bureau, Organized Crime Bureau, Special Inv. & Services Bureau, Alcoholic Beverage Control Bureau	N/A
NM	Criminal Investigation Bureau	State Police	Chief	Governor	Yes	5 yrs L.E. experience	Another Section of St. Police	Narcotics, Criminal and Special Investigations	A.G. has own staff; no interaction.

17.

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
NY	State Commission of Inv.	Same	Chief Investigator	6 Member Commission - 2 - Gov 2 - Spkr Hse 2 - Pres Sen	Yes	No	Under NYSP	Original jurisdiction in any criminal/civil matter, hold hearings; subpoena/immunize witnesses	A.G. has own staff; no interaction.
NC	State Bureau of Investigation	DOJ (A.G.)	A.G.	Elected	N/A	N/A	Here	Investigation (orig. juris.) of Drugs, Arson, Gambling, Lynch/Mob Violence, State Election Fraud, State Social Security Fraud, Crime Against State Property. Investigations assisting local L.E. Central Criminal History Repository, Law Enforcement Telecommunications, Peace Officer Training, Peace Officer Certification	N/A
ND	State Bureau of Criminal Inv.	A.G.	A.G.	Elected	N/A	N/A	State Lab Under Gov.	Reactive upon request of Governor, A.G., D.A., Sheriff or Chief of Police	N/A
OH	Bureau of Identification & Investigation	A.G.	A.G.	Elected	No	No	Here	Central Criminal History Repository, Organized Crime, Narcotics, Crime Investigation	N/A

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
OK	State Bureau of Investigation	OSBI (same)	Director	7 Member Commission Appointed by Governor	Yes	Professional L.E. Person w/Bachelor's Degree, 5 yrs crim. investigator/L.E. or 5 yrs as Agent w/SBI, 2 of which Administrative.	Here	Fingerprint & ID Files, Peace Officer Training, Assistance to Local L.E./ D.A.'s, Uniform Crime Reporting System, Investigating/Detecting Criminal Activity	All interaction is upon request of A.G.
OR	Criminal Div.	State Police	Superintendent	Governor	Yes	No	Another Div. of St Police	Original jurisdiction in any criminal matter.	A.G. has a Criminal Justice Div. of the Dept. of Justice w/small investigative staff: public corruption, RICO cases, election law violations & assist to local D.A.'s in case preparation.
PA	Bureau of Criminal Inv.	State Police	Commissioner	Governor	Yes	No	Here	Criminal Investigations, Drug Law Enf., Executive Protection, Crime Prevention & Safety Education	A.G. has own staff; BCI Agents also assigned.
RI	Detective Div.	State Police	Superintendent	Governor	Yes	No	Dept. of Health & Univ. of RI run labs	Original jurisdiction in any criminal matter; will assist another agency upon request	Will supply investigators to A.G. upon request to assist them.

STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
SC	S.C. State Law Enforcement Division	SLED (same)	Chief	Governor w/ Advice & Consent of Senate	No	No	Here	Backup assistance to local law enforcement, polygraph, Criminal History Repository, State Law Enforcement Computer, White Collar crime, Uniform Crime Reports, Fingerprint Section, Intelligence	Very close working relationship with A.G. Uses A.G. as staff attorney and for legal opinions as well as investigations at A.G.'s request. All A.G.'s criminal investigations are handled by SLED.
SD	Division of Criminal Investigation	A.G.	A.G.	Elected	N/A	N/A	Here	Narcotics, Peace Officer Training/Certification, Communications	N/A
TN	Tennessee Bureau of Investigation	T.B.I. (same)	Director	Governor (From 3 nominees by a Legislative committee)	Yes	No	Here	Original jurisdiction in Narcotics, Fugitives and Organized Crime. Other investigations upon request of county prosecutors	None; A.G. has no criminal prosecution authority.
TX	Criminal Law Enforcement Division	DPS	Director	DPS Commission to Governor	Yes	5 yrs police or public admin.	Another Div. of DPS	Criminal Intelligence Service, Motor Vehicle Theft Service, Narcotics Service, Texas Ranger Service	No interaction.

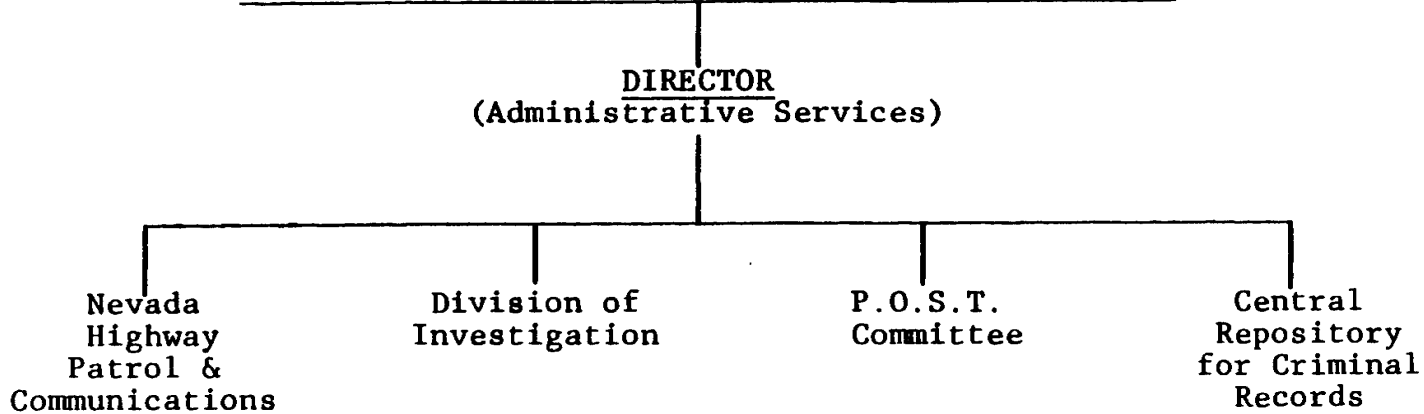
STATE	NAME OF CRIM INV AGENCY	DIVISION OF	TITLE OF DEPT HEAD	REPORTS TO/ APPOINTED BY	REQ TO BE SWORN	L.E. EXP REQUIRED	CRIME LAB	ROLE/DUTIES OF CRIMINAL INV AGENCY	INTERACTION WITH A.G.
UT	Law Enforcement Services Div.	DPS	Commissioner	Governor	Yes	No	Here	Narcotics, Organized Crime, Criminal ID, Securities Licensing, Medicaid Fraud	No interaction.
VT	Bureau of Criminal Investigation - Criminal Div. of State Police	DPS	Commissioner	Governor	No	No	Here	Narcotics, Fraud Investigations, Polygraph, Orig. Jurisdiction in General Cases; policy is to assist upon request	Assist A.G. upon request. A.G. prosecutes criminal matters that are multi-jurisdictional.
VA	Bureau of Criminal Investigation	State Police	Superintendent	Governor	Yes	No	Another St. Dept. in VA	Criminal Intelligence, General Investigations, Special Investigations (incl. narcotics), Arson	A.G. has no investigative staff; Virginia St. Police is obligated by law to provide any investigative assistance requested.
WA	Investigative Services Bureau	Washington St Patrol	Chief	Governor	No	No	Here	Investigative Assistance (Narcotic, O.C.), Crime Lab, Records, Traffic (Polygraph, A.I., Auto Theft, Vehicle Licensing Fraud, General Investigations)	No interaction.

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WV	Criminal Investigation Division	DPS	Superintendent	Governor	Yes	No	Here	Narcotics, Dignitary Security, Vice Investigations, Unknown Body ID Teams, Private Investigator Background Investigations, Investigative Assistance to City, County & Federal Agencies	No interaction.
WI	Division of Criminal Investigation	D.O.J. (A.G.)	A.G.	Elected	N/A	N/A	Another Division of D.O.J.	General Investigations - Assist local agencies on request, Narcotics, White Collar Crime, Arson	N/A
WY	Division of Criminal Investigation	A.G.	A.G.	Elected	N/A	N/A	Here	Narcotics (self initiated or requested), General Investigations (requested by Governor, A.G., Chief of Police, Sheriff, D.A.)	N/A



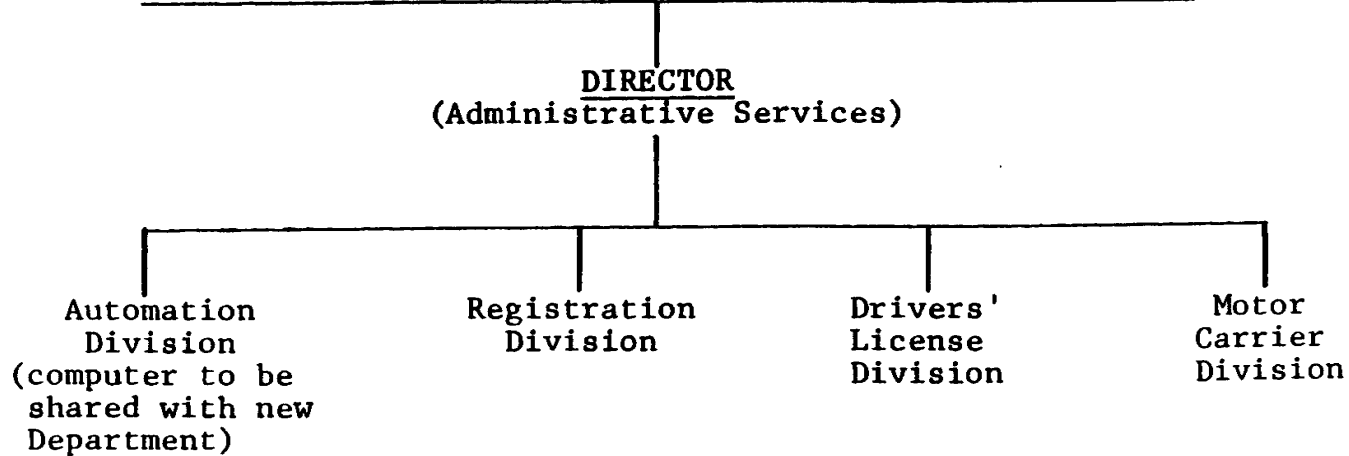
PROPOSED ORGANIZATIONAL CHARTS

PROPOSED DEPARTMENT OF LAW ENFORCEMENT ASSISTANCE



\*\*\*\*\*

PROPOSED DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY





APPENDIX D

Suggested Legislation

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SUMMARY---Creates department of law enforcement assistance. (BDR 18-20)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to state departments; providing in skeleton form for the creation of the department of law enforcement assistance; setting forth the department's powers and duties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND  
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. As used in sections 2 to 23, inclusive, of this act, unless the context otherwise requires:

1. "Department" means the department of law enforcement assistance.
2. "Director" means the director of the department of law enforcement assistance.

Sec. 3. 1. The department of law enforcement assistance is hereby created.

2. The department consists of a director and the following divisions:

(a) Central repository for Nevada records of criminal history.

(b) Investigation division.

(c) Nevada highway patrol.

(d) Peace officers' standards and training committee.

(e) Such other divisions as the director may from time to time establish.

3. Before he reorganizes the department, the director shall obtain the approval of:

(a) The legislature, if it is in regular session; or

(b) The interim finance committee, if the legislature is not in regular session.

Sec. 4. 1. The director:

(a) Is appointed by the governor. He must hold the degree of bachelor of arts or bachelor of science in criminal justice, police science, the administration of justice or other related field. He must be selected with special reference to his training, experience, capacity and interest in law enforcement.

(b) Is entitled to hold office for a term of 4 years from and after his appointment or until his successor is appointed.

(c) Is in the unclassified service of the state.

(d) Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. There is hereby created in the department the office of deputy director, which office is in the unclassified service of the state. The deputy director:

(a) Is appointed by the director, and must be selected with special reference to his training, experience, capacity and interest in law enforcement.

(b) Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 5. 1. The governor may at any time for cause remove the director.

2. Any vacancy in the office of director shall be filled by appointment by the governor for the unexpired term.

Sec. 6. The director shall appoint such technical, clerical and operational staff as the execution of his duties and the operation of the department may require.

Sec. 7. 1. As executive head of the department, the director shall direct and supervise all administrative and technical activities of the department.

2. The director shall:

(a) Formulate the policy of the department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the department.

(c) Adopt such regulations consistent with law as he may deem necessary for the operation of the department and the enforcement of all laws administered by the department.

(d) Maintain the central repository for Nevada records of criminal history and carry out the provisions of chapter 179A of NRS.

3. The director may delegate to the officers and employees of the department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the department.

4. The director has the powers of a peace officer.

Sec. 8. 1. The department shall keep its main office at Carson City, Nevada, in rooms provided by the buildings and grounds division of the department of general services.

2. The department may maintain such branch offices throughout the state as the director may deem necessary to the efficient operation of the department and the various divisions thereof. The director is authorized, on behalf of the department, to enter into such leases or other agreements as may be necessary to the establishment of such branch offices.

3. To the extent practicable, the department shall coordinate the location of its offices with the offices of the department of motor vehicles and public safety.

Sec. 9. 1. The director may charge and collect reasonable fees for official publications of the department and from persons making use of files and records of the department or its various divisions for a private purpose.

2. All money so collected must be deposited in the state treasury for credit to the state general fund.

3. The director may deny any private use of the files and records if he reasonably believes that the information taken may be used for:

(a) An illegal purpose; or

(b) An unwarranted invasion of a particular person's privacy.

4. The director shall adopt such regulations as he deems necessary to carry out the purposes of this section.

Sec. 10. 1. Money for the administration of the provisions of this chapter relating to the Nevada highway patrol must be provided by direct legislative appropriation from the state highway fund upon the presentation of budgets in the manner required by law.

2. All money provided for the support of the department and its various divisions must be paid out on claims approved by the director in the same manner as other claims against the state are paid.

Sec. 11. 1. The director shall appoint the peace officers' standards and training committee.

2. The committee consists of five members, one appointed from Clark County, one from Washoe County and three from any other counties. Members serve terms of 2 years from the date of appointment. Members serve without compensation but are entitled to the per diem allowance and travel expenses provided by law for state officers and employees generally.

3. The committee shall:

(a) Meet at the call of the director.

(b) Provide for and encourage training and education of peace officers in order to improve the system of criminal justice.

(c) Adopt regulations establishing minimum standards for certification and decertification, recruitment, selection and training of peace officers.

(d) Make necessary inquiries to determine whether agencies of the state and of local governments are complying with standards set forth in its regulations.

4. Regulations adopted by the committee:

(a) Apply to all agencies of the state and of local governments which employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children; and

(c) May require that training be carried on at institutions which it approves in those regulations.

5. The director may adopt regulations necessary for the operation of the committee and the enforcement of laws administered by the committee.

Sec. 12. The following officers and employees of state and local government must be certified by the committee:

1. The bailiff of the supreme court;

2. The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

3. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

4. Constables and their deputies whose official duties require them to carry weapons and make arrests;

5. Personnel of the Nevada highway patrol who exercise the police powers specified in sections 16 and 18 of this act;

6. Inspectors employed by the public service commission of Nevada who exercise those enforcement powers conferred by chapters 704, 705 and 706 of NRS;

7. Marshals, policemen and correctional officers of cities and towns;

8. Parole and probation officers;

9. Special investigators who are employed full time by the office of any district attorney or the attorney general;

10. Investigators of arson for fire departments who are specially designated by the appointing authority;

11. Members of the police department of the University of Nevada System;

12. The assistant and deputies of the state fire marshal;

13. The brand inspectors of the state department of agriculture who exercise the powers of enforcement conferred in chapter 565 of NRS;

14. Investigators for the state forester firewarden who are specially designated by him and whose primary duties are the investigation of arson;

15. The superintendents and correctional officers of the department of prisons;

16. Employees of the division of state parks of the department of conservation and natural resources designated by the administrator of the division who exercise police powers specified in NRS 407.065;

17. Security officers employed by the board of trustees of any county school district;

18. Agents of the state gaming control board who:

(a) Exercise the powers of enforcement specified in NRS 463.140 or 463.1405; or

(b) Investigate a violation of a provision of chapter 205 of NRS in the form of a crime against property of a gaming licensee,

except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

19. The chief, investigators and agents of the investigation division of the department of law enforcement assistance;

20. Investigators and administrators of the bureau of enforcement of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.048;

21. Officers and investigators of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.0481;

22. The personnel of the department of wildlife who exercise those enforcement powers conferred by Title 45 and chapter 488 of NRS;

23. Security officers of the legislature of the State of Nevada;

24. Police officers of the buildings and grounds division of the department of general services;

25. Group supervisors of the Nevada girls training center and the Nevada youth training center;

26. Parole counselors of the youth services division of the department of human resources;

27. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in Nevada;

28. Field investigators of the taxicab authority; and

29. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests.

Sec. 13. The Nevada highway patrol is composed of the following personnel appointed by the director:

1. One chief; and

2. Such number of inspectors, supervisors, troopers and commercial officers as the director determines necessary to perform the duties set forth in section 18 of this act, within the limits of legislative appropriations therefor.

Sec. 14. 1. The Nevada highway patrol must be augmented by, in addition to the personnel provided by section 13 of this act, supplementary troopers to the extent

permitted by the money available for that purpose in the special fund created by subsection 4 of NRS 482.480, but the total number of troopers must not exceed the number specified for a particular fiscal year by the legislature.

2. The director shall appoint these additional troopers as soon after the beginning of each fiscal year as he can determine the amount of money which is available for this purpose.

Sec. 15. No pay for holding himself ready for duty may be authorized for a cadet attending an authorized training academy of the Nevada highway patrol for which room and board is provided at no cost to the cadet.

Sec. 16. 1. The chief of the Nevada highway patrol is the chief officer of the Nevada highway patrol and has the powers and duties provided in section 18 of this act, which must be performed under the direction and supervision of the director. He has the powers of a peace officer.

2. When requested by the governor to preserve order, protect life or property and enforce the laws of this state, the chief may use such personnel of the Nevada highway patrol as may be necessary for that purpose. When so acting, the personnel have the powers of peace officers. Their salaries and expenses incidental to those operations must be paid out of appropriations for the department from the state general fund.

Sec. 17. The appointed personnel shall:

1. Be persons qualified at the time of their appointment with the knowledge of all traffic laws of this state, the provisions of chapters 482, 483 and 706 of NRS, and all laws relating to the imposition and collection of gasoline taxes and special fuel taxes.

2. Be versed in all laws relating to the powers of police officers as to traffic law violations and other offenses committed over and along the highways of this state.

Sec. 18. 1. The duties of the personnel of the Nevada highway patrol are:

(a) To police the public highways of this state, and to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada. They have the powers of peace officers:

(1) When enforcing traffic laws; and

(2) With respect to all other laws of this state when:

(I) In the apprehension or pursuit of an offender or suspected offender;

(II) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this state; or

(III) Making arrests pursuant to a warrant in the officer's possession or communicated to him.

(b) To investigate accidents on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence for the purpose of prosecuting any person guilty of any violation of the law contributing to the happening of such an accident.

(c) To enforce the provisions of chapters 365, 366, 408, 482, 483, 485, 486, 487 and 706 of NRS.

(d) To perform such other duties in connection with the duties specified in this section, as may be imposed by the director.

2. Commercial officers, supervisors and inspectors:

(a) Shall enforce the provisions of chapters 365, 366, 408, 482, 483, 484, 487 and 706 of NRS.

(b) Have the powers of peace officers when carrying out the duties specified in paragraph (a).

3. The chief of the Nevada highway patrol shall administer the provisions of chapter 233F of NRS.

Sec. 19. 1. The investigation division is composed of:

(a) A chief appointed by the director; and

(b) Within the limitations of legislative appropriation, a number of investigators and agents which the director determines to be sufficient to carry out the duties of the division, who are employed in the classified service of the state.

2. The following persons have the powers of peace officers:

(a) The investigators and agents of the investigation division of the department;

(b) Any other officer or employee of that division whose principal duty is to enforce one or more laws of this state, and any person promoted from such a duty to a supervisory position related to such a duty; and

(c) The chief of the division.

Sec. 20. The chief of the investigation division shall:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the attorney general or any sheriff, chief of police or district attorney.

2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs.

including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Maintain the records and other information forwarded to the division to assist in locating missing persons or identifying dead bodies.

8. Furnish information relating to any person of whom he maintains a record to any law enforcement agency.

Sec. 21. 1. When a coroner is unable to establish the identity of a dead body by means other than by dental records, he shall have a dental examination of the body made by a dentist. The dentist shall prepare a record of his findings and forward it to the investigation division.

2. The sheriff, chief of police or other law enforcement authority may request the written consent of the next of kin of a person who has been reported to him as missing for 30 days or more to obtain the dental records of the missing person from that person's dentist. After receiving the written consent, the sheriff, chief of police or other law enforcement authority shall obtain the dental records from the dentist and forward them and any other relevant information to the investigation division for comparison with the records sent by the coroners. The sheriff, chief of police or other law enforcement authority shall inform the investigation division when a missing person has been found.

3. The investigation division shall maintain the records and other information forwarded to it under subsections 1 and 2 for the purpose of comparing the records and otherwise assisting in the identification of dead bodies.

Sec. 22. Each sheriff and chief of police shall furnish to the investigation division, on forms approved by the division, all information obtained in an investigation or prosecution of any person who has been alleged to have violated any criminal law of this state if in the investigation of the violation it appears that there is some connection with controlled substances or dangerous drugs.

Sec. 23. 1. The director may expend money appropriated for that purpose, as he determines necessary, to assist local law enforcement agencies or the investigation division in the purchase of evidence and in employing persons other than peace officers to obtain evidence.

2. Upon receiving a written request from the director for money appropriated pursuant to this section, the state controller shall draw his warrant, payable to the director, in an amount which does not exceed any limit set by the legislature in the appropriation.

3. The director may keep money which he has drawn pursuant to this section in bank accounts or in cash.

Sec. 24. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the [Nevada highway patrol division of the] department of [motor vehicles and public safety.] law enforcement assistance.

2. Each agency of criminal justice shall submit the records of criminal history it collects to the [division] repository in the manner prescribed by the director of the department of [motor vehicles and public safety.] law enforcement assistance. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the [division. The division] repository. The repository shall delete all references in [the central repository] its files relating to that particular arrest.

3. The [division] repository shall:

(a) Collect, maintain and arrange all records of criminal history submitted to it;  
and

(b) Use a record of the subject's fingerprints as the basis for any records maintained regarding him.

4. The [division] repository may:

(a) Disseminate any information which is contained in [the central repository] its files to any other agency of criminal justice; and

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of such information.

Sec. 25. NRS 179A.080 is hereby amended to read as follows:

179A.080 The director of the department of [motor vehicles and public safety] law enforcement assistance is responsible for administering this chapter and may adopt regulations for that purpose. The director shall:

1. Adopt regulations for the security of the central repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of records of criminal history.

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

Sec. 26. NRS 481.023 is hereby amended to read as follows:

481.023 Except as otherwise provided therein, the department shall execute, administer and enforce, and perform the functions and duties provided in:

1. Title 43 of NRS relating to the licensing of vehicles.

2. Chapter 706 of NRS relating to the licensing of motor vehicle carriers . [and the use of public highways by those carriers.]

3. Chapter 366 of NRS relating to imposition and collection of taxes on special fuels used for motor vehicles.

[4. Chapter 233F of NRS relating to the state communications system.

5. Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs.]

Sec. 27. NRS 481.027 is hereby amended to read as follows:

481.027 1. The department of motor vehicles and public safety shall control the [manner and type of use of] licensing of the vehicles used on the state highways by the public, [and] the department of transportation shall control the physical aspects of the state highways [.] and the department of law enforcement assistance shall enforce all laws regarding the use of the state highways.

2. The functions of the department of motor vehicles and public safety concerning highway safety must not be duplicated by any other agency, department, commission or officer of the State of Nevada.

Sec. 28. NRS 481.051 is hereby amended to read as follows:

481.051 1. As executive head of the department, the director shall direct and supervise all administrative and technical activities of the department. He shall devote his entire time to the duties of his office, and shall follow no other gainful employment or occupation.

2. The director may organize the department into various divisions and alter the organization and reassign responsibilities and duties as he may deem appropriate.

3. The director shall:

(a) Formulate the policy of the department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the department.

(c) Adopt such regulations consistent with law as he may deem necessary for the operation of the department and the enforcement of all laws administered by the department.

4. The director may appoint vendors to serve as agents of the department to sell

temporary licenses. The vendor must be remunerated at a rate not to exceed 75 cents per temporary license. The vendor shall collect the tax, fees and licenses provided for in chapters 366 and 706 of NRS, and pay them to the department. The vendor shall guarantee payment by giving a bond to the state in such sum as may be fixed by the director. The premium on the bond may be paid by the department. The director may appoint inspectors of the public service commission of Nevada and upon approval by the director of the department of law enforcement assistance, troopers of the Nevada highway patrol to serve without remuneration as vendors for the purposes of this subsection.

5. The director may delegate to the officers and employees of the department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the department.

[6. The director has the powers of a peace officer.]

Sec. 29. NRS 481.067 is hereby amended to read as follows:

481.067 1. The department may include:

(a) A registration division.

(b) A motor carrier division.

(c) A drivers' license division.

(d) [A Nevada highway patrol division and communications subdivision.

(e)] An administrative services division.

[(f)] (e) An automation division.

[(g)] An investigation division.

(h)] (f) Such other divisions as the director may from time to time establish.

2. Before he reorganizes the department, the director shall obtain the approval of:

(a) The legislature, if it is in regular session; or

(b) The interim finance committee, if the legislature is not in regular session.

Sec. 30. NRS 481.071 is hereby amended to read as follows:

481.071 1. Any change in the organization of the department may include the divisions, functions and responsibilities described in subsection 2 . [but must not include those described in paragraph (f) of that subsection.]

2. Unless the organization of the department is changed by the director, the primary functions and responsibilities of the specified divisions of the department are as follows:

(a) The registration division shall execute, administer and enforce the provisions of chapter 482 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 482 of NRS and the provisions of any other laws.

(b) The motor carrier division shall:

(1) Execute and administer the laws relative to the licensing of motor vehicle carriers [and the use of public highways by those carriers] as contained in chapter 706 of NRS;

(2) Perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 706 of NRS and the provisions of any other laws;

(3) Execute and administer the provisions of chapter 366 of NRS, relating to imposition and collection of taxes on special fuels used for motor vehicles; and

(4) Perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 366 of NRS and the provisions of any other laws.

(c) The drivers' license division shall execute, administer and enforce the provisions of chapter 483 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 483 of NRS and the provisions of any other laws.

(d) The administrative services division shall furnish fiscal and accounting services

to the director and the various divisions and advise and assist the director and the various divisions in carrying out their functions and responsibilities.

(e) The investigation division shall execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs, and perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other laws.

(f) The Nevada highway patrol division shall execute, administer and enforce the provisions of chapter 484 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 481.180 and the provisions of any other laws.]

Sec. 31. NRS 481.083 is hereby amended to read as follows:

481.083 1. [Except for the operation of the peace officers' standards and training committee and the investigation division, money] Money for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the state highway fund upon the presentation of budgets in the manner required by law.

2. All money provided for the support of the department and its various divisions must be paid out on claims approved by the director in the same manner as other claims against the state are paid.

Sec. 32. NRS 481.053, 481.054, 481.130, 481.140, 481.145, 481.147, 481.150, 481.160, 481.180, 481.230, 481.240, 481.245, 481.250 and 481.260 are hereby repealed.