

**Followup to the Report
Police-Community Relations in Reno, Nevada
(May 1992)**

**Nevada Advisory Committee to the
United States Commission on Civil Rights**

February 1999

This memorandum of the Nevada Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in this report should not be attributed to the Commission, but only to the Advisory Committee.

The United States Commission on Civil Rights

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; investigation of patterns of practices of fraud or discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 3(d) of the Civil Rights Commission Amendments Act of 1994. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission, advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend as observers any open hearing or conference that the Commission may hold within the State.

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LETTER OF TRANSMITTAL

Nevada Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission

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Attached is a memorandum from the Nevada Advisory Committee which provides followup information on the implementation of recommendations made by the Committee in its report, *Police-Community Relations in Reno, Nevada (May 1992)*. Letters soliciting information on the status of efforts to implement the recommendations were forwarded to the three law enforcement jurisdictions that had been reviewed in that report.

The memorandum does not revisit the issues raised by community representatives and officials during the investigative and open forum stages of the Advisory Committee's 1991-92 effort. The memorandum simply attempts to evaluate the impact of the recommendations. The Advisory Committee found efforts to implement the recommendations varied, but was encouraged by the Washoe County Sheriff Department's adoption of the Reno Police Department's community policing model. Two of the three law enforcement jurisdictions reported use of pretesting procedures and examination reliability and validity studies to ensure equal opportunity for employment. The Advisory Committee regrets that the Sparks Police Department did not voluntarily comply with its request for followup data. Such data would have contributed to an accurate assessment of the implementation of the recommendations.

The Advisory Committee offers this memorandum as part of its function to advise the Commission of civil rights issues of concern in Nevada. The memorandum was unanimously approved for submission by the Advisory Committee.

On behalf of the Advisory Committee,



Margo Piscevich, *Chairperson*
Nevada Advisory Committee

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Acknowledgments

The Nevada Advisory Committee wishes to thank staff of the Commission's Western Regional Office in Los Angeles for its assistance in the preparation of this memorandum. The data collection and memorandum draft were the principal assignment of Thomas V. Pilla with assistance and support from Grace Hernandez and Priscilla-Lee Herring. The followup was carried out under the overall supervision of Philip Montez, Director, Western Regional Office.

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I. INTRODUCTION

The Nevada Advisory Committee to the U.S. Commission on Civil Rights convened a fact-finding meeting in Reno on May 9, 1991, to ascertain the status of police-community relations in Washoe County and the cities of Reno and Sparks within that northern Nevada county. The result of that inquiry was the report *Police-Community Relations in Reno, Nevada* (May 1992).¹ Based upon its study, the Nevada Advisory Committee concluded that "the three major law enforcement departments in Washoe County [had] embarked on programs to provide enlightened policing."² In the report, the Nevada Advisory Committee offered recommendations that it hoped would "add to the progressive nature of the law enforcement entities it studied."³ The Nevada Advisory Committee charged itself with the responsibility of periodically monitoring the efforts of these three law enforcement jurisdictions, and such issues have been raised and discussed at regularly scheduled meetings of the Nevada Advisory Committee since the release of the report.⁴

It has now been 6 years since the Nevada Advisory Committee made its report public. There have been command structure changes at the three northern Nevada law enforcement jurisdictions including a new sheriff for Washoe County and new chiefs at both the Reno and Sparks Police Departments. The Advisory Com-

mittee determined that it should request information regarding the implementation of the recommendations offered in the 1992 report. Letters requesting such data were forwarded to Richard Kirkland, Sheriff, Washoe County;⁵ Jerry L. Hoover, Chief of Police, Reno Police Department;⁶ and John C. Dotson, Chief of Police, Sparks Police Department.⁷ The three letters requested data that would assist the Nevada Advisory Committee in ascertaining the status of implementing the recommendations. The office of the Washoe County Sheriff and the office of the Reno Police Chief submitted responses. The "letter to Chief John Dotson of the Sparks Police Department, dated March 27, 1998 [was] forwarded to" Robert H. Ulrich, chief deputy city attorney, City of Sparks "for reply."⁸ Mr. Ulrich wrote:

The Department and the City are currently involved in a lengthy Title VII defense. Thus, the chief, and likewise this office, are most sensitive to the potential ramifications of the release of information such as sought in your letter.⁹

In a followup letter, regional staff wrote:

¹Nevada Advisory Committee, U.S. Commission on Civil Rights, *Police-Community Relations in Reno, Nevada* (May 1992) Wash. D.C. (hereafter cited as Nevada SAC Report).

²*Ibid.*, p. 27.

³*Ibid.*, p. 26.

⁴Nevada Advisory Committee Meeting Minutes, Apr. 10, 1995, Reno; Apr. 18, 1997, teleconference meeting Reno and Las Vegas; May 18, 1998, Las Vegas. Minutes of these meetings reflect discussion of police-community relations issues. A motion at the meeting of Apr. 18, 1997, was moved/seconded and unanimously passed (10 for, 2 absent) to conduct a study of the Metropolitan Police Department and other law enforcement jurisdictions in Clark County in southern Nevada. The Nevada Advisory Committee has included this as part of its statewide law enforcement monitoring effort.

⁵Thomas V. Pilla, civil rights analyst, WRO, USCCR, letter to Richard Kirkland, Sheriff, Washoe County, Sheriff Department Reno, Nev., Mar. 27, 1998 (hereafter cited as Kirkland letter). Sheriff Kirkland served as police chief of the Reno Police Department prior to his election as sheriff. He was not the chief at the time of the Advisory Committee's study.

⁶Thomas V. Pilla, civil rights analyst, WRO, USCCR, letter to Jerry L. Hoover, Chief, Reno Police Department, Reno, Nev., Mar. 27, 1998 (hereafter cited as Hoover letter).

⁷Thomas V. Pilla, civil rights analyst, WRO, USCCR, letter to John C. Dotson, Chief, Sparks Police Department, Sparks, Nev., Mar. 27, 1998 (hereafter cited as Dotson letter). John C. Dotson was not the chief of the department at the time of the Advisory Committee's study.

⁸Robert H. Ulrich, chief deputy city attorney, City of Sparks, letter to Thomas V. Pilla, civil rights analyst, WRO, USCCR, Los Angeles, CA, May 20, 1998 (hereafter cited as Ulrich letter).

⁹*Ibid.*

While the Nevada Advisory Committee does not wish to compromise your current Title VII defense, it does not believe that the data requested would have that effect. The simple question is, did the Sparks Police Department implement any of the recommendations and/or can it provide the status of those recommendations?¹⁰

A member of the Advisory Committee wrote: "I am deeply concerned that the Sparks Police

Department has yet to comply with the Advisory Committee's request of the present status of the 1992 recommendations."¹¹ This memorandum provides the responses received from the Washoe County Sheriff and Reno Police Chief to the Nevada Advisory Committee's monitoring request.

¹⁰Thomas V. Pilla, civil rights analyst, WRO, USCCR letter to Robert H. Ulrich, chief deputy city attorney, City of Sparks, Sparks, Nev., May 28, 1998 (hereafter cited as Ulrich followup letter). In the letter staff suggested that the two parties discuss what information requested from the Sparks Police Department by the Nevada Advisory Committee must remain privileged versus what can be provided to fulfill its mandate to advise the Commission of civil rights issues. The Nevada Advisory Committee's only motive is to obtain information on the status of the 1992 recommendations. As of June 17, 1998, there had been no reply.

¹¹Doris M. Femenella, member, Nevada Advisory Committee to the USCCR, approval letter, June 23, 1998.

II. STATUS OF IMPLEMENTATION

Recommendation Number 1

In recommendation number 1, the Advisory Committee suggested that the three jurisdictions expand their reserve officer programs and increase the numbers of minorities and women in these programs.¹²

Dennis Balaam, undersheriff, administrative bureau, Washoe County Sheriff, stated "we have a reserve officer program but it is not part of the career path for sworn officers."¹³ The Washoe County Sheriff's Office (WCSO) had 14 deputies in its reserve program as of December 1, 1991.¹⁴ According to Sgt. Dick Williamson, patrol division, WCSO, as of June 22, 1998, there were 12 reserve officers, 2 Hispanic and 10 white, 2 female and 10 male.¹⁵ The Reno Police Department (RPD) had 100 reserve officers as of January 10, 1992.¹⁶ According to Lorraine Smith, temporary clerk in the training unit, RPD, "the Reno Police Department no longer has a reserve officer program."¹⁷ The Sparks Police Department (SPD) had 11 reserve officers as of November 22, 1991.¹⁸ According to Lt. Brent Lee, opera-

tions section, SPD, as of June 19, 1998, there were 10 reserve officers, 1 Hispanic and 9 white, all males.¹⁹ The Advisory Committee notes that since its initial review, all three jurisdictions lost reserve officers.

The Advisory Committee also recommended that all three jurisdictions institute a pretesting workshop for potential recruits.²⁰ Jerry L. Hoover, chief of police, Reno Police Department, wrote:

The City of Reno's Chief Examiner has included the following processes for preparatory practical exposure to the city's testing. . . for potential law enforcement applicants: Pre-examination study periods are conducted for a one week period at various times of the day to insure each applicant is afforded the opportunity to attend; These workshops give each applicant a sample written examination. . . and provide examination tips, study hints and suggested readings or exercises to prepare for the written and physical condition examinations; A practical demonstration of the physical condition examination is provided. . . Each applicant is provided with a verbal and printed explanation of the examination and the minimum acceptable performance standards for successful completion of the examination.²¹

The Sheriff Department also "conduct pretesting workshops for potential recruits before every exam."

Recommendation number 1 also included the Advisory Committee belief that civil service written test materials should be reviewed for test validity and reliability and updated job analyses conducted for all entry-level positions. Undersheriff Balaam stated "that written test material for officer candidates is reviewed before each exam for test validity and reliability" and

female

¹⁹Lt. Brent Lee, operations section, SPD, telephone interview, June 19, 1998 (hereafter cited as Lee telephone interview)

²⁰Nevada SAC Report, p 29.

²¹Jerry L. Hoover, Chief of Police, Police Department, City of Reno, Reno, Nev., letter to Thomas V. Pilla, civil rights analyst, WRO, USCCR, Apr. 24, 1998 (hereafter cited as Hoover letter). Unless otherwise cited, Reno Police Department responses are from this letter.

¹²Nevada SAC Report p 29

¹³Dennis Balaam, undersheriff, administrative bureau, Washoe County Sheriff, Reno, Nev., letter to Thomas V. Pilla, civil rights analyst, WRO, USCCR, Apr. 8, 1998 (hereafter cited as Balaam letter). Unless otherwise cited, Washoe County Sheriff Department responses are from this letter.

¹⁴D.G. Coppa, undersheriff, WCSO, letter to Thomas V. Pilla, WRO, USCCR, Dec. 2, 1991. Of the total, 13 were males and 1 female, all were Caucasian.

¹⁵Dick Williamson, sergeant, patrol division, Washoe County Sheriff Department, telephone interview, June 22, 1998.

¹⁶Richard C. Kirkland, Chief of Police, RPD, letter to Thomas V. Pilla, WRO, USCCR, Jan. 10, 1992. Of the total 100, the breakdown by ethnicity and gender was 66 white males, 1 black female, 3 Asian American males, 2 Hispanic males, 1 Hispanic female, 62 white males, and 22 white females.

¹⁷Lorraine Smith, Reno Police Department, telephone interview, June 18, 1998. Terrie Fenner, training officer for the RPD, provided the information to Ms. Smith. According to Officer Fenner, the reserve program was stopped about 6 months to a year ago because of liability concerns.

¹⁸Capt. Tony Zamboni, administrative assistant, Office of the Chief, SPD, telephone interview, Nov. 22, 1991. Of the total, there were 10 males (1 Asian, 3 Hispanics) and 1

"job analyses are updated before each exam for all positions." Chief Hoover wrote, "the firms of Clancy and Associates and Ken Kruger and Associates, nationally recognized authorities on job task validity and written examination validation, have been utilized for the purpose of validating job relativity and written testing validity. Testing and job validity is completed prior to each examination period by the civil service." He also noted that "the city of Reno's chief examiner applies the Western Intergovernment Personnel Assessment Council²² format for the purpose of job analysis," adding that "the last review was conducted in 1996 and is updated at a frequency of approximately every two (2) years."

Balaam added that the county has "an affirmative action plan and it has been revised since 1991 to comply with the Civil Rights Act of 1991 and the Americans with Disability Act (ADA)." Hoover noted Reno's "compliance with the federally mandated Civil Rights Act of 1991, as well as the Americans with Disabilities Act." There is an existing affirmative action plan. At the time of the Advisory Committee's study and release of its report, the city of Sparks had not approved its affirmative action plan. As of this date, the Advisory Committee has not been advised of the status of the Sparks affirmative action plan

Recommendation Number 2

The Advisory Committee recommended that all three jurisdictions offer a bilingual salary incentive to its present sworn and nonsworn staff and that efforts to recruit bilingual staff be expanded through workshops, miniacademies or other efforts that the departments deem of value.²³

Balaam responded that "neither sworn, nor nonsworn staff receive any bilingual salary incentive." He added

Both sworn and nonsworn employees are represented by collective bargaining units who routinely negotiate salary incentive packages within

²²The Western Intergovernment Personnel Assessment Council (WIPAC) is an association of public sector personnel professionals from the States of Arizona, California and Nevada who periodically meet to discuss and refine technical aspects of employment testing and hiring

²³Nevada SAC Report, p. 29

the collective bargaining negotiations. To date, bilingual incentive pay has not been negotiated as part of those agreements.

Hoover wrote that a bilingual salary incentive "has been the subject of contractual negotiations between the City of Reno and city wide employee bargaining units." As of April 24, 1998, "no such incentive has been implemented."

Recommendation Number 3

The Advisory Committee recommended that the Washoe County Sheriff and Sparks Police Department join the Reno Police Department in removing the internal affairs unit from their administrative buildings and place them in a private building or city hall for the SPD and a county or private building for the WCSO.²⁴ The Advisory Committee encouraged the hiring of a civilian employee for the unit and that a single law enforcement complaint form for all three departments be developed and made available at strategic locations throughout the county.²⁵

Balaam wrote:

The Office of Professional Integrity (internal affairs) is located at the Sheriff's Office main office at 911 Parr Boulevard, Reno, Nevada. We have and are attempting to locate an alternative location away from the administrative headquarters. We do have substations and off site offices available for alternative meeting locations. Currently the staff of the Office of Professional Integrity has three personnel assigned. The office consists of one lieutenant (sworn), one sergeant (sworn), and one clerk (nonsworn). The ethnicity and sex is two white males and one white female.²⁶

Hoover said

The Department's Internal Affairs Unit was decentralized approximately eight years ago. The unit's offices are located in an area that is generally thought of as being neutral as to proximity to other police entities. The unit is centrally located near the downtown corridor and is easily accessible by both public and private transportation.²⁷

²⁴Ibid, p. 30

²⁵Ibid

²⁶Balaam letter

²⁷Hoover letter

The Advisory Committee was aware of the unit's location outside the administrative headquarters of the Reno Police Department and is encouraged that it remains separate. Hoover added:

the current make-up of the Internal Affairs Unit is three sworn officers of Caucasian descent. One of command rank and two of supervisory rank. A civilian female employee is retained in the unit for clerical purposes only.²⁸

The Advisory Committee notes that the only civilian employee in internal affairs units for both the Washoe County Sheriff and Reno Police Department are clerical staff. The Advisory Committee is also concerned about the lack of minority representation among the staff of these two units.

In 1992 the Advisory Committee believed that the internal affairs system for reporting results of an investigation to a complainant should be overhauled.²⁹ According to Under-sheriff Balaam, "a complainant is notified of the status of the complaint by letter." He added, "the letter is generally tailored to the individual situation or complaint" and "has been revised since 1991." Chief Hoover noted that "the Internal Affairs unit continues to use letterhead correspondence for the purpose of complaint status notification" and "the form used in 1990 has been reviewed and with the exception of minor changes remains intact."³⁰ He added

Affirmation of the language contained in that document was assessed as a result of the department's policy review process and the department's determination to protect the confidentiality of the internal affairs investigative findings/conclusions.³¹

Recommendation Number 4

The Advisory Committee recommended that the RPD maintain and expand its Community Oriented Policing Plus (COP+) model and share its quantitative and qualitative results with the SPD and WCSO so they may incorporate the suc-

cessful elements in their own policing.³² It also recommended that the RPD consider the formation of Police Officer Round Tables (PORT) to encourage the active participation of its officers in the expansion, refinement, and ongoing development of the COP+ philosophy.³³ Balaam wrote:

The Sheriff's Office formally instituted the Community Oriented Policing during the first year of Sheriff Kirkland's administration. In 1997, we extended our training of the patrol deputies. This training was conducted by Reno Police Department personnel. All patrol deputies, sergeants, and lieutenants attended this training. We will be including this training in our in-service training schedules.³⁴

"Since the implementation of community policing," Balaam added, "we have had ongoing discussion which have led to both expansion and refinement of the programs." As a result of this dialogue, the Sheriff Department redesigned its "beat areas to integrate a districting system" which has "allowed [the department] to better address the community policing goals."³⁵

Hoover noted, "the department conducts various strategies for the continuous review and enhancement of its Community Oriented Policing philosophy." He added:

The department is currently undertaking an intensive training program of all its personnel, both sworn and nonsworn, into problem solving strategies as part of its service delivery philosophy. Officer input into the development of those techniques is critical to the review and enhancement process.

Program review and oversight is accomplished primarily through ongoing community/police interaction. Information imparted to officers and/or civilian employees via any of the following methodologies: officer/citizen contact, service organizations, neighborhood advisory groups, annual surveys, media sources, community leaders and other community interest groups, is communicated to the department's executive command staff for review, and where deemed appropriate, implementation.³⁶

²⁸Ibid

²⁹Nevada SAC Report, p. 30

³⁰Hoover letter

³¹Ibid

³²Nevada SAC Report, p. 30

³³Ibid

³⁴Balaam letter

³⁵Ibid

³⁶Hoover letter

III. CONCLUSION

The Advisory Committee focused this effort on obtaining data on the implementation of its recommendations to the three law enforcement jurisdictions in Washoe County. It did so as part of its self-imposed task of monitoring police-community relations in that county following its 1991 study and 1992 report. This memorandum was prepared to advise the U.S. Commission on Civil Rights of the status of the Advisory Committee's recommendations and not as an overall review of the present state of police-community relations in Washoe County. To review present police-community relations would require that the Nevada Advisory Committee conduct a fact-finding forum similar to its earlier effort that led to the 1992 report. At present, there is no need to conduct such an inquiry in Washoe County.

The information found in this memorandum is the self-reported compliance with the recommendations, and the Advisory Committee appreciates the cooperation received from the Washoe County Sheriff Department and the Police Department of the City of Reno.

Through its monitoring effort, the Advisory Committee has learned that contrary to its first recommendation, the Reno Police Department has dropped its reserve officer program effectively closing an avenue for potential sworn officers. The Washoe County Sheriff's Department has a reserve officer program that is not part of the career path for sworn officers, but it has less officers now than when the Advisory Committee first studied the issue. The Sparks Police Department also has less numbers of reserve officers. Both the RPD and WCSO have instituted

programs for pretesting with components to assist potential recruits and to ensure test validity and reliability.

Recommendation number two has also failed to be implemented. Neither of the two jurisdictions offers a bilingual salary incentive and there is no effort underway to do so. Both jurisdictions note that the issue falls within contractual and collective bargaining negotiations with the implication that employees have not raised the matter.

Although the Washoe County Sheriff notes efforts to remove its office of professional integrity from its administrative headquarters, as recommended, it has not done so. The Reno Police Department's internal affairs unit has been housed in a private building for over 8 years. Neither department has a nonclerical civilian or minority representative in those units, nor has a single law enforcement complaint form been developed for general use by the three jurisdictions.

The Advisory Committee's fourth recommendation lauded the Reno Police Department's Community Oriented Policing Plus program and suggested its adoption by the other jurisdictions. The Washoe County Sheriff has implemented this program and both departments rely on their officers to expand and refine the parameters. The Advisory Committee will continue to monitor police-community relations in Reno and Washoe County and periodically report its findings.