

The Commission on Peace Officer Standards & Training



Annual Report

July 1, 2016 - June 30, 2017

Agenda Item IX D-2 (SUNSET)
Meeting Date: 01-22-18

The Nevada Commission on Peace Officer Standards & Training



Mission Statement

To Develop and Deliver Professional Training, Ensuring That All
Peace Officers and Their Agencies Comply with Established
Statutes and Regulations

Vision Statement

To Continually Raise Professional Standards and Training
Excellence for All Nevada Peace Officers

Philosophy Statement

POST is Committed to the Principles of Professionalism, Integrity
and Leadership in Attaining the Highest Standards for Public
Safety as the Cornerstone of a Free and Safe Society

Executive Director's Message

This year has been a year of updating and striving to improve for our staff and organization. POST continues to seek to provide the catalyst to increase the professionalism, ethics, integrity and education of all peace officers in Nevada. Along those lines, POST saw an increase in the demand for our Basic Training Academy. Seeking a fair policy in determining priorities for attendees, we developed a policy to allow officers to register as “alternates” to insure every seat was filled during this time of need in basic training. The addition of a training officer in the Training Division helped us to reduce the impact of back to back full academy classes.

The Training Division has been able to move our basic training program forward by increasing decision based training with the addition of a new use of force training system and a new “shoot house”. With these new training tools, we were able to redefine and focus on providing a structured and disciplined environment designed to help prepare new peace officers for policing in today’s world. Additionally, the Training Division has updated and revamped the Basic Instructor Development course and has begun to present that course across the state. The Training Division also completed a new Reserve basic training program that utilizes home agencies for critical skills training, web based academic learning and the POST facility in Carson City for performance based training and testing. This program allows for a more structured and valuable training experience, while reducing time and costs for agencies. The intent is to provide a resource for agencies as a streamlined, cost-free, professional training program for reserve officers and takes into account the often “volunteer” nature of reserve officer programs. With input from agency training programs, POST has completed the updating of all subject titles and performance objectives in the basic training program. Thank you to all the experts across the state who have helped with this project.

Within the Standards Division, the staff continues to fulfill the demands of the NAC; in particular, the requirement that every basic training academy be inspected annually. Each academy was inspected during the year. We believe these frequent visits help each academy understand the minimum requirements and POST staff strives to provide regular and frequent feedback. The Standards Division was also tasked with updating the NAC in regards to training requirements for each category. With help from the Training Division, the NAC’s were updated to create consistency across all categories in titles of required subjects. In addition, the NAC’s related to training were updated by having all training subjects fall under Category I and all Category III subjects fall under Category II. As a result, once adopted, Category I will be the highest level of training and a person trained under the new Category I training will be eligible for all category positions, a Category II trained person will be trained for both Category II and Category III positions. In addition, the Standards Division is tasked with reviewing NAC sections, updating reciprocity requirements and providing support and management of POST Commission meetings. Finally, staff continues to review course certification issues and National issues related to certification of training. The Standards Division staff continues to meet an increasing demand with efficiency and professionalism.

Administratively, budget remains a concern. The legislative session that just ended resulted in no change in our base budget. As a result we are operating at less than what was budgeted ten years ago. With the changes within policing across the Nation and the focus on training and professionalism, the demands on POST have only increased. We have met those demands due to the dedication of staff and increased efficiency. That said, the need for additional resources gets more critical each year. We will continue to work with the Governor’s office, the Legislature and agencies across the State to find ways of increasing and improving our budget.

Executive Director's Message

As we move forward into the future, POST will continue to improve our “customer service” and strive to work with agencies across the state to create an environment where the training and standards of peace officers and policing in the state of Nevada is the envy and model for the rest of the Nation.

A handwritten signature in black ink, appearing to read "mSherlock". The signature is fluid and cursive, with the first letter of the last name being a large, stylized 'S'.

Mike Sherlock
Executive Director
Nevada Commission on Peace Officer Standards and Training

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History of POST

In 1965, the 53rd session of the Nevada State Legislature passed Assembly Bill 390; which established a five-member Commission on Peace Officer Standards and Training (POST). The Commissioners were appointed by the governor and the Commission was placed under the Attorney General's Office. The bill declared the purpose of POST "...to raise the level of competence of state and local law enforcement officers by adopting rules, establishing minimum standards relating to the physical, mental and moral fitness, which shall govern the recruitment of a city, county or state agency employing peace officers." This was the beginning of what POST has become today. In 1969, it became the POST Committee under the Crime Commission, and in 1981 it was moved to the Department of Motor Vehicles and Public Safety. In 1999 the Commission became a stand alone agency under the Office of the Governor, and in 2005 the Commission expanded to its present size of nine Commissioners.

Throughout the years there have been many changes affecting criminal justice agencies in Nevada. In 1987, peace officers were placed in three categories: Category I encompassing general law enforcement officers; Category II for specialized limited enforcement duties; and, Category III for correction and confinement officers. Also in 1987, POST established the 24-hours annual continuing education requirement for all categories of peace officer; which has been recently amended to requiring each officer to demonstrate proficiency in five critical skill areas. Over the years, reciprocity with other states has made it easier to certify officers wishing to transfer to Nevada, and the maximum number of months that an officer can be out of law enforcement before being mandated to attend an academy was changed from 24 to 60 months.



POST Overview

The Nevada Commission on Peace Officer Standards and Training is the regulatory agency that establishes and maintains the laws, regulations, and acts as the governing authority for the behavior, hiring, basic and professional certification, course certification, and training requirements for all law enforcement officers in the state. The nine member Commission is composed of law enforcement officials that are appointed by the Governor. The Commission holds regularly scheduled public workshops and meetings in various locations around the state to discuss and revise laws and regulations, hear issues addressing the law enforcement community, and render judgment regarding officer behavior; which may result in suspension or revocation of POST certification. The activities and functions of the Commission are instrumental in providing Nevada's citizenry with highly qualified law enforcement officers as well as providing the foundation for the state's law enforcement agencies to maintain the highest standards of public safety. With these important factors at the forefront, POST continues to oversee and administrate Nevada's minimum law enforcement standards with the aim of reducing the risk of liability, law suits, and community dissatisfaction.

The Commission's mission and activities are supported by an agency staff composed of an Executive Director, appointed by the Commission, and 15 employees. The staff of the POST agency is organized into three functions consisting of Administration Division, Standards Division, and Training Division.



POST Divisions

Administration Division

The Administration staff is charged with the overall operation and management of the POST agency. Primary duties include: fiscal responsibility, personnel functions, policy and procedures, technology improvements, facility oversight and vehicle maintenance. In addition to the day-to-day activities, Administration staff serves as a liaison to the Governor's office, other state agency officials, all criminal justice executives, and supports all the activities of the Commission and the other divisions within the agency.

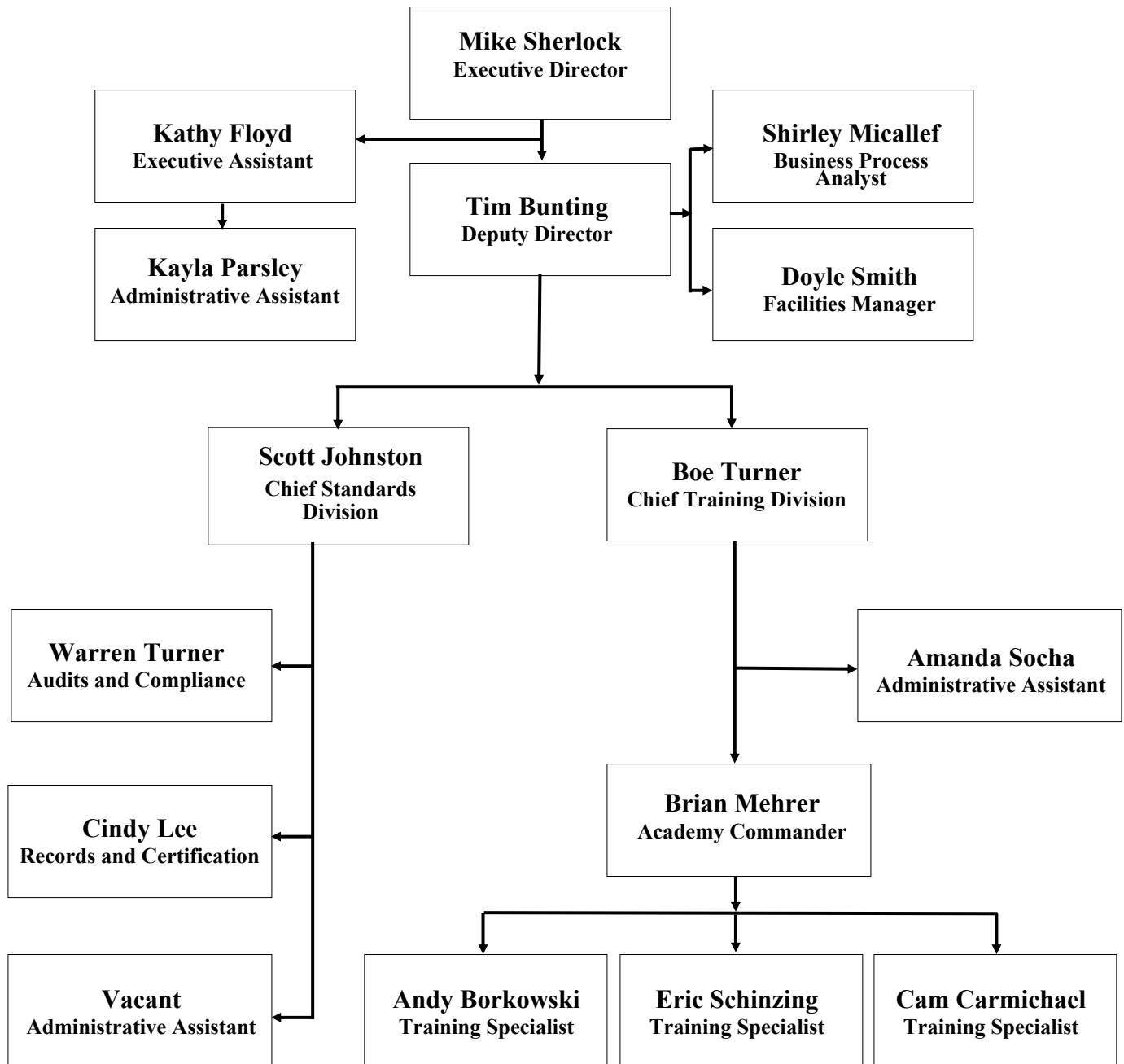
Standards Division

The Standards Division acts as the action arm of the Commission providing investigatory services for questionable issues, scheduling and supporting all public meetings, and completing any action items as directed by the Commission. As the primary support staff of the Commission, this division is also responsible for all tasks involving the legislative rulemaking processes that apply to any regulatory or statutory changes as directed by the Commission or resulting from enacted legislation. In addition to these primary responsibilities, the staff tracks completion of the online state certification exams, employment and certification of every officer in the state, and verifies that Nevada's peace officers comply with all POST requirements including annual mandatory training. This division reviews and approves applications and class materials from training providers seeking POST course certification. Other responsibilities involve specifying the criteria, approving, and issuing POST professional certificates based on a specific level of achievement. The staff analyzes and reviews each officer's application in order to award the appropriate level of Intermediate, Advanced, Supervisor, Management, or Executive certification. Audits of all criminal justice agencies, basic training academies, and individual courses are randomly conducted to verify quality and compliance with requirements.

Training Division

The Training Division conducts two basic law enforcement academies each fiscal year for Category I, II and III peace officers that are hired by various law enforcement agencies throughout Nevada. The cadets that are accepted into the academy are from rural agencies, tribal agencies, as well as many state agencies such as State Parks, Gaming Control, Department of Wildlife, Attorney General's office, etc. In addition to providing this vital training for the law enforcement community, this division serves as the model and a resource for other certified academies throughout the state in such areas as curriculum development, lesson plan creation, training techniques, and advice in achieving compliance with POST objectives and standards. This division also develops and delivers professional training that is offered online as well as through traditional classroom methods.

Staff Organization



Staff Biographies

Administration

Mike Sherlock
Executive Director

Mike has his Juris Doctorate degree and is a licensed attorney. His law enforcement career spans 30 years and has included assignments as a canine officer, field training officer, patrol supervisor, detective bureau supervisor, Operations Commander, robbery/homicide detective and detective sergeant, narcotics detective and narcotics supervisor. He teaches a wide variety of law enforcement subjects.

Tim Bunting
Deputy Director

Serving since 2001, Tim retired from the U.S. Army as a Lieutenant Colonel of Infantry after 22 years of active federal service. During his career he served around the globe in a wide variety of challenging assignments. He is a 1978 graduate of Central Michigan University with a degree in physical education. He is also a graduate of numerous Army courses to include the U.S. Army Command and General Staff College.

Kathy Floyd
Executive Assistant

Serving since 2007, Kathy came to POST after serving 15 years in the private and corporate industries as an administrative assistant, officer manager, and purchasing assistant. She also has an extensive background in customer relations and customer service.

Shirley Micallef
Business Process Analyst

Shirley joined POST in June of 2008, after working at the Supreme Court of Nevada since 2004. Prior to her employment with the State of Nevada, she was employed with IBM in various technical, managerial, training, and business related positions. Shirley holds a BA degree from Oakland University in Rochester, Michigan; is a SATE certified trainer, and a certified high school English teacher in the State of Florida.

Doyle Smith
Facilities Manager

Serving since 2004, Doyle retired from the U.S. Air Force after 20 years of service. His education includes a BS in criminal justice from the University of Nebraska.

Kayla Parsley
Administrative Assistant

Kayla joined POST in 2017, with two years of prior state service within the Division of Welfare and Supportive Services as an administrative assistant.

Staff Biographies

Standards Division

Scott Johnston
Division Chief

Serving since 1992, Scott became the Division Chief June 2006. He began his law enforcement career in Oregon in 1978, and was his agency's FTO coordinator, training coordinator and an adjunct instructor at the Oregon Police Academy. Scott has BS degrees in Criminology and Psychology from Southern Oregon State College.

Warren Turner
Audits and Compliance

Warren started at POST April, 2012, and came from Department of Energy where he was the firearms and in-service training instructor. Warren's law enforcement experience is from the Las Vegas Metropolitan Police Department. His military experience was as an airborne infantryman with the 82nd Airborne Division where he served in Gulf War I. He also served full time with the California National Guard. In all these fields, Warren was actively involved with training.

Cindy Lee
Records and Certifications

Serving since 2006, Cindy joined POST working in Records and Certification and was quickly promoted to help establish the Professional Development Bureau. Since that time Cindy has once again returned to Records and Certifications heading up that function. Cindy is from Hawaii and has held numerous positions from legal secretary to a collections officer for the credit union.

Staff Biographies

Training Division

Boe Turner
Division Chief

Serving since 2006, Boe served 29 years in California law enforcement. He served in progressive positions of responsibility, culminating as the Administrative Lieutenant for Mono County Sheriff's Office. He earned a BA degree from California State University. He holds a California POST Management Certificate.

Brian Mehrer
Academy Commander

Brian started at POST in October of 2015. He has a B.A. degree in Psychology and a M.Ed. degree in Counseling and Human Services. Brian has held numerous positions in law enforcement and education including working for the Douglas County School District for 28 years, as well as Douglas County Sheriff's Office. He served in various positions including counseling, Dean of Students, Athletic Director and Physical Education Instructor. Brian also taught as an adjunct professor for Western Nevada College for 17 years. In his 17 years with the Sheriff's department, he served as a Reserve Sergeant and was awarded Reserve Deputy of the Year twice and was awarded the Life Saving Medal of Honor.

Andy Borkowski
Training Specialist

Andy started at POST August, 2015, and came from Department of Wildlife where he worked as Game Warden. He was a POST Academy graduate in 2013. Andy's law enforcement experience includes instructor training in arrest and control tactics and standard field sobriety testing. He has a BA in Criminology and Criminal Justice from Southern Illinois University.

Eric Schinzing
Training Specialist

Eric started with POST in December of 2016. Eric's law enforcement career started at the Douglas County Sheriff's Office where he served in the jail and on patrol. His law enforcement experience includes being a field training officer and instructor in ASP and TASER. He was a coroner investigator and worked closely with the Washoe County Medical Examiner's Office. He was also a negotiator on the Crisis Negotiation Team. In addition to his Basic Certificate, he holds both an Intermediate and an Advanced POST Certificate.

Cam Carmichael
Training Specialist

Cam started at POST in February of 2017. He served over 29 years in California law enforcement. Cam began his career in San Diego County, retired as a Sergeant with South Lake Tahoe police department. While in South Lake Tahoe he held team leader positions in Special Weapons and Tactics team, Crisis Negotiation Team, and Bike Patrol. He possesses a Bachelors of Science degree from San Diego State and a Masters of Science degree from Amberton University.

Amanda Socha
Administrative Assistant

Amanda joined POST in 2015, after serving 11 years in the private and corporate industries as an administrative assistant, e-commerce purchasing and logistics manager, and account manager. She holds a Bachelors Degree in Business Administration and brings a wealth of marketing and business experience.

New Hires in FY17

- Eric Schinzing, Training Specialist
- Cam Carmichael, Training Specialist
- Kayla Parsley, Administrative Assistant

Promotions in FY17

- Amanda Socha, Administrative Assistant
- Brian Mehrer, Academy Commander

In remembrance of Rick Radecki

It was with deep sadness we reported the passing of our friend and colleague Rick Radecki. Rick joined POST more than four years ago with his last position held in the Standards Division. Previous to his appointment in Standards, he was the POST Academy Administrative Assistant. He may be most remembered for his talent in the singing of the National Anthem and acting as the emcee for the POST Academy graduation ceremonies. His unexpected passing has created a hole in our hearts and we will miss his crazy personality, his laugh, big smile, and warm heart.



*Our Deepest
Sympathy*





Contact Us

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Training Specialist, Cam Carmichael	ext 3350	ccarmichael@post.state.nv.us
Administrative Assistant, Amanda Socha	ext 3310	asocha@post.state.nv.us

Fiscal Year 2017 Accomplishments

Statistical Achievements

- Nevada Criminal Justice Agencies: 137
- Nevada Active Peace Officers: 10,718
- Nevada Basic Training Academies: 25
- Training Providers (POST certified courses): 117
- Criminal Justice Agency Audits Conducted: 21
- Academy Audits Conducted: 18
- Course Audits Conducted: 27
- Courses Certified: 124
- Certification Exams Administered: 1251
- Revoked or Suspended Basic Certificates: 7
- Basic Certificates Issued: 1134
- Intermediate Certificates Issued: 360
- Advanced Certificates Issued: 313
- Supervisor Certificates Issued: 130
- Management Certificates Issued: 15
- Executive Certificates Issued: 8
- E-learning Courses on nvelearn.nv.gov website: 51
- E-learning Students enrolled: 41,341
- E-learning FY17 Training Hours: 17,220
- Professional Development Classroom Students: 136
- Professional Development Classroom Training Hours: 7,792
- POST Academy Graduates:
 - Category I officers: 45
 - Category II officers: 5
 - Category III officers: 1
 - Reserve officers: 2
- POST Academy Training Hours:
 - Category I training hours: 28,710
 - Category II training hours: 2,040
 - Category III training hours: 160
 - Reserve training hours: 240

Fiscal Year 2017 Accomplishments

- Academy class 2016-02 graduated November 10, 2016 with 25 graduates which included 20 CAT I and 5 CAT II
- Academy class 2017-01 graduated May 18, 2017 with 26 graduates which included 25 CAT I and 1 CAT III
- Hired two additional Training Specialists, Eric Schinzing and Cam Carmichael
- Created and certified Online Reserve Academy
- Created CAT III Academy which we have incorporated into our basic academy
- Created and published POST Administrative Manual which you can find on our website
- Shoot House 93 x 22 simulation training area. Non-ballistic shoot house which allows walls to be moved to create a variety of training environments, offering officers a realistic environment to improve their skills. The shoot house can be used for anything from new officer training to tactical training. It also allows for a variety of K9-training scenarios. The SIMS house also has walls with windows which officers can use to train for realistic building maneuvers. Law enforcement may also have use of the shoot house for crime scene processing training. Camera surveillance system allows for shoot house participants to be watched live remotely, on sight or to be saved for future training

Fiscal Year 2017 Accomplishments

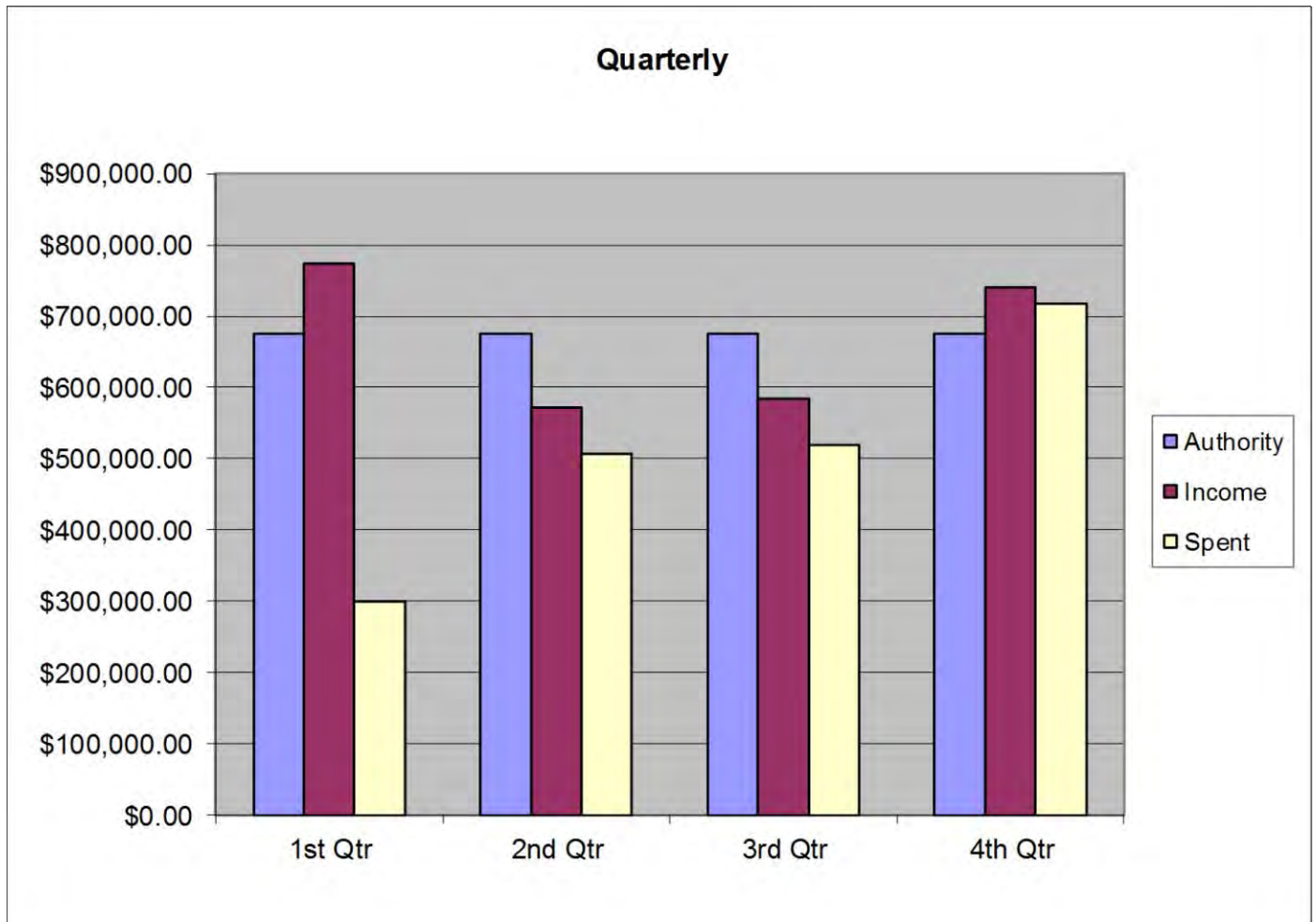
Thanks to Grants received from the Department of Public Safety, Office of Criminal Justice Assistance in FY 17, we were able to purchase:

- ♦ Milo— This new use of force training simulator has up to 400 plus scenarios which offers officers the ability to make quick choices and decisions in regards to appropriate use of force. The simulator has force options including Taser, OC and Lethal. Each scenario can be controlled by the operator depending on the reactions of the officers in the scenario.
- ♦ Monitors in Kollar Hall These new monitors allow instructors to use up-to-date technology to enhance the learning process for the new POST Academy cadets as well as for Professional Development classes.
- ♦ Additional Simulation Safety Equipment - to include body cameras, handcuff dummy, ECD training jacket, fight suit, safety helmet, and television monitors needed to provide for effective law enforcement training that will improve decision making skills, increase officer safety, reduce liabilities and reduce injuries. In addition to usage by POST for various training courses, the realty based scenario equipment can also be used by law enforcement agencies from around the state of Nevada to fulfill their training needs.

Financial Report FY17

Funding Overview

POST uses a fee based budget, which means that we start the year at \$0 dollars and receive our income from court assessments throughout the year. We must build carry forward money into the budget to give us operating funds at the beginning of each fiscal year. In the last fiscal year, our income fell just below our authorization. Below is a break down by quarter for the fiscal year.



The first quarter income reflects \$443,460.00 carried over from the previous fiscal year. \$0 in court assessment was received in the first month of the last fiscal year. POST also receives money after the end of the fiscal year. The income of the last quarter of each fiscal year has been historically higher than the others. This year we received over \$353,000 in court assessments in June-July. POST also has applied for and received a Department of Justice grant through the Nevada Department of Public Safety. This grant purchased body cameras, a Taser dummy, training equipment and new monitors for our main classroom.

Financial Report FY17

Revenue FY-17

Revenue	Authority	Income	Difference	% Received
Balance forward	\$443,460.00	\$443,460.00	\$0.00	100.00%
Advance	\$0.00	\$0.00	\$0.00	\$0.00
Registration	\$30,962.00	\$30,538.00	\$424.00	98.63%
Court Assessment	\$2,157,632.00	\$2,127,168.53	\$30,463.47	98.59%
Miscellaneous	\$1,192.00	\$1,041.52	\$150.48	87.38%
Reimbursement	\$1,000.00	\$0.00	\$1,000.00	0.00%
Grant	\$65,280.00	\$65,280.00	\$0.00	100.00%
Prior year refund	0	\$1,158.44		
TOTAL	\$2,699,526.00	\$2,668,646.49	\$32,037.95	98.86%

Expenditures FY-17

Description	Authority	Expended	Difference	% Spent
Personnel	\$1,401,816.00	\$1,258,200.93	\$143,615.07	89.76%
Out-of-state	\$4,760.00	\$4,493.27	\$266.73	94.40%
In-state	\$9,339.00	\$8,862.63	\$476.37	94.90%
Operation	\$511,961.00	\$509,816.70	\$2,144.30	99.58%
Equipment	\$8,647.00	\$5,493.25	\$3,153.75	63.53%
Instructor	\$11,376.00	\$7,719.46	\$3,656.54	67.86%
Role Player	\$3,640.00	\$3,640.00	\$0.00	100.00%
Commission	\$1,810.00	\$1,720.47	\$89.53	95.05%
Cadet Education	\$1,000.00	\$0.00	\$1,000.00	0.00%
Grant	\$65,280.00	\$65,280.00	\$0.00	100.00%
DoIT	\$70,015.00	\$56,024.35	\$13,990.65	80.02%
Staff uniform	\$5,628.00	\$5,141.99	\$486.01	91.36%
Training	\$0.00	\$0.00	\$0.00	0.00%
Utilities	\$1,196.00	\$1,052.46	\$143.54	88.00%
Admin Services	\$17,775.00	\$17,600.00	\$175.00	99.02%
Reserve	\$486,898.00	\$0.00	\$486,898.00	0.00%
Purchasing	\$521.00	\$521.00	\$0.00	100.00%
State wide	\$67,544.00	\$67,544.00	\$0.00	100.00%
AG	\$30,320.00	\$30,320.00	\$0.00	100.00%
Total	\$2,699,526.00	\$2,043,430.51	\$656,095.49	75.70%

The POST Commission

Governor

Brian Sandoval

Chairman

Ron Pierini

Sheriff

Douglas County
Sheriff's Office

Commissioner

Dan Watts

Sheriff

White Pine County
Sheriff's Office

Commissioner

Gary Schofield

Deputy Chief

Las Vegas Metropolitan
Police Department

Commissioner

Russell Pedersen

Chief Deputy

Washoe County
Sheriff's Office

Commissioner

Troy Tanner

Chief

Mesquite Police
Department

Commissioner

Kevin McKinney

Lieutenant

Elko County
Sheriff's Office

Commissioner

James Wright

Director

Nevada Department of
Public Safety

Commissioner

Michele Freeman

Chief

City of Las Vegas Department
of Public Safety

Commissioner

James Ketsaa

Chief

Clark County School District
Police Department

The POST Commissioners



SHERIFF WATTS



CHIEF DEPUTY
PEDERSEN



UNDERSHERIFF
MCKINNEY



CHIEF FREEMAN



SHERIFF PIERINI
CHAIRMAN



DEPUTY CHIEF
SCHOFIELD



CHIEF TANNER



DIRECTOR WRIGHT



CHIEF KETSAA

Contact the Commissioners

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PEACE OFFICER STANDARDS & TRAINING COMMISSION

101-3774

PROGRAM DESCRIPTION

The Commission on Peace Officer Standards and Training (POST) establishes and regulates the minimum qualifications, training, and standards for all peace officers in the State of Nevada. POST oversees and tracks the employment, behavior, basic and professional certification, course certification, and training for Nevada's officers. Regularly scheduled public meetings are held around the state to discuss and revise laws and regulations, hear issues addressing the law enforcement community, and render judgment regarding officer behavior, which may result in denial, suspension or revocation of POST certification. In addition, POST is responsible for establishing the standardized performance objectives for all basic training academies. POST also develops and delivers exemplary training (both classroom and online), conducts its own basic training academy, and provides professional courses for the officers throughout the state. POST performs statewide audits of all 139 agencies and 35 academies providing guidance and oversight while monitoring their compliance with the standards set forth in the NRS and NAC. Statutory Authority: NRS 289.

BASE

This request continues funding for 16 employees and associated operating costs. One-time expenditures have been eliminated and partial year costs have been annualized.

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR [B000] Balance forward from court assessment revenue to cover expenses until current year court assessment revenue is received.	226,835	443,460	486,898	372,519
2512 BALANCE FORWARD TO NEW YEAR	-443,459	0	0	0
3700 REGISTRATION FEES [B000] Registration fees are \$500 for Cat I and \$350 for Cat II cadets. Tribal cadet fees are calculated with an additional \$26 per training day. Revenue is budgeted using base year.	27,775	30,962	27,775	27,775
3749 COURT ASSESSMENT [B000] The primary funding source for the operations of the agency is court assessments revenue per NRS 178. Revenue is budgeted using base year.	2,149,231	2,157,632	1,993,261	2,155,077
4203 PRIOR YEAR REFUNDS [B000] Prior Year Refunds is the Bank of America rebate. It is anticipate that this amount will be the same for fiscal year 2018-2019. Revenue projection based on a 3-year average: FY 14 \$1,192, FY 15 \$236, FY 16 \$697 = \$708 average.	136	0	136	136
4254 MISCELLANEOUS REVENUE [B000] Miscellaneous revenue, such as small rebates and revenue generated from washers and driers in the dormitory. Revenue is budgeted using base actual.	697	1,192	708	708
4355 REIMBURSEMENT OF EXPENSES [B000] Pass through to cadets for Veterans Administration educational allowance, expensed to Category 15. [M150] Pass through to cadets for Veterans Administration educational allowance, expensed to Category 15.	0	1,000	1,000	1,000
4705 TRANS FROM PUBLIC SAFETY [B000] Grants from the Department of Public Safety, expensed to Category 21.	33,844	0	0	0
TOTAL RESOURCES:	1,995,059	2,634,246	2,509,778	2,557,215

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	863,198	989,866	997,431	1,006,638
5200 WORKERS COMPENSATION [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	13,665	14,363	13,782	13,683
5300 RETIREMENT [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	186,775	218,092	216,163	217,778
5400 PERSONNEL ASSESSMENT [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	5,933	6,047	5,637	5,692
5500 GROUP INSURANCE [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	104,470	142,647	134,256	134,256
5700 PAYROLL ASSESSMENT [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	1,401	1,413	1,396	1,409
5750 RETIRED EMPLOYEES GROUP INSURANCE [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	18,420	23,781	23,539	23,756
5800 UNEMPLOYMENT COMPENSATION [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	817	707	693	698
5830 COMP TIME PAYOFF [B000] One-time cost eliminated in M150.	118	0	0	0
5840 MEDICARE [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	11,932	14,612	14,461	14,594
5929 ELIMINATE LONGEVITY PAY	0	-7,725	0	0
5930 LONGEVITY PAY	0	7,725	0	0
TOTAL FOR CATEGORY 01:	1,206,729	1,411,528	1,407,358	1,418,504

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
CATEGORY 02 OUT-OF-STATE TRAVEL:				
6100 PER DIEM OUT-OF-STATE	3,124	1,511	3,124	3,124
[B000] The request continues funding for sixteen employees and associated operating costs.				
6115 NON-FS VEHICLE RENTAL OUT-OF-STATE	313	0	313	313
[B000] The request continues funding for sixteen employees and associated operating costs.				
6120 AUTO MISC OUT-OF-STATE	23	542	23	23
[B000] The request continues funding for sixteen employees and associated operating costs.				
6130 PUBLIC TRANS OUT-OF-STATE	33	0	33	33
[B000] The request continues funding for sixteen employees and associated operating costs.				
6140 PERSONAL VEHICLE OUT-OF-STATE	200	339	200	200
[B000] The request continues funding for sixteen employees and associated operating costs.				
6150 COMM AIR TRANS OUT-OF-STATE	2,261	1,233	2,261	2,261
[B000] The request continues funding for sixteen employees and associated operating costs.				
7300 DUES AND REGISTRATIONS	0	400	0	0
TOTAL FOR CATEGORY 02:	5,954	4,025	5,954	5,954
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	2,565	4,391	2,565	2,565
[B000] The request continues funding for sixteen employees and associated operating costs.				
6210 FS DAILY RENTAL IN-STATE	476	522	476	476
[B000] The request continues funding for sixteen employees and associated operating costs.				
6213 FS MAINTENANCE OF AGENCY FLEET	648	0	648	648
[B000] The request continues funding for sixteen employees and associated operating costs.				
6215 NON-FS VEHICLE RENTAL IN-STATE	157	120	157	157
[B000] The request continues funding for sixteen employees and associated operating costs.				
6240 PERSONAL VEHICLE IN-STATE	1,005	110	1,005	1,005
[B000] The request continues funding for sixteen employees and associated operating costs.				
6250 COMM AIR TRANS IN-STATE	3,758	2,026	3,758	3,758
[B000] This provides for the auditor and staff to travel statewide for audits, for monitoring exams and for meetings, including Commission meetings.				
TOTAL FOR CATEGORY 03:	8,609	7,169	8,609	8,609
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	5,161	3,360	5,161	5,161
[B000] The request continues funding for sixteen employees and associated operating costs.				

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	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7024 OPERATING SUPPLIES-D [B000] Misc. hardware items, key replacements, pistol cases, etc.	0	175	0	0
7027 OPERATING SUPPLIES-G [B000] Cost for engraving plaques, purchase of plaque material, etc.	167	13	167	167
7045 STATE PRINTING CHARGES [B000] The request continues funding for sixteen employees and associated operating costs.	700	927	700	700
7046 QUICK PRINT JOBS - CARSON CITY [B000] The request continues funding for sixteen employees and associated operating costs.	270	311	270	270
7050 EMPLOYEE BOND INSURANCE [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	20	19	18	18
7051 AGENCY OWNED - PROP. & CONT. INSURANCE [B000] The request continues funding for sixteen employees and associated operating costs. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	5,907	0	0	0
7052 VEHICLE COMP & COLLISION INS [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	0	324	324	324
7054 AG TORT CLAIM ASSESSMENT [B000] The request continues funding for sixteen employees and associated operating costs. see payroll schedule.	1,966	1,966	1,851	1,851
7059 AG VEHICLE LIABILITY INSURANCE [B000] The request continues funding for sixteen employees and associated operating costs. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	2,559	2,527	2,528	2,528
705B B&G - PROP. & CONT. INSURANCE [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	0	5,907	5,907	5,907
7060 CONTRACTS [B000] The request continues funding for sixteen employees and associated operating costs.	294	425	294	294
7070 CONTRACTS - J [B000] The request continues funding for sixteen employees and associated operating costs.	671	802	671	671
7090 EQUIPMENT REPAIR	0	229	0	0
7100 STATE OWNED BLDG RENT-B&G [B000] The request continues funding for sixteen employees and associated operating costs. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	344,527	355,051	355,051	355,051
7140 MAINTENANCE OF BLDGS AND GRDS	0	134	0	0
7141 MAINTENANCE OF BLDGS AND GRDS-A	0	208	0	0

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	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7151 OUTSIDE MAINTENANCE OF VEHICLE [B000] The request continues funding for sixteen employees and associated operating costs.	3,873	1,651	3,873	3,873
7153 GASOLINE [B000] The request continues funding for sixteen employees and associated operating costs.	3,293	5,689	3,293	3,293
7155 VEHICLE OPERATION - B [B000] The request continues funding for sixteen employees and associated operating costs.	36	0	36	36
7185 MED/DENT SUPP - NON-CONTRACT [B000] The request continues funding for sixteen employees and associated operating costs.	2,600	0	2,600	2,600
7250 B & G EXTRA SERVICES	2,238	4,121	2,238	2,238
7285 POSTAGE - STATE MAILROOM [B000] The request continues funding for sixteen employees and associated operating costs.	688	3,660	688	688
7286 MAIL STOP-STATE MAILROM [B000] The request continues funding for sixteen employees and associated operating costs.	2,183	0	2,183	2,183
7290 PHONE, FAX, COMMUNICATION LINE [B000] The request continues funding for sixteen employees and associated operating costs.	12,103	10,789	12,103	12,103
7291 CELL PHONE/PAGER CHARGES	0	1,002	0	0
7296 EITS LONG DISTANCE CHARGES [B000] The request continues funding for sixteen employees and associated operating costs.	781	790	781	781
7300 DUES AND REGISTRATIONS [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	2,311	1,325	1,725	1,725
7320 INSTRUCTIONAL SUPPLIES [B000] The request continues funding for sixteen employees and associated operating costs.	15,172	7,443	15,172	15,172
7370 PUBLICATIONS AND PERIODICALS [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule.	304	290	304	304
7371 PUBLICATIONS AND PERIODICALS-A	0	125	0	0
7430 PROFESSIONAL SERVICES [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	677	1,100	1,777	677
7460 EQUIPMENT PURCHASES < \$1,000	0	2,950	0	0
7630 MISCELLANEOUS GOODS, MATERIALS [B000] The request continues funding for sixteen employees and associated operating costs.	668	1,809	668	668

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	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7752 NON EMPLOYEE IN-STATE TRAVEL-B [B000] The request continues funding for sixteen employees and associated operating costs. Per Diem paid to cadets at the rate of \$26 per day for 16 weeks.	74,160	65,013	74,160	74,160
7960 RENTALS FOR LAND/EQUIPMENT [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule.	600	1,800	600	600
7980 OPERATING LEASE PAYMENTS [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	6,189	6,189	3,483	3,483
8150 BUILDINGS	0	17,030	0	0
TOTAL FOR CATEGORY 04:	490,118	505,154	498,626	497,526
CATEGORY 05 EQUIPMENT:				
7460 EQUIPMENT PURCHASES < \$1,000	0	1,000	0	0
7465 EQUIP > \$1,000 LESS THAN \$5,000 - A	0	1,175	0	0
8340 SPECIAL PURPOSE VEHICLES >\$5K [B000] One-time cost eliminated in M150. [M150] Eliminate one-time equipment expenditures per Budget Instructions.	8,636	0	0	0
8380 USED VEHICLES > \$5,000	0	6,472	0	0
TOTAL FOR CATEGORY 05:	8,636	8,647	0	0
CATEGORY 06 INSTRUCTOR PAY:				
7430 PROFESSIONAL SERVICES [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule.	11,375	11,376	11,375	11,375
TOTAL FOR CATEGORY 06:	11,375	11,376	11,375	11,375
CATEGORY 07 MAINT OF BUILDINGS & GROUNDS:				
7430 PROFESSIONAL SERVICES [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule.	3,640	3,640	3,640	3,640
TOTAL FOR CATEGORY 07:	3,640	3,640	3,640	3,640

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	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
CATEGORY 10 POST COMMISSION EXPENSES:				
6200 PER DIEM IN-STATE [B000] The request continues funding for sixteen employees and associated operating costs.	582	220	582	582
6250 COMM AIR TRANS IN-STATE [B000] The request continues funding for sixteen employees and associated operating costs.	400	0	400	400
7020 OPERATING SUPPLIES [B000] The request continues funding for sixteen employees and associated operating costs.	211	370	211	211
7030 FREIGHT CHARGES [B000] The request continues funding for sixteen employees and associated operating costs.	102	0	102	102
7031 FREIGHT CHARGES - A	0	309	0	0
7430 PROFESSIONAL SERVICES [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule.	481	911	481	481
TOTAL FOR CATEGORY 10:	1,776	1,810	1,776	1,776
CATEGORY 15 CADET EDUCATION ALLOWANCE:				
VA educational credit pass through to cadets, RGL 4355.				
7177 CLOTH/UNIFORM/TOOL ALLOWANCE-G [M150] This a pass through to cadets for VA educational allowance received in RGL 4355.	0	1,000	1,000	1,000
TOTAL FOR CATEGORY 15:	0	1,000	1,000	1,000
CATEGORY 21 JAG GRANT:				
7320 INSTRUCTIONAL SUPPLIES [B000] Grant from Department of Public Safety eliminated in M150. [M150] Grant that expires on September 30, 2016. Corresponds with RGL 4705.	33,844	0	0	0
TOTAL FOR CATEGORY 21:	33,844	0	0	0
CATEGORY 26 INFORMATION SERVICES:				
7022 OPERATING SUPPLIES-B [B000] The request continues funding for sixteen employees and associated operating costs.	2,072	756	2,072	2,072
7060 CONTRACTS [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium.	225	729	0	0

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	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7073 SOFTWARE LICENSE/MNT CONTRACTS [B000] The request continues funding for sixteen employees and associated operating costs. See vendor services schedule. [M150] Eliminate one-time cost.	16,537	22,023	16,237	16,237
7211 MSA PROGRAMMER CHARGES [B000] Eliminate one time expenditure per the Budget Instructions. [M150] Eliminate one-time expenditures per Budget Instructions.	25	0	0	0
7532 EITS SHARED WEB SERVER HOSTING [B000] The request continues funding for sixteen employees and associated operating costs.	2,342	5,200	2,342	2,342
7533 EITS EMAIL SERVICE [B000] The request continues funding for sixteen employees and associated operating costs. See EITS schedule. [M150] This adjustment recognizes the difference between the actual expenditures for fiscal year 2016 and the anticipated expenditures for the 2018-2019 biennium. To adjust agency requirements for seventeen Email Service accounts for fiscal years 2018 and 2019. The adjustment is driven by the Enterprise Information Technology Services schedule. 17 accounts x 12 months = 204 quantity for schedule. 16 FTE plus one email account for POST Eforms.	661	779	710	710
7536 EITS SERVER HOSTING - BASIC [B000] The request continues funding for sixteen employees and associated operating costs. See EITS schedule.	509	548	509	509
7542 EITS SILVERNET ACCESS [B000] The request continues funding for sixteen employees and associated operating costs.	6,774	6,657	6,774	6,774
7545 EITS 18-19 ELIM (OLD EITS VPN SECURE LINK)	0	124	0	0
7554 EITS INFRASTRUCTURE ASSESSMENT [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	2,523	2,630	2,475	2,475
7556 EITS SECURITY ASSESSMENT [B000] The request continues funding for sixteen employees and associated operating costs. See payroll schedule.	1,656	1,811	1,705	1,705
7771 COMPUTER SOFTWARE <\$5,000 - A [B000] Eliminate one-time equipment expenditures in M150 per Budget Instructions. [M150] Eliminate one-time expenditures per Budget Instructions.	4,807	4,776	0	0
8370 COMPUTER HARDWARE >\$5,000 [B000] Eliminate one-time equipment expenditures in M150 per Budget Instructions. [M150] Eliminate one-time equipment expenditures per Budget Instructions.	23,332	6,497	0	0
8371 COMPUTER HARDWARE <\$5,000 - A [B000] Eliminate one-time equipment expenditures in M150 per Budget Instructions. [M150] Eliminate one-time equipment expenditures per Budget Instructions.	20,120	17,485	0	0
TOTAL FOR CATEGORY 26:	81,583	70,015	32,824	32,824

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	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
CATEGORY 29 UNIFORM ALLOWANCE:				
7174 CLOTH/UNIFORM/TOOL ALLOWANCE-D	4,214	5,628	5,628	5,628
[B000] The request continues funding for sixteen employees and associated operating costs. See uniform schedule.				
[M150] This request continues funding for twelve employees and associated operating costs. One-time expenditures have been eliminated and partial year costs have been annualized.				
TOTAL FOR CATEGORY 29:	4,214	5,628	5,628	5,628
CATEGORY 59 UTILITIES:				
7138 OTHER UTILITIES	1,195	1,196	1,195	1,195
[B000] The request continues funding for sixteen employees and associated operating costs.				
TOTAL FOR CATEGORY 59:	1,195	1,196	1,195	1,195
CATEGORY 82 DEPT OF ADMINISTRATN CST ALLOC:				
7439 DEPT OF ADMIN - ADMIN SER DIV	15,682	17,775	37,570	38,607
[B000] The request continues funding for sixteen employees and associated operating costs.				
[M150] This request continues funding for twelve employees and associated operating costs. One-time expenditures have been eliminated and partial year costs have been annualized.				
TOTAL FOR CATEGORY 82:	15,682	17,775	37,570	38,607
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	486,898	372,519	408,873
TOTAL FOR CATEGORY 86:	0	486,898	372,519	408,873
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	459	521	459	459
[B000] The request continues funding for sixteen employees and associated operating costs.				
TOTAL FOR CATEGORY 87:	459	521	459	459
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	86,429	67,544	86,429	86,429
[B000] The request continues funding for sixteen employees and associated operating costs.				
TOTAL FOR CATEGORY 88:	86,429	67,544	86,429	86,429

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVEL Y APPROVED	2018-2019 LEGISLATIVEL Y APPROVED
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	34,816	30,320	34,816	34,816
[B000] The request continues funding for sixteen employees and associated operating costs.				
TOTAL FOR CATEGORY 89:	34,816	30,320	34,816	34,816
TOTAL EXPENDITURES:	1,995,059	2,634,246	2,509,778	2,557,215
TOTAL POSITIONS:	16.00	16.00	16.00	16.00

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MAINTENANCE

M100 STATEWIDE INFLATION

This request funds rate changes for internal service funds such as the Attorney General, Fleet Services, information technology services, state-owned building rent, vehicle insurance, personnel assessments, and property and contents insurance.

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	21,015
TOTAL RESOURCES:	0	0	0	21,015
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5400 PERSONNEL ASSESSMENT	0	0	-2,004	-1,707
5700 PAYROLL ASSESSMENT	0	0	-121	-80
TOTAL FOR CATEGORY 01:	0	0	-2,125	-1,787
CATEGORY 04 OPERATING EXPENSES:				
7050 EMPLOYEE BOND INSURANCE	0	0	6	6
7052 VEHICLE COMP & COLLISION INS	0	0	-74	-74
7054 AG TORT CLAIM ASSESSMENT	0	0	-274	-298
7059 AG VEHICLE LIABILITY INSURANCE	0	0	572	572
705B B&G - PROP. & CONT. INSURANCE	0	0	-157	-157
7100 STATE OWNED BLDG RENT-B&G	0	0	-4,049	10,796
TOTAL FOR CATEGORY 04:	0	0	-3,976	10,845
CATEGORY 26 INFORMATION SERVICES:				
7532 EITS SHARED WEB SERVER HOSTING	0	0	-1,500	-1,500
7533 EITS EMAIL SERVICE	0	0	2,262	2,260
7536 EITS SERVER HOSTING - BASIC	0	0	573	573
7542 EITS SILVERNET ACCESS	0	0	21,095	21,095
7554 EITS INFRASTRUCTURE ASSESSMENT	0	0	659	910
7556 EITS SECURITY ASSESSMENT	0	0	-193	353
TOTAL FOR CATEGORY 26:	0	0	22,896	23,691
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	21,015	24,805

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
TOTAL FOR CATEGORY 86:	0	0	21,015	24,805
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	0	0	-76	262
TOTAL FOR CATEGORY 87:	0	0	-76	262
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	0	0	-41,360	-41,360
TOTAL FOR CATEGORY 88:	0	0	-41,360	-41,360
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	0	0	3,626	4,559
TOTAL FOR CATEGORY 89:	0	0	3,626	4,559
TOTAL EXPENDITURES:	0	0	0	21,015

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M300 FRINGE BENEFITS RATE ADJUSTMENT

This request funds changes to fringe benefits rates.

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-10,000
TOTAL RESOURCES:	0	0	0	-10,000
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5500 GROUP INSURANCE	0	0	8,400	8,000
5750 RETIRED EMPLOYEES GROUP INSURANCE	0	0	1,199	1,813
5800 UNEMPLOYMENT COMPENSATION	0	0	401	763
TOTAL FOR CATEGORY 01:	0	0	10,000	10,576
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	-10,000	-20,576
TOTAL FOR CATEGORY 86:	0	0	-10,000	-20,576
TOTAL EXPENDITURES:	0	0	0	-10,000

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ENHANCEMENT

E713 EQUIPMENT REPLACEMENT

This request funds one replacement used training vehicle, with accessories, each year.

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVEL Y APPROVED	2018-2019 LEGISLATIVEL Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-8,636
TOTAL RESOURCES:	0	0	0	-8,636
EXPENDITURES:				
CATEGORY 05 EQUIPMENT:				
8340 SPECIAL PURPOSE VEHICLES >\$5K	0	0	8,636	8,636
TOTAL FOR CATEGORY 05:	0	0	8,636	8,636
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	-8,636	-17,272
TOTAL FOR CATEGORY 86:	0	0	-8,636	-17,272
TOTAL EXPENDITURES:	0	0	0	-8,636

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E714 EQUIPMENT REPLACEMENT

This request funds the replacement of two-way radios that are used in training peace officers in radio procedures.

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-8,846
TOTAL RESOURCES:	0	0	0	-8,846
EXPENDITURES:				
CATEGORY 05 EQUIPMENT:				
7465 EQUIP > \$1,000 LESS THAN \$5,000 - A	0	0	8,846	0
TOTAL FOR CATEGORY 05:	0	0	8,846	0
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	-8,846	-8,846
TOTAL FOR CATEGORY 86:	0	0	-8,846	-8,846
TOTAL EXPENDITURES:	0	0	0	-8,846

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E720 NEW EQUIPMENT

This request funds a multi-port switch which will be used to increase internet speed.

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR	0	0	0	-17,895
TOTAL RESOURCES:	0	0	0	-17,895
EXPENDITURES:				
CATEGORY 26 INFORMATION SERVICES:				
8370 COMPUTER HARDWARE >\$5,000	0	0	11,300	0
8371 COMPUTER HARDWARE <\$5,000 - A	0	0	6,595	6,595
TOTAL FOR CATEGORY 26:	0	0	17,895	6,595
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	0	-17,895	-24,490
TOTAL FOR CATEGORY 86:	0	0	-17,895	-24,490
TOTAL EXPENDITURES:	0	0	0	-17,895

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SUMMARY

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
RESOURCES:				
2511 BALANCE FORWARD FROM PREVIOUS YEAR	226,835	443,460	486,898	348,157
2512 BALANCE FORWARD TO NEW YEAR	-443,459	0	0	0
3700 REGISTRATION FEES	27,775	30,962	27,775	27,775
3749 COURT ASSESSMENT	2,149,231	2,157,632	1,993,261	2,155,077
4203 PRIOR YEAR REFUNDS	136	0	136	136
4254 MISCELLANEOUS REVENUE	697	1,192	708	708
4355 REIMBURSEMENT OF EXPENSES	0	1,000	1,000	1,000
4705 TRANS FROM PUBLIC SAFETY	33,844	0	0	0
TOTAL RESOURCES:	1,995,059	2,634,246	2,509,778	2,532,853
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	863,198	989,866	997,431	1,006,638
5200 WORKERS COMPENSATION	13,665	14,363	13,782	13,683
5300 RETIREMENT	186,775	218,092	216,163	217,778
5400 PERSONNEL ASSESSMENT	5,933	6,047	3,633	3,985
5500 GROUP INSURANCE	104,470	142,647	142,656	142,256
5700 PAYROLL ASSESSMENT	1,401	1,413	1,275	1,329
5750 RETIRED EMPLOYEES GROUP INSURANCE	18,420	23,781	24,738	25,569
5800 UNEMPLOYMENT COMPENSATION	817	707	1,094	1,461
5830 COMP TIME PAYOFF	118	0	0	0
5840 MEDICARE	11,932	14,612	14,461	14,594
5929 ELIMINATE LONGEVITY PAY	0	-7,725	0	0
5930 LONGEVITY PAY	0	7,725	0	0
TOTAL FOR CATEGORY 01:	1,206,729	1,411,528	1,415,233	1,427,293
CATEGORY 02 OUT-OF-STATE TRAVEL:				
6100 PER DIEM OUT-OF-STATE	3,124	1,511	3,124	3,124
6115 NON-FS VEHICLE RENTAL OUT-OF-STATE	313	0	313	313
6120 AUTO MISC OUT-OF-STATE	23	542	23	23
6130 PUBLIC TRANS OUT-OF-STATE	33	0	33	33
6140 PERSONAL VEHICLE OUT-OF-STATE	200	339	200	200
6150 COMM AIR TRANS OUT-OF-STATE	2,261	1,233	2,261	2,261

PEACE OFFICER STANDARDS & TRAINING COMMISSION
101-3774

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7300 DUES AND REGISTRATIONS	0	400	0	0
TOTAL FOR CATEGORY 02:	5,954	4,025	5,954	5,954
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	2,565	4,391	2,565	2,565
6210 FS DAILY RENTAL IN-STATE	476	522	476	476
6213 FS MAINTENANCE OF AGENCY FLEET	648	0	648	648
6215 NON-FS VEHICLE RENTAL IN-STATE	157	120	157	157
6240 PERSONAL VEHICLE IN-STATE	1,005	110	1,005	1,005
6250 COMM AIR TRANS IN-STATE	3,758	2,026	3,758	3,758
TOTAL FOR CATEGORY 03:	8,609	7,169	8,609	8,609
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	5,161	3,360	5,161	5,161
7024 OPERATING SUPPLIES-D	0	175	0	0
7027 OPERATING SUPPLIES-G	167	13	167	167
7045 STATE PRINTING CHARGES	700	927	700	700
7046 QUICK PRINT JOBS - CARSON CITY	270	311	270	270
7050 EMPLOYEE BOND INSURANCE	20	19	24	24
7051 AGENCY OWNED - PROP. & CONT. INSURANCE	5,907	0	0	0
7052 VEHICLE COMP & COLLISION INS	0	324	250	250
7054 AG TORT CLAIM ASSESSMENT	1,966	1,966	1,577	1,553
7059 AG VEHICLE LIABILITY INSURANCE	2,559	2,527	3,100	3,100
705B B&G - PROP. & CONT. INSURANCE	0	5,907	5,750	5,750
7060 CONTRACTS	294	425	294	294
7070 CONTRACTS - J	671	802	671	671
7090 EQUIPMENT REPAIR	0	229	0	0
7100 STATE OWNED BLDG RENT-B&G	344,527	355,051	351,002	365,847
7140 MAINTENANCE OF BLDGS AND GRDS	0	134	0	0
7141 MAINTENANCE OF BLDGS AND GRDS-A	0	208	0	0
7151 OUTSIDE MAINTENANCE OF VEHICLE	3,873	1,651	3,873	3,873
7153 GASOLINE	3,293	5,689	3,293	3,293
7155 VEHICLE OPERATION - B	36	0	36	36
7185 MED/DENT SUPP - NON-CONTRACT	2,600	0	2,600	2,600
7250 B & G EXTRA SERVICES	2,238	4,121	2,238	2,238
7285 POSTAGE - STATE MAILROOM	688	3,660	688	688

PEACE OFFICER STANDARDS & TRAINING COMMISSION
101-3774

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7286 MAIL STOP-STATE MAILROM	2,183	0	2,183	2,183
7290 PHONE, FAX, COMMUNICATION LINE	12,103	10,789	12,103	12,103
7291 CELL PHONE/PAGER CHARGES	0	1,002	0	0
7296 EITS LONG DISTANCE CHARGES	781	790	781	781
7300 DUES AND REGISTRATIONS	2,311	1,325	1,725	1,725
7320 INSTRUCTIONAL SUPPLIES	15,172	7,443	15,172	15,172
7370 PUBLICATIONS AND PERIODICALS	304	290	304	304
7371 PUBLICATIONS AND PERIODICALS-A	0	125	0	0
7430 PROFESSIONAL SERVICES	677	1,100	1,777	677
7460 EQUIPMENT PURCHASES < \$1,000	0	2,950	0	0
7630 MISCELLANEOUS GOODS, MATERIALS	668	1,809	668	668
7752 NON EMPLOYEE IN-STATE TRAVEL-B	74,160	65,013	74,160	74,160
7960 RENTALS FOR LAND/EQUIPMENT	600	1,800	600	600
7980 OPERATING LEASE PAYMENTS	6,189	6,189	3,483	3,483
8150 BUILDINGS	0	17,030	0	0
TOTAL FOR CATEGORY 04:	490,118	505,154	494,650	508,371
CATEGORY 05 EQUIPMENT:				
7460 EQUIPMENT PURCHASES < \$1,000	0	1,000	0	0
7465 EQUIP > \$1,000 LESS THAN \$5,000 - A	0	1,175	8,846	0
8340 SPECIAL PURPOSE VEHICLES >\$5K	8,636	0	8,636	8,636
8380 USED VEHICLES > \$5,000	0	6,472	0	0
TOTAL FOR CATEGORY 05:	8,636	8,647	17,482	8,636
CATEGORY 06 INSTRUCTOR PAY:				
7430 PROFESSIONAL SERVICES	11,375	11,376	11,375	11,375
TOTAL FOR CATEGORY 06:	11,375	11,376	11,375	11,375
CATEGORY 07 MAINT OF BUILDINGS & GROUNDS:				
7430 PROFESSIONAL SERVICES	3,640	3,640	3,640	3,640
TOTAL FOR CATEGORY 07:	3,640	3,640	3,640	3,640
CATEGORY 10 POST COMMISSION EXPENSES:				
6200 PER DIEM IN-STATE	582	220	582	582
6250 COMM AIR TRANS IN-STATE	400	0	400	400

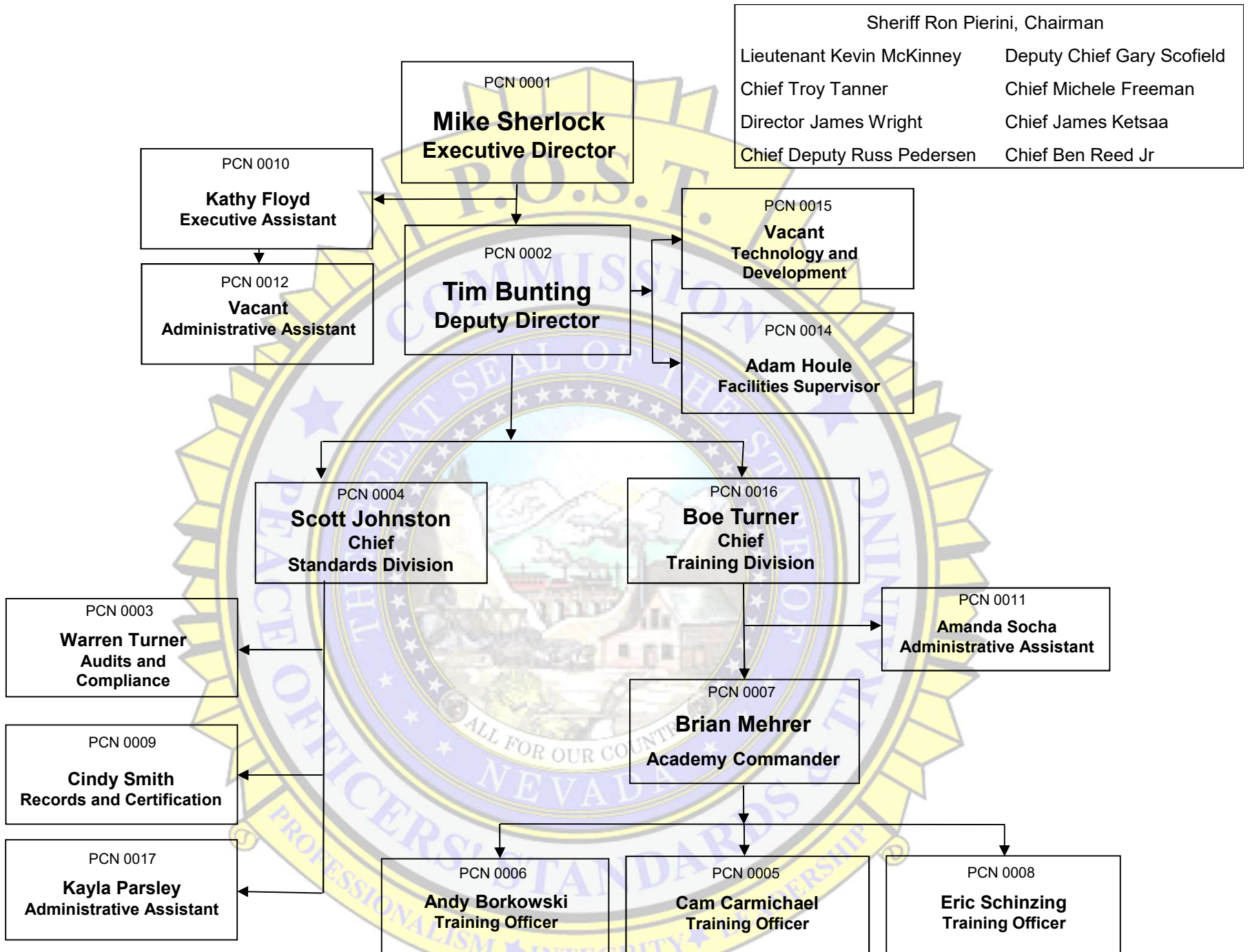
PEACE OFFICER STANDARDS & TRAINING COMMISSION
101-3774

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
7020 OPERATING SUPPLIES	211	370	211	211
7030 FREIGHT CHARGES	102	0	102	102
7031 FREIGHT CHARGES - A	0	309	0	0
7430 PROFESSIONAL SERVICES	481	911	481	481
TOTAL FOR CATEGORY 10:	1,776	1,810	1,776	1,776
CATEGORY 15 CADET EDUCATION ALLOWANCE:				
7177 CLOTH/UNIFORM/TOOL ALLOWANCE-G	0	1,000	1,000	1,000
TOTAL FOR CATEGORY 15:	0	1,000	1,000	1,000
CATEGORY 21 JAG GRANT:				
7320 INSTRUCTIONAL SUPPLIES	33,844	0	0	0
TOTAL FOR CATEGORY 21:	33,844	0	0	0
CATEGORY 26 INFORMATION SERVICES:				
7022 OPERATING SUPPLIES-B	2,072	756	2,072	2,072
7060 CONTRACTS	225	729	0	0
7073 SOFTWARE LICENSE/MNT CONTRACTS	16,537	22,023	16,237	16,237
7211 MSA PROGRAMMER CHARGES	25	0	0	0
7532 EITS SHARED WEB SERVER HOSTING	2,342	5,200	842	842
7533 EITS EMAIL SERVICE	661	779	2,972	2,970
7536 EITS SERVER HOSTING - BASIC	509	548	1,082	1,082
7542 EITS SILVERNET ACCESS	6,774	6,657	27,869	27,869
7545 EITS 18-19 ELIM (OLD EITS VPN SECURE LINK)	0	124	0	0
7554 EITS INFRASTRUCTURE ASSESSMENT	2,523	2,630	3,134	3,385
7556 EITS SECURITY ASSESSMENT	1,656	1,811	1,512	2,058
7771 COMPUTER SOFTWARE <\$5,000 - A	4,807	4,776	0	0
8370 COMPUTER HARDWARE >\$5,000	23,332	6,497	11,300	0
8371 COMPUTER HARDWARE <\$5,000 - A	20,120	17,485	6,595	6,595
TOTAL FOR CATEGORY 26:	81,583	70,015	73,615	63,110
CATEGORY 29 UNIFORM ALLOWANCE:				
7174 CLOTH/UNIFORM/TOOL ALLOWANCE-D	4,214	5,628	5,628	5,628
TOTAL FOR CATEGORY 29:	4,214	5,628	5,628	5,628

	2015-2016 ACTUAL	2016-2017 WORK PROGRAM	2017-2018 LEGISLATIVE Y APPROVED	2018-2019 LEGISLATIVE Y APPROVED
CATEGORY 59 UTILITIES:				
7138 OTHER UTILITIES	1,195	1,196	1,195	1,195
TOTAL FOR CATEGORY 59:	1,195	1,196	1,195	1,195
CATEGORY 82 DEPT OF ADMINISTRATN CST ALLOC:				
7439 DEPT OF ADMIN - ADMIN SER DIV	15,682	17,775	37,570	38,607
TOTAL FOR CATEGORY 82:	15,682	17,775	37,570	38,607
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	486,898	348,157	362,494
TOTAL FOR CATEGORY 86:	0	486,898	348,157	362,494
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	459	521	383	721
TOTAL FOR CATEGORY 87:	459	521	383	721
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	86,429	67,544	45,069	45,069
TOTAL FOR CATEGORY 88:	86,429	67,544	45,069	45,069
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	34,816	30,320	38,442	39,375
TOTAL FOR CATEGORY 89:	34,816	30,320	38,442	39,375
TOTAL EXPENDITURES:	1,995,059	2,634,246	2,509,778	2,532,853
PERCENT CHANGE:		32.04%	-4.72%	0.92%
TOTAL POSITIONS:	16.00	16.00	16.00	16.00

Income and expenses for the previous 3 years.

Fiscal Year	Income	Beginning Cash	Expense	Bal Forward
2015	\$1,792,311.66	\$202,649.00	\$1,768,126.25	\$226,834.00
2016	\$2,211,683.09	\$226,835.00	\$1,995,058.89	\$443,459.00
2017	\$2,225,186.49	\$443,460.00	\$2,043,431.49	\$625,215.00



Minutes to previous Commission meetings can be found on our website, www.post.nv.gov, under meetings/Commission meetings. Agendas, public comment posting and workshops and minutes can be found on the site. The most recent commission meeting will not have minutes posted as those must be approved at the next meeting.

PEACE OFFICERS' STANDARDS AND TRAINING

PUBLIC MEETING

May 5, 2016

8:00 a.m.

The Commission On Peace Officer Standards and Training
Classroom 2
5587 Wa Pai Shone Avenue
Carson City, Nevada

MEMBERS PRESENT:

Ronald Pierini, Sheriff - Chairman,
Douglas County Sheriffs' Office

Michele Freeman, Chief
City of LV Department of Public
Safety

Kevin McKinney, Undersheriff
Elko County Sheriff's Office

James Ketsaa, Chief
Clark County School District Police
Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Troy Tanner, Police Chief
Mesquite Police Department

Dan Watts, Sheriff
White Pine County Sheriff's Office

James M. Wright, Director
Department of Public Safety

STAFF PRESENT:

Michael Sherlock, Executive Director,
Commission on Peace Officer
Standards and Training

Michael Jensen, Senior Deputy
Attorney General
Department of Motor Vehicles and
Department of Public Safety

Scott Johnston, Bureau Chief,
Commission on Peace Officer
Standards and Training

1 RONALD PIERINI: I'm going to start our
2 meeting today. It's on Thursday, May 5, 2016. Time
3 is right now about 8:03 and we're located at the
4 POST meeting classroom in Carson City.

5 What we'd like to do now is to go over a
6 couple of things. If you haven't signed your name
7 up at the back over here and you're going to be
8 making any comments whatever, we especially need
9 your name here. And if you haven't done that, we'd
10 appreciate that.

11 The other thing is that remind the public
12 that you come up front here, give your name and what
13 agency that you're employed with. We want also to
14 make sure that all the phones are not turned on and
15 if there's anything that we have to disrupt our
16 meeting we'd appreciate you not doing that.

17 As far as the Commissioners, we want you
18 to make sure that -- that when you make a motion,
19 for example, you give your name and then -- so that
20 it's on record exactly who was doing that. And that
21 probably as Commissioners you should not be talking
22 to your Commissioner next to you in case it gets on
23 the recording.

24 So with all that in mind, we'd like to go
25 through, first of all, we're going to do a notice of

1 public meeting in reference to Senate Bill 147.

2 That's going to be the first thing that we're going

3 to be doing right now. But for right now, we should

4 start off with a role call. And we'll start with

5 Dan Watts.

6 DAN WATTS: Dan Watts, White Pine County.

7 KEVIN MCKINNEY: Kevin McKinney, Elko

8 County.

9 JAMES WRIGHT: Jim Wright, DPS.

10 JAMES KETSAA: Jim Ketsaa, Clark County

11 School District.

12 TROY TANNER: Troy Tanner, Mesquite PD.

13 RON PIERINI: Ron Pierini, Douglas County

14 Sheriff.

15 MICHAEL JENSEN: Mike Jensen, Attorney

16 General's Office.

17 RUSSELL PEDERSEN: Russ Pedersen, Washoe

18 County Sheriff's Office.

19 MICHELE FREEMAN: Michele Freeman, City of

20 Las Vegas, Department of Public Safety.

21 MICHAEL SHERLOCK: Mike Sherlock from

22 POST.

23 SCOTT JOHNSTON: Scott Johnston from POST.

24 RON PIERINI: Thank you. For the record,

25 please, Gary Schofield is absent today. Also if we

1 could, Scott, if you could go over and -- go ahead
2 and outline exactly where all this information was
3 given to different locations in the State of Nevada.

4 SCOTT JOHNSTON: Sure. Scott Johnston for
5 the record. The postings for the meetings that
6 we're holding today were posted at the following
7 locations. In Carson City, at the Blasdel Building
8 at 209 East Musser Street, Nevada State Library at
9 100 Stewart Street, Capitol Building at 101 North
10 Carson Street, Nevada POST at 5587 Wa Pai Shone
11 Avenue and at Carson City Sheriff's Office on
12 Musser. In Las Vegas, Grant Sawyer Building at 555
13 Washington Avenue, in Ely at White Pine County
14 Sheriff's Office at 1785 Great Basin Boulevard, and
15 at the libraries, at all 17 main branches of the
16 libraries throughout the state. They were noticed
17 and received confirmations back that it had been
18 posted within the time restriction. E-mailed to all
19 the agency point of contacts for law enforcement
20 agencies in Nevada. Web postings were at POST
21 website at post.state.gov, at state noticed website
22 at notice.nv.gov and at the legislative website at
23 led.state.nv.us.

24 RON PIERINI: Thank you, Scott, appreciate
25 that. Okay, again, we're going to be talking about

1 Senate Bill 147 if I recall right. In Las Vegas at
2 our last meeting we had talked about that. And
3 after the workshop (inaudible) and now we're going
4 to, again, present this information and see whether
5 or not we're going to go forward with it. So,
6 Scott, if you could go over that whole program and
7 what exactly why we're doing it and the issues of
8 that.

9 SCOTT JOHNSTON: Yes, I would be happy to.
10 Scott Johnston for the record. Senate Bill 147 was
11 regarding the minimum standards for training in
12 effective response to incidents involving dogs or
13 where dogs are present. And this bill mandated that
14 the Commission on Peace Officer Standards and
15 Training develop regulation and set those standards
16 and the training requirements for them. Back at the
17 November meeting, November 3rd, that we had a little
18 workshop and language was created and we now have
19 that language from the LCB draft writers.

20 Today is the time for public comment.
21 This is the public comment period. So at this time,
22 Mr. Chairman, we can solicit to see if there's any
23 public that has any comments for this.

24 RON PIERINI: Okay, Scott. Thank you very
25 much. All right, if anybody in the audience would

1 like to come up and talk about this topic. Seeing
2 none, I ask from the Commissioners does anybody here
3 like to make any comments in reference to this? All
4 right, seeing none, I'm going to go ahead and go to
5 the actual meeting, if we could.

6 And we'll go on Number 2 as a regularly
7 scheduled meeting agenda item. And the information
8 right now -- what we're going to do is we were going
9 to recognize a couple people, but -- were
10 commissioners here, but unfortunately, they --
11 they're not here so we could give them some kind of
12 recognize award for all their appreciation. And
13 that was Anthony DeMeo and Claire Morris. Both of
14 those are absent so we don't -- we'll probably
15 sending them a thank you for doing the hard work as
16 they did do for us for the Commissioners.

17 Now we have three new ones. And we're
18 pretty excited about that. We've got James from
19 Clark County School District and then we also have
20 Michele at Las Vegas Detention and Enforcement and
21 then we also have Kevin who is the undersheriff or
22 at least interim for Elko County Sheriff's Office.

23 So I'd like to start off with James. And
24 if you could tell a little bit of history of
25 yourself. And -- it doesn't have to be an hour or

1 anything. Just a couple sentences. Very brief.

2 JAMES KETSAA: In my 26th year with the
3 Clark County School District Police Department. I
4 started as a canvas officer and worked my way up
5 through the ranks to be the Chief. Prior to that, I
6 had about 10 years of public safety experience in
7 the fire service and police in New York State.
8 Executive Certificate. All kinds of training,
9 education and all that stuff. Don't want to bore
10 you with that. But it's a pleasure and an honor and
11 I appreciate the opportunity and the appointment and
12 look forward to working hard to make Nevada POST a
13 better organization.

14 RON PIERINI: Great. Thank you.

15 JAMES KETSAA: You're welcome.

16 RON PIERINI: And also, now we have is
17 Michele

18 MICHELE FREEMAN: Thank you. So I started
19 out in 1992. So I'm on -- I just finished my 24th -
20 - on my 24th, going into my 25th year with the same
21 agency. I worked my -- well, from corrections
22 officer all the way to the Chief. And that's where
23 I am right now. And I was part of the special
24 emergency response team at one point. So I was able
25 to have that in my little packet as well. I was

1 fortunate enough to be able to go to school of
2 police, staff and commands in Northwestern.
3 Graduated at -- in the 206th Academy. And I was
4 also fortunate enough to go to the FBI National
5 Academy and was graduated in 249. So those are two
6 great things that I'm proud about. And then I have
7 a lot of other education as well. So.

8 RON PIERINI: Good.

9 MICHELE FREEMAN: Thanks.

10 RON PIERINI: All right. Welcome again.
11 All right, and Kevin.

12 KEVIN MCKINNEY: Let's see I started at
13 the Elko County Sheriff's Office in 1999, so I've
14 been there 17 years. Part of that I worked 12 years
15 up in Idaho. I -- my experience has run the gamut,
16 done a little bit of everything. I'm currently the
17 interim Undersheriff. Claire retired in April, so I
18 took his place both there and here, I guess. So I -
19 - I attended the (inaudible) I graduated 261 just
20 last year, so I'm just happy to be helpful.
21 Hopefully will.

22 RON PIERINI: Thanks, Kevin.

23 KEVIN MCKINNEY: Help you guys out.

24 RON PIERINI: Thank you. As you probably
25 well know for anybody in the audience who was kind

1 of wondering usually what happens is the Sheriffs'
2 and Chiefs' Association recommends an individual to
3 give that information to the Governor to ask them --
4 him or his people to go ahead and to give them the
5 authority to actually be a Commissioner. So you
6 know, we look at all these good people. We always
7 have people that want to run for that and we
8 appreciate your standing up and saying they want to
9 be part of it. So, we're going to -- we're good.
10 So I appreciate that.

11 All right, we're going to go onto Number 2
12 and that's discussion and public comment, and also
13 for possible action. And that's approval of the
14 minutes of the November 3rd, 2015, regularly
15 scheduled POST Commission Meeting. So has everybody
16 had the time to look at that and review that? Does
17 anybody find anything that's not correct? Do we
18 have anybody in the audience would like to -- that
19 saw that maybe by chance or would like to change
20 that. All right. Seeing none, I need a motion.

21 TROY TANNER: Troy Tanner. I make a
22 motion to approve.

23 RON PIERINI: Do we have a second?

24 DAN WATTS: Dan Watts. Second.

25 RON PIERINI: Thank you, Dan. Any other

1 discussion? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried. All right, now we're going to go to Mr.
5 Sherlock and that is dealing with information for
6 the Director.

7 MICHAEL SHERLOCK: Okay, Mike Sherlock for
8 the record. I'll try to be short. I just want to
9 give a quick update to the Commission on my trip to
10 Washington, DC. It was -- went to a meeting
11 specifically related to the implementation, if you
12 can believe that, of the recommendations in the
13 President's Task Force on policing in the 21st
14 century. The meeting specifically addressed some of
15 those recommendations and then some of the
16 philosophy of that -- that particular document.
17 Frankly, from our perspective, there's been pressure
18 from the federal government through POST entities on
19 ensuring some of those recommendations are
20 implemented.

21 You know, notwithstanding the political
22 tone of that document, there were a few things that
23 were actually relevant to policing and -- and
24 standards of training for us. Some of those were,
25 one, increase decision-based learning at the basic

1 training level. Just so everybody knows, as far as
2 our Academy is concerned, way before this document
3 came out we've added 40 hours of decision-based
4 reality learning to our -- to our Basic Academy
5 anyway.

6 Blue Courage is a big national push,
7 obviously. Many of you know Blue Courage. For
8 those that don't, it's a program related to moving
9 the peace officer mentality from one of a warrior to
10 a guardian. We did, prior to this, send one of our
11 training officers to the train the trainer program
12 for that. And we've been integrating some of those
13 concepts into our Academy and -- and look to
14 schedule some of that training outright.

15 One thing that came up quite often is
16 tightening course and officer certification and
17 revocation statutes. Obviously, we're -- we're
18 limited there. We already have regulations in that
19 area, but I can tell you one thing we are looking at
20 is -- it's called the National Certification
21 Program. Most states have -- have joined that. We
22 have to the extent that our regulations allow. And
23 we'll continue to look at that.

24 One of the big issues that came up and was
25 talked about that nationally field training officers

1 are complaining about new officers unable to make
2 decisions in the field in given situations
3 particular under stress. Obviously, that raises
4 some concerns with some of the civil disturbances
5 and that kind of thing going on right now. You
6 know, my input on that is I think it's a direct
7 result of moving away from stress, we're disciplined
8 academies. These recruits have never had to make a
9 decision under stress and unfortunately they're
10 finding that out in the field where they go. So but
11 that was my input for that particular issue for --
12 for that meeting.

13 RON PIERINI: Mike, can I interrupt you
14 for a second.

15 MICHAEL SHERLOCK: Sure.

16 RON PIERINI: Is this more of a trying to
17 get into a military type of academy?

18 MICHAEL SHERLOCK: You know, I don't know.
19 You get a lot of backlash if you say military. You
20 know, there's -- you know, there's different
21 philosophies on that. For me, it's just discipline
22 and measuring whether -- and you don't have to
23 punish them. Frankly, we don't punish them with
24 physical, you know, drop and give me 20 pushups.
25 But -- but it's also you have to have that

1 discipline and you have to rate their ability to
2 make a decision while under stress. You -- from an
3 Academy standpoint, we don't want the first time an
4 officer has to make a decision of importance be that
5 a time where they're, you know, on the skirmish line
6 and a civil disobedience situation with, you know,
7 someone yelling in their face and they've never made
8 a decision at that point. And I think that's what
9 we're finding nationally. And there's different
10 philosophies on how you deal with that, but that's
11 where we're at on that.

12 And we've tried to make some improvements
13 in our Academy in simulating stress and -- and
14 determining whether they can make decisions under
15 stress (inaudible). I can tell you that I was able
16 to provide some information to the federal
17 government that will hopefully, at least from my
18 perspective, at least from POST, preempt any undue
19 scrutiny from the fed as far as our training and
20 that kind of thing goes. So it was positive from
21 that standpoint.

22 And again, you know, it's one of those
23 things that we're in election year. A lot depends
24 on what happens in November. The intent I think
25 right now from the White House is to tie

1 implementation to money. But and they don't -- they
2 made no bones about that. I mean, that's what
3 they're saying. So. Although they do admit that if
4 there's a change in November, then this document is
5 not going to have any effect. So we'll see what
6 happens with that.

7 And that was my trip. And I'd be happy to
8 answer any questions after the meeting or during the
9 meeting if you like on -- on -- on that particular
10 trip to Washington.

11 We do have an Academy graduation coming up
12 next week, May 12. I know we have confirmation that
13 Sheriff Pierini, Chief Pedersen and someone --
14 another Commissioner, Director Wright are going to
15 be there. If you are going to -- other than that,
16 if you are going to attend, please let me know today
17 so we can make arrangements for your seating at the
18 graduation.

19 One other thing I want to -- to bring up.
20 This fiscal year POST received a grant to purchase
21 and update our physical training room. With that
22 money, we were able to purchase new mats for our --
23 our defensive tactics area over at the main gym. As
24 such, we have decided to dedicate that new mat area
25 to three former defensive tactics arrest control

1 instructors who all three have passed away recently.
2 These three provided training not only here at POST,
3 but throughout the state. Many of you will know the
4 names as I bring them up. But the three who will be
5 honored with a plaque in our training area are
6 Michael Biaggini who was with Douglas County
7 Sheriff's Department from 1981 until 2010 and has an
8 -- had an Executive Certificate. Charles Michael
9 who is with Sparks PD from 1982 to 2002. And John
10 Hamilton who was with the Elko Police Department
11 from 1991 until 2014. So that's over in our main
12 gym. If anyone cares to take a look at the plaque
13 that we're going to put up, I have it here and see
14 me after the meeting. I know many of you did know
15 them.

16 With that, I think that's it for me. If
17 the Commission has any questions on what's been
18 going on at POST or anything like that, I'd be happy
19 to answer them.

20 RON PIERINI: Thank you, Mike. Anyone
21 have questions?

22 TROY TANNER: Yeah, Troy Tanner for the
23 record. Yeah, I just want to -- I talked to Mike a
24 couple times the last few weeks over the last month.
25 A lot of new Commissioners on the board and so I was

1 asking him, he got put in -- into the, I guess,
2 midsummer last year as our new Director. So maybe
3 you can give an update of what you've changed, what
4 you've done different, what's your -- just a -- just
5 a quick synopsis, a brief of what you're looking at
6 in the future.

7 MICHAEL SHERLOCK: Sure. Mike Sherlock
8 for the record. I kind of knew you were going to
9 ask that. And I promise to be short, but it's going
10 to be tough. In the last nine months we have made
11 some changes here at POST. I think we have made
12 some progress in the direction I want to go. You
13 know, as I know, I'm sure you all know, we are
14 always limited by our revenue stream, our budget,
15 some of the bureaucracies working with the state.
16 But, you know, I have to thank my staff because we
17 have definitely made some advances and some positive
18 changes, at least from my perspective.

19 From an administrative perspective, we
20 consolidated our operations. We used to have three
21 operational divisions. We now have two. Clearly,
22 the 15 or 16 employments -- employees. In my mind,
23 we really needed to pool our resources. We just
24 don't have enough bodies here. So we have -- now
25 have two operational divisions; Training and

1 Standards. We were able to convert an
2 administrative position to a training specialist
3 position. This will help us to provide, you know,
4 more training, increase our curriculum library,
5 really increase our effectiveness in our Basic
6 Training Academy and basic training regulations.

7 One of the complaints that we often get is
8 it's not unusual to get a different answer on a
9 question when asking different staff members when
10 they call in. We are working on this. You know,
11 and hopefully we've gotten better. We are in the
12 process right now of creating an administrative
13 manual. It will be available both internally and
14 externally. What that manual will do is provide an
15 overview of those things that POST is tasked with
16 doing. But more importantly, how POST handles those
17 tasks and how we interpret the regulations and the
18 compliance of those regulations which, hopefully,
19 will prevent that, you know, subjective answer that
20 sometimes you get when you call in. We'll see. And
21 we're getting there on that. We're getting close on
22 the PAM manual is what we call it. Again, I think
23 we've made some good progress in that area and we'll
24 get there.

25 Last thing from an administrative

1 standpoint, I think we've made some headway in terms
2 of getting the State to recognize our budget issues
3 and what can be done to improve that budget stream,
4 revenue stream. We'll see how that comes out, but I
5 really want to thank the Commissioners, first of
6 all, for -- for getting us in front of those that
7 care in terms of our budget.

8 Over in the Training Division,
9 specifically with the Academy, our Basic Training
10 Academy, we talked about this a little bit. We're
11 trying to make a philosophy change. We're
12 increasing the discipline, increasing the stress,
13 more practice in decision-making through reality-
14 based training and scenario training.

15 One thing that we did change is training
16 officers are no longer allowed to teach any academic
17 subject. Now that goes back to my experience
18 running academies, but the training officer's job is
19 to ensure that the Academy is running properly,
20 there's discipline, the instructors are doing a good
21 job. They do teach things like practical stuff.
22 You know, car stops, defensive tactics, out in the
23 field type things, scenarios. But that was a big
24 change for us because we've relied so heavily --
25 heavily on the training officers to teach academic

1 subjects. And it is very difficult to maintain a
2 disciplined Academy where you're also the teacher in
3 an academic subject because you want the classroom
4 relaxed. And when you're the one putting on the,
5 you know, stress or the discipline, it's tough to do
6 that when you also teach, so. That's one of the
7 bigger changes.

8 The other thing is we've reached out to
9 the agencies that we service and asked for them to
10 provide their experts to teach. And -- and I think
11 we've done a good job of that. Most agencies now
12 are sending us instructors. They have their input.
13 It's their recruits coming out of the Academy. Now
14 they have some input in our Academy and their own
15 people teaching the Academy. So that's one of the
16 things that we've changed so far.

17 One thing we're doing, you know, it's been
18 one Academy I've had, one and a half, since I was
19 appointed. One thing that glared at us right away
20 is our -- our communication with the agencies we
21 serve. And so, with the new application to get into
22 our Academy, we're including an area where they
23 provide a contact at the agency that's the
24 supervisor of that cadet and we're going to make an
25 effort to regularly communicate with the agency on

1 the progress of their particular cadet. And that's
2 one of the most recent changes.

3 The rules of conduct in our procedure
4 within the Academy has been updated. We're going to
5 tweak that a little more. Obviously, we're going to
6 make that public to the people that -- that attend
7 our academies so they're not surprised when they --
8 when they get there.

9 You know, ethically, we demand discipline
10 in our Academy. You know, I don't want to say
11 stress. Everybody gets nervous when we say stress,
12 but at least discipline in our Academy and we want
13 to increase that discipline. Again, the ability to
14 make a good decision under stress is a minimum of
15 which we should measure our cadets. And, you know,
16 I get a little nervous when the perception is the
17 Academy is, you know, you simply get a participation
18 trophy and you get to show up at the Academy and
19 graduate. It's just unethical to do that. So we're
20 going to have standards and were going to make sure
21 that the cadets meet those standards. I think in
22 the long run I think it's best for those agencies
23 that serve.

24 Finally, in terms of the Academy, we added
25 about 46 hours to our Academy. I think we're at

1 646, something like that in our Academy. And our
2 latest budget proposal, we're looking to at least go
3 to 17 weeks, which would add another 40 hours. Not
4 just to add hours, but there are specific subjects
5 and reasons that we need another 40 hours for that
6 Academy. I know that puts a strain on agencies
7 sometimes, but again, we have an ethical duty to
8 produce the best cadet we can out there.

9 Basic training statewide. We've
10 essentially completed an update on -- on Cat I
11 performance objectives for the Academies. We are
12 working on lesson plans for each NAC subject that is
13 required of all Academies. We hope to have that
14 done very soon. It will be mandatory for all
15 Academies, those lesson plans. The reason we're
16 doing that, and don't get me wrong, every agency is
17 helping us on these across the state, but we used to
18 get questions on the state cert test. We don't know
19 the answer to this particular performance objective.
20 The way you do that is you provide lesson plans for
21 those. So, obviously, agencies can add their own
22 specific take on those lesson plans. They can add
23 to them. They just can't subtract from them. And
24 we're getting close on that. I know most of the
25 academies across the state are pretty excited about

1 that. And we're very close.

2 Let's see, additionally, we're making
3 performance objectives and required subjects in the
4 NAC consistent. I'll be coming back to the
5 Commission to try to adjust our NAC requirements.
6 In terms of titles of those required subjects, they
7 are not consistent right now across the categories.
8 We are working on that. We're very close on that
9 also. So what you'll have is Cat I will cover all
10 subjects and all performance objectives and then you
11 go down from there. Cat II may cover all subjects,
12 but not all performance objectives. Cat III, again,
13 same thing all the way down to reserve for that
14 matter.

15 The Reserve Academy. We had a request to
16 create an easier method. I say easier, less
17 expensive, less burdensome method for agencies to
18 have reserves and create a reserve program. We are
19 creating one right now. It will be a partial online
20 Reserve Academy. Currently, our concept is it would
21 include all academic subjects online. Agencies
22 would take care of critical skills, firearms, DTs,
23 that kind of thing. And then they would come to
24 POST for one weekend in a mini-Academy, do scenario
25 training, and take the Reserve State Cert test at no

1 cost to agencies. And we're getting close on that.
2 I, you know, we were hoping to get it done by July.
3 I think I'm a little bit overly optimistic on that,
4 but we are working on that and -- and we do have
5 pressure to do that from the rurals, by the way. So
6 we're close on that.

7 In terms of advanced rating. Again, we
8 were able to send one officer to Blue Courage
9 training. Budgeting is always an issue for us. We
10 had to get creative. Tim Bunting, my Deputy
11 Director, was able to get creative with the budget
12 and get that done. We hope to soon -- or very soon
13 offer a limited number of Blue Courage 16-hour
14 courses at no cost. That is expensive for us, but
15 we're looking at, hopefully, being able to do that
16 and move some money around and buy the books and
17 that kind of thing.

18 We have offered an increase in management
19 level type training recently. We want to continue
20 that. We want to expand that. We've been reaching
21 out to different executive-type trainers to -- to
22 provide that. And again, we always strive to do it
23 at no cost to the agencies.

24 Over at the Standards Division, course
25 certification, we continue to look at ways to

1 improve our staff time on these issues and find an
2 equitable procedure. Our constant complaint is
3 going to good training that doesn't count to your
4 POST Certificate or your ability to get your
5 Intermediate or Advanced. Based on, you know, what
6 the national climate is and the national
7 certification project that is ongoing. I think we
8 may come back to the Commission and change how we
9 deal with out-of-state vendors of training here in
10 Nevada. At this point, my preference would be to
11 force them into the NCP. Their standards exceed
12 ours anyway. We spent a lot of staff time on out-
13 of-state vendors wanting their courses certified,
14 and then we find no Nevada officers go to those
15 courses. So it would help us deal with that.

16 It would also alleviate some of the issues
17 -- I know Chief Pedersen brought this up with things
18 like FBI, NA or Northwestern, how we get credit.
19 They, from what I understand, both of those vendors
20 or those providers have embraced the National
21 Certification Project, so it would be an easy way
22 for us to accept that training and have that part of
23 your record or anybody's records. So that's what
24 we're looking at there. And we -- we do accept them
25 now. It's just a weird -- with our regulation, it's

1 a little tough. And that's the problem.

2 One of the areas that POST is mandated
3 under NRS is to audit academies annually.
4 Obviously, we're going to do that. It's a budgeting
5 problem again like everything else, but we got close
6 to that. I think we got almost every Academy in the
7 six months ending of last year and we'll continue to
8 do that. And I think that's a good thing for the
9 academies. It keeps them up-to-date and -- and it's
10 not such a burden -- burdensome thing when we show
11 up every three years as opposed to every one year.

12 One thing we're also tasked with is -- is
13 doing inspections to ensure compliance with the
14 regulations. And just have never done that. Other
15 than training. Well, if you think about it, your
16 agencies report training to us at the end of the
17 year. We audit that, essentially, every year
18 electronically. So we are going to start looking at
19 other areas of the regulations whether it's
20 backgrounds or, you know, polygraphs. These things
21 that we often see agencies don't understand and try
22 to help them out with that and ensure that they're
23 doing it.

24 Finally, the last thing I want to mention
25 real quick for Standards is we saw some issues with

1 the Executive Certificate. It's one of the few
2 areas left that still is somewhat subjective for
3 staff. So we're going to use a committee when those
4 applications come in. Instead of one person
5 arbitrarily deciding whether or not the regulation
6 was met, we'll sit down, discuss it and make a
7 decision from there for recommendation to you guys.

8 Finally, I just want to thank our staff,
9 POST staff. We have a lot of changes going on. I
10 have a lot of priorities. We have limited
11 personnel. In spite of that, I think we've done a
12 lot in the last nine months. And I think we're
13 going to continue to move forward. Try to improve
14 our internal operations and at the same time meet
15 our mission, which is to continually raise the
16 professionalism of policing in Nevada. I'll leave
17 it at that.

18 RON PIERINI: Any more questions?

19 DAN WATTS: Real quick. Dan Watts for the
20 record. Mike, I want to thank you and your staff
21 for the changes and everything you're putting into
22 it. Really appreciate it. Thank you.

23 MICHAEL SHERLOCK: Thank you. Thanks --
24 thanks for recognizing us.

25 RON PIERINI: Yeah, I say the same thing.

1 I've got to work with Mike quite a bit and pretty
2 impressed. You've done a great job.

3 MICHAEL SHERLOCK: Thank you.

4 RON PIERINI: And your staff, obviously.
5 All right, we're going to move onto Number 4 if we
6 could. And this is discussion, public comment, and
7 for possible action. This goes back to the
8 Commission discuss and to take possible action to
9 adopt a new regulation LCB File Number R065-15
10 regarding the minimum standards for training in
11 effective responses to incidents involving dogs or
12 where dogs are present. So, Scott, we probably
13 ought to go over that again, if we could please.

14 SCOTT JOHNSTON: Sure. Scott Johnston for
15 the record. Earlier this morning the Commission
16 heard at the public comment hearing, which was the
17 opportunity for the public to speak. And now this
18 is the time and the place to finalize discussions
19 and/or adopt or amend the proposed language.

20 This started last year with regulation
21 from SB 147. And the NRS required that the
22 Commission establish regulations setting minimum
23 standards for peace officers training -- or training
24 of peace officers who are required to be trained in
25 effective responses to incidents involving dogs or

1 where dogs are present.

2 Once this process started on -- on this,
3 the POST staff actually did some research and
4 implemented an online training program that
5 satisfied what the NRS requirement is and which
6 gives the agencies the discretion to determine who
7 must take that and who doesn't need to based on what
8 their duty assignments are, things like that.

9 At the November 3rd meeting, there was --
10 Commission meeting -- there was a workshop that was
11 held that discussed what some of the proposed
12 language is. And behind that tab on Agenda Item
13 Number 4, you have the draft -- or the sample
14 language that was written up by LCB with their
15 recommendation and the -- in order to comply with
16 the NRS.

17 And then, right now what you have before
18 you is, in Section 1 in all the italics language, it
19 makes reference to where that NRS is that requires
20 this. And then the three major areas that establish
21 the minimum standards as different shading between
22 aggressive and non-threatening dog behavior, non-
23 lethal methods of handling potentially dangerous
24 dogs and the role and capabilities of local animal
25 control agencies. So this is what this regulation

1 is -- pertains to, the content of it. So that it
2 has -- gives the Commission the authority under this
3 to set these standards as to who must have the
4 training and also to comply with Senate Bill 147.

5 RON PIERINI: Thank you, Scott. Mr.
6 Jensen. Okay. I just -- I have a simple question
7 is this particular thing that's been already passed
8 by legislature a lot of agencies obviously are doing
9 that. I know that we are as far as Douglas County.
10 And we're not using your system that we have here.
11 But on the other hand we have tapes and stuff and
12 information that we can buy at the national level, I
13 suppose, if you want to call it that. And that's
14 okay with you folks, right?

15 SCOTT JOHNSTON: Yes.

16 RON PIERINI: As long as those items are
17 picked out that we need to make sure that the
18 deputies or police officers understand that, then
19 we're okay. And we keep record of that to give you
20 that information that we actually train our people
21 in that? Or do we just do it ourselves?

22 SCOTT JOHNSTON: Well, you can do it
23 yourself and keep that documentation and I believe
24 the Director would agree that this training would
25 count towards the 12 hours of annual training

1 compliance that each officer is required to have.

2 So --

3 MICHAEL SHERLOCK: Mike Sherlock for the
4 record. I believe the way the NRS was -- was passed
5 and adopted it, it gives the agency head the
6 discretion of deciding who has to attend the
7 training. And then this particular regulation also
8 it directs POST Commission to create a regulation
9 that establishes what that training is and what that
10 training has to contain. And that's what this is.
11 So whatever your training, whether it's our online
12 or your own training or you go somewhere else, as
13 long as it -- it complies with the mandate in that -
14 - in this regulation if it's about that -- per the
15 NRS, you're okay if you keep records there, it would
16 be used for towards the 12-hour compliance.

17 RON PIERINI: And it's not an annual
18 thing, is it? Or is it?

19 MICHAEL SHERLOCK: It's not annually as I
20 recall.

21 SCOTT JOHNSTON: No, it's not.

22 RON PIERINI: Okay. Just wanted to make
23 sure. Any other questions from the Commission?

24 KEVIN MCKINNEY: Yeah. Kevin McKinney.
25 Eventually, will this go into the Basic Training

1 Academy?

2 MICHAEL SHERLOCK: You know, we have a lot
3 of pressure -- Mike Sherlock for the record.
4 There's always pressure to add stuff to the Academy.
5 The availability of it being online, we will -- we
6 will never -- we will likely never put this in the
7 Academy. It's already online. Our time is limited
8 in the Basic Academy. The regulation -- actually,
9 the NRS decides -- says the -- the agency head
10 decides who needs that training. You know, for us,
11 I'd -- I'd be reluctant to -- to add it to the
12 Academy and definitely reluctant to make it
13 mandatory in the Academy at this point because it is
14 covered online very simply.

15 RON PIERINI: Anyone? Yes, Jim.

16 JAMES KETSAA: Jim Ketsaa for the record.
17 On minimum -- minimum standards on Number 3 the role
18 and capabilities of local animal control. So in
19 Clark County, let's just say, or Washoe County with
20 all the different agencies you have to get something
21 from each one of those agencies, correct, and what
22 their role and capabilities are or it's just the one
23 general animal control?

24 MICHAEL SHERLOCK: Yeah, I think in our
25 training online and, you know, I don't want to speak

1 -- I haven't looked at our training in a while, but
2 I think we use the National Humane Society standards
3 for what, you know, what the capabilities are of
4 animal control. And you're good there. I mean,
5 because I -- that's -- you know how that -- that is.
6 They comply with national standards in most cases.
7 Whether it's Clark County or Reno or what have you.

8 JAMES KETSAA: So you'd be good with just
9 one.

10 MICHAEL SHERLOCK: Yeah.

11 RON PIERINI: Anybody else have any
12 questions? Okay, reaching out to the public. Does
13 anybody out here in the audience would like to make
14 a comment on this particular topic? Yes, sir.

15 DANIEL THOMPSON: Yeah.

16 RON PIERINI: You have to come up here,
17 please. Say your name and your agency.

18 DANIEL THOMPSON: Absolutely. Daniel
19 Thompson, RP -- Reno Police Department. I just -- a
20 couple of questions to clarify in regards to the
21 training which has been ongoing since the
22 legislation came up. Sheriff brought up the point
23 that this is not an annual or is there like some
24 sort of that we have to pertain to in regards to
25 continued education for -- for compliance? And also

1 from a POST -- POST standpoint, does there now,
2 since there's a big push for having documented
3 lesson plans for the specific training in regards to
4 the police and canine interaction? And I'm just
5 looking for clarification so that we're on track. I
6 mean, we have -- we have a system already in place,
7 we have all the officers that have interactions in,
8 but we have -- trying to tie it down.

9 MICHAEL SHERLOCK: Mike Sherlock for the
10 record. I would say this, our -- our perspective on
11 this particular NRS in particular is that it puts
12 the onus on the agency --

13 DANIEL THOMPSON: Okay.

14 MICHAEL SHERLOCK: -- in terms of the
15 training. If this regulation is adopted, it does
16 have specifics in terms of what that training must
17 contain. And theoretically, we could inspect to
18 ensure that it meets the regulation which would be
19 within our authority, I think, but it really puts
20 the onus on the agency. From our perspective, as
21 long as you're training contains these particular
22 items, again, should this be adopted, you are in
23 compliance as far as we are concerned. What --
24 determining who has to have that training, again, I
25 think the NRS is pretty clear. That is on the

1 agency and not something POST would get -- would
2 debate or -- or inspect.

3 DANIEL THOMPSON: And then the --

4 MICHAEL SHERLOCK: Does that help?

5 DANIEL THOMPSON: It helps. And then
6 there's a question to the Commission. Don't you
7 think that there should be some sort of statement in
8 the regulations stating that it is annual, biannual
9 or some sort of time frame for the training either
10 in continuing education or is it a one time and then
11 the officer's good for a career? And that -- and
12 that -- and that goes -- I just wanted to make --
13 just get that clarified. Thank you. There's no
14 guidance.

15 RON PIERINI: It's somewhat similar to
16 that of (inaudible).

17 DANIEL THOMPSON: Yeah.

18 RON PIERINI: I mean, you know, it doesn't
19 say that we have to do it all the time. But it's up
20 to the administrator of each one of these agencies
21 to go and say yeah, we want to do it every other
22 year or we want to whatever. I think that's the
23 choice of law enforcement CEOs is that if this is
24 really important for them and they feel that, they
25 can do it every year or they can do it every month

1 if they wanted to. Or they could say it's a one-
2 time event and see you later. So I think it -- I
3 think I like the idea that we don't have such a
4 stringent line; this is what we have to do. It's
5 more should be given up to the -- to the CEOs of --
6 of law enforcement agencies to make those decisions.
7 Everybody's different. Everybody has their
8 different kinds of issues. So I kind of like that
9 idea.

10 DANIEL THOMPSON: And I --

11 MICHAEL SHERLOCK: If I --

12 DANIEL THOMPSON: And I'm --

13 MICHAEL SHERLOCK: Just -- just so at
14 least I think if you read and read into this NRS and
15 the intent is exactly what the Chairman is talking
16 about it is if the Chief wants to come up with a
17 policy that says those assigned to patrol division,
18 for example, must do this training yearly, that's
19 what that statute is for, I think, that's why it
20 puts it back on the agency and to -- to decide who -
21 - who and how often, for that matter, should take
22 this training.

23 DANIEL THOMPSON: Very good. Thank you.

24 RON PIERINI: Thank you, sir. Anybody
25 else in the audience would like to make a comment?

1 All right, seeing none, Commissioners, would
2 somebody like to make a motion?

3 RUSSELL PEDERSEN: Russ Pedersen. I move
4 to approve the -- the agenda item as written.

5 RON PIERINI: Thank you, sir. Do I have a
6 second?

7 TROY TANNER: Troy Tanner. Second.

8 RON PIERINI: Thank you, Mr. Tanner. Any
9 other questions or comments? All in favor?

10 COMMISSIONERS: Aye.

11 RON PIERINI: Anybody opposed? So
12 carried. Thank you. Okay, we're going to go onto
13 Number 5, discussion, public comment, and for
14 possible action, discussion relating to the
15 exception of reciprocity certification requirements
16 to allow for attending an out-of-state academy as a
17 non-affiliate student instead of a full-time
18 certified peace officer. So, Scott, I guess it's
19 your turn again. Or is it Mike?

20 MICHAEL SHERLOCK: And I -- Chief Tanner
21 asked about this and I think wanted some
22 clarification on reciprocity. Is that true, Chief?

23 TROY TANNER: Yes.

24 MICHAEL SHERLOCK: Well, one -- one of the
25 questions that came before me was whether or not an

1 agency could hire someone from out of state who had
2 graduated from a police academy, but out of state.
3 I can tell you under the regulations and related to
4 reciprocity, it is based on employment, not
5 training. So the answer is no. They -- they can't
6 go to training in Utah, in this case, and then be
7 hired here without having to go through one of our
8 academies.

9 I'll tell you, there's a reason for that
10 in terms of reciprocity. It does help us prevent,
11 for lack of a better term, rogue officers moving
12 into our state. It's not uncommon for other -- in
13 other states you don't get your POST certificate
14 till you complete probation. So what it does for us
15 is that the current regulation says they have to be
16 certified and have -- have been employed as a peace
17 officer in that other state. So we get a lot of
18 applicants from California, for example, that don't
19 make probation who want to come here and have an
20 academy in California, but do not have a California
21 certificate because you have to pass probation. So
22 it allows us to kind of weed through those and at
23 the same time recognize reciprocity applies to
24 experience as a peace officer not necessarily
25 training. One thing I would suggest if, for

1 instance, Chief, in Utah, the Utah Academy could get
2 certified by us. And that may be a better way of
3 doing it. I don't know if they want to do that, but
4 if they jump through all our hoops, taught
5 everything that we require, theoretically, they
6 could be certified as a Nevada Academy and their
7 graduates could apply, for instance, from Mesquite,
8 that would not require a regulation change. I don't
9 know if they could comply with our requirements, but
10 that might be an easier way to go.

11 TROY TANNER: I think that's a better
12 route. I agree with you.

13 MICHAEL SHERLOCK: And they might -- if
14 they're a for-profit academy, they might want to try
15 to meet our standards. I don't know. But it's
16 easier than trying to change that -- that
17 requirement right now.

18 TROY TANNER: Troy Tanner. Yeah, I agree.
19 I -- I talked to them and it was one of their main
20 training guys from the state of Utah asked me about
21 it when I went to a meeting up there. So I agree
22 after reading all of it and talking to you. I just
23 wanted to make sure we're on the same page in case
24 he contact you. So.

25 MICHAEL SHERLOCK: Good.

1 KEVIN MCKINNEY: Kevin McKinney. Wouldn't
2 -- wouldn't, though, for example, Utah Academy,
3 wouldn't they be required, then, to teach Nevada
4 Revised Statutes?

5 MICHAEL SHERLOCK: Yes. But they may be
6 willing to -- again, Mike Sherlock for the record.
7 You know, I don't know what they're -- they allow
8 people to put themselves through their academies
9 there. So some of their academies are for-profit.
10 It may be a marketing tool for them to meet our
11 requirements. You know, the issue becomes how do we
12 determine that and that's a different issue. But
13 theoretically, they could do that.

14 KEVIN MCKINNEY: Kevin McKinney again.
15 Wouldn't that create a burden, though, for you to
16 audit those?

17 MICHAEL SHERLOCK: That's what I'm saying.

18 KEVIN MCKINNEY: Especially when --

19 MICHAEL SHERLOCK: There would be some --
20 some -- some issues there.

21 RON PIERINI: Wouldn't it be safe to say
22 that if we allowed that to happen, you could have
23 anywhere in the United States to say this is -- and
24 then you'd have to do all the work behind it.

25 MICHAEL SHERLOCK: Yeah. Yeah, there's

1 definitely some issues. Ain't no doubt about it.

2 RON PIERINI: Yeah. And we're not -- we
3 don't have that amount of manpower to do all that.
4 So.

5 MICHAEL SHERLOCK: Sure.

6 RON PIERINI: Maybe in theory it's good,
7 but in reality I'm not sure we can do it. So I
8 don't know. I guess to the public, do we have
9 anybody here would like to make any comment? Seeing
10 none, do we want to make a motion on this? I don't
11 think we do. Everybody okay with that? All right.
12 Thank you.

13 We'll go onto Number 6, then. Okay.
14 Request from the Las Vegas Metropolitan Police
15 Department for their employee Nicholas Ditusa -- how
16 do you say that -- whatever -- for a six-month
17 extension past the one-year requirement on September
18 2nd, 2016, in order to meet the requirements of the
19 certification. So do we have somebody from Las
20 Vegas Metro? Is Nicholas here? Because our policy
21 usually, and it has been for a long time, unless you
22 have given written information or a phone call or
23 anything, Scott, from you, from Metro saying that
24 they wanted this or --

25 SCOTT JOHNSTON: Yes, we do. Scott

1 Johnston for the record. Under Topic 6, behind that
2 tab you've got a two-page letter written by Captain
3 Forbus who's the administrator in charge of the unit
4 where this person is employed, and it has a detailed
5 description of why they're asking for this. It
6 dealt with communication errors internally within
7 the department that have been rectified. And
8 regarding this gentleman, I believe his last name is
9 pronounced Ditusa.

10 RON PIERINI: I'm glad you say that.

11 SCOTT JOHNSTON: Probably close to that.

12 RON PIERINI: Because I really don't know
13 how to say it.

14 SCOTT JOHNSTON: I don't say it right
15 twice in a row.

16 RON PIERINI: At least it's on the record
17 one time anyway.

18 SCOTT JOHNSTON: And that we did receive
19 this letter back in April requesting to be on the
20 agenda. The problem they run into is getting the
21 reciprocity verification done with Illinois
22 (inaudible). And that was just sent off April 24th
23 or 26th for verification and they have not heard
24 back. Their officer has taken the online training
25 class, has passed the state certification exam and

1 has passed the physical fitness. And they're still
2 trying to work the officer and this extension would
3 be required so that officer could continue to work
4 in the capacity of the deputy and while they wait
5 for the backup documentation to come in from
6 Illinois. Once that's received, staff does not see
7 any obstacles in approving his certification.

8 MICHAEL SHERLOCK: And, Chairman, if I
9 might, just -- Mike Sherlock for the record. Just -
10 - just real quick here -- your decision here. This
11 -- some of this came about because of the dissolving
12 of the Las Vegas Township Constable's Office. Metro
13 was then tasked with taking over those duties. They
14 were kind of hit, blindsided a little bit, I think
15 with this and had to hire a bunch of people, a large
16 number of people, to handle the constable duties.
17 And I think this is one of those

18 SCOTT JOHNSTON: Yes.

19 MICHAEL SHERLOCK: -- persons that they
20 were trying to figure out this whole process. And -
21 - and it kind of fell through the cracks, in their
22 defense. So it came from that.

23 RON PIERINI: So it is safe to say for me
24 to ask you a question is that -- I don't know what
25 God's trying to tell us, but anyway here we go. Are

1 you comfortable with that?

2 MICHAEL SHERLOCK: Yeah, our

3 recommendation would be to --

4 RON PIERINI: Okay.

5 MICHAEL SHERLOCK: -- from staff is to

6 allow the extension.

7 RON PIERINI: All right, anyone else like

8 to make a comment or question?

9 DAN WATTS: Dan Watts for the record. It

10 said in their letter that he was scheduled to take

11 the POST exam within that week. Has he done that

12 since?

13 SCOTT JOHNSTON: Yes, he has.

14 RON PIERINI: All right. Nobody else on

15 the public want to make a comment? Okay. Looking

16 for a motion, please.

17 TROY TANNER: Troy Tanner for the record.

18 I make a motion to approve the extension.

19 RUSSELL PEDERSEN: Russ Pedersen. Second.

20 RON PIERINI: First and second. Any other

21 questions, comments? All in favor?

22 COMMISSIONERS: Aye.

23 RON PIERINI: Anybody opposed? All right,

24 so carried. Thank you. Going to Number 7,

25 discussion, public comment, and for possible action,

1 request from the Washoe County Department of
2 Juvenile Services for their employee Lacey Miller
3 for a six-month extension past the one-year
4 requirement to December 29, 2016, in order to meet
5 the requirements for certification. Do we have
6 anybody from Washoe County who -- please if you
7 could come up and talk to us about this please?

8 FRANK CERVANTES: Good morning. Frank
9 Cervantes, Director at Washoe County Juvenile
10 Services Department. I did author a letter on this
11 case to Director Sherlock requesting a six-month
12 extension as this employee entered the Academy last
13 June, sustained a fracture in her ankle and leg.
14 Subsequently, was placed on light duty with physical
15 therapy until further notice. She was recently
16 cleared from her medical doctor and is actually
17 enrolled in the next Academy coming up down here in
18 Carson for the Category II Academy. So, we were
19 asking for an extension through January of next
20 year, so December of this year to get her to that
21 Academy to meet her standards for POST
22 certification.

23 RON PIERINI: Scott, do you have anything
24 to comment?

25 SCOTT JOHNSTON: If the Commission should

1 -- Scott Johnston for the record -- Commission
2 chooses to approve this, that extension would extend
3 the time parameter for the Director out to 12/29 of
4 '16, which would be plenty of time from when the
5 Academy graduates to process everything.

6 RON PIERINI: Okay, good. Any questions
7 from the Commission? All right, how about out in
8 the public? Anybody like to make a comment? Okay,
9 looking for a motion.

10 KEVIN MCKINNEY: Kevin McKinney. I'll
11 move that we approve it.

12 RON PIERINI: All right, thank you.

13 JAMES WRIGHT: Jim Wright. I'll second.

14 RON PIERINI: Thank you, sir. Any other
15 questions or comments? All in favor?

16 COMMISSIONERS: Aye.

17 RON PIERINI: Any opposed? Thank you,
18 sir.

19 FRANK CERVANTES: Thank you.

20 RON PIERINI: Okay. Why don't we take
21 just about a five-minute break, if we could, please?
22 And see if anybody has to use the restrooms or
23 whatever. It's been an hour. So five-minute break
24 just for a couple minutes.

25 (Off the record.)

1 RON PIERINI: All right, we'll continue
2 now if we could. We're going to go on to Number 8
3 and that's discussion, public comment, and for
4 possible action, request from the Nye County
5 Sheriff's Office for their employee Joshua
6 Armendariz, A-R-M-E-N-D-A-R-I-Z, for a six-month
7 extension past the one-year requirement to June 8,
8 2016, in order to meet the requirements for
9 certification. Can somebody from Nye County here,
10 by chance? Okay, Scott, what do you have on that?

11 SCOTT JOHNSTON: Back on -- Scott Johnston
12 for the record. On March 11th we received a letter
13 that you guys have a copy of it in your book, from
14 the Nye County Sheriff requesting an extension, a
15 six-month extension, for their deputy Joshua
16 Armendariz. The facts on this is that he was hired
17 on December 8th of 2014, his one-year ended on
18 December 8th, 2015. The letter indicates that he is
19 currently attending their Category III Academy and
20 are not working at a law enforcement capacity due to
21 not meeting the one-year requirement. The six-month
22 extension would extend that timeframe to become
23 certified out to June 8th, 2016, which is my
24 understanding that that Academy will have been
25 completed by then. And that's the scope of the

1 information that we've received.

2 RON PIERINI: Okay, Scott, do you feel
3 comfortable with that? And Mike, you, too?

4 MICHAEL SHERLOCK: Mike Sherlock for the
5 record. The only thing I would say is if they're
6 not working on a peace officer status, I'm not sure
7 why they are asking for the extension, to be honest
8 with you. I -- we were under the impression that
9 they were going to be here, but -- so that's the
10 only thing I can say. I don't know anything about
11 the -- the particulars in this.

12 RON PIERINI: So, we're all right if we do
13 it.

14 UNIDENTIFIED MALE: Yes.

15 RON PIERINI: Okay. Any other comments
16 about this issue for Commission? How about to the
17 audience? Anybody in the audience want to comment
18 on that particular topic? Hearing none, okay,
19 looking for a motion.

20 RUSSELL PEDERSEN: Russ Pedersen. Move to
21 approve.

22 RON PIERINI: Thank you, sir. Second?

23 DAN WATTS: Dan Watts. Second.

24 RON PIERINI: We got two at the same time?
25 Dan, you're in charge. There you go. Any other

1 questions or comments? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried. Okay, we'll go to Number 9, discussion,
5 public comment, and for possible action. Request
6 from the Nye County Sheriff's Office for their
7 employee Jose Cintron for a six-month extension past
8 the one-year requirement to June 29, 2016 in order
9 to meet the requirements for certification. Scott.

10 SCOTT JOHNSTON: Scott Johnston for the
11 record. This was a two-part process on the same
12 letter and received on -- letters drafted on March
13 11. We received a request from Sheriff Wehrly for a
14 six-month extension past the one-year requirement to
15 become certified for their deputy Jose Cintron. He
16 was hired on December 29th, 2014. His one-year
17 expired December 29th of '15. Letter indicates that
18 he is currently in the Category III Academy and not
19 working -- is not working in his law enforcement
20 capacity due to not meeting the one-year
21 requirement. Six-month extension would take that
22 time frame out to June 29th of 2016.

23 RON PIERINI: Okay. Any questions from
24 the Commission?

25 DAN WATTS: Dan Watts for the record. I

1 think -- what's the reasoning that all these are not
2 making -- making it in the time period? Do we have
3 any idea?

4 MICHAEL SHERLOCK: Mike Sherlock for the
5 record. I will tell you on -- on this particular
6 officer, they sent him to our Academy and he did not
7 complete our Academy. So they put him -- they had
8 to reevaluate him and put him through a Cat III
9 Academy. So I'm assuming that delayed the time
10 there, you know, coming up here, and then having to
11 go back down. I'm not -- I can't speak for the
12 other one because I'm not sure what the reasoning is
13 there.

14 DAN WATTS: I just think we just kind of
15 need to be careful on -- keep getting all these
16 extensions and we -- we need to start holding the
17 administrators accountable, I think, to get them
18 through.

19 RON PIERINI: I agree with you a lot, Dan,
20 because you've been with me a long time here on this
21 Commission. One of the things that we always tried
22 to talk about was that if you are asking for an
23 extension, they have to be here. There was some
24 real times years ago, probably 15 years ago, and I
25 remember when some of the Commissioners absolutely

1 emphatically said we're not going to do it unless
2 they show up. So, you know, I know that it's
3 difficult for some people to come. We know that.
4 And they, you know, some distance is a long ways.
5 And sometimes things can't, you know, we're --
6 especially in rural Nevada it's very difficult. A
7 good letter like that is -- is okay, but we really
8 need to look at the fact of having them here or have
9 a representative. It could be a sergeant. That
10 would be fine, too. It doesn't matter. So, you
11 know, we need to encourage that. And I don't know,
12 Mike, if we can send another letter to each one of
13 them and saying we're, again, if you're looking for
14 extension or if they ask us they going to do, maybe
15 a phone call to them we expect somebody here.
16 That's -- I think that's what we should do.

17 MICHAEL SHERLOCK: Yeah. I agree with
18 that. And just for the record, we -- we advise them
19 that they have to be here. We don't give them an
20 option. And, again, just assumed that they were
21 going to be here. I don't know why the sheriff is
22 not here.

23 RON PIERINI: You know, and I understand,
24 again, I don't want to be redundant, but if they say
25 there's a good reason they can't make it, I can

1 understand that better than not even getting a phone
2 call saying I'm not going to be here. That's --
3 that's the issue. So, I mean, it's up to the
4 Commission, whatever you wish to do on this
5 particular one.

6 UNIDENTIFIED MALE: They were here
7 yesterday at the meetings, too, so it's unfortunate
8 they didn't come today.

9 RON PIERINI: Okay, with that said,
10 anybody want to make a motion either way?

11 UNIDENTIFIED MALE: I'm still digesting
12 the fact -- he's asked for an extension just because
13 he hasn't taken the test? Is that -- is that what
14 it is? It's a PT test we're talking about?

15 MICHAEL SHERLOCK: No. Mike Sherlock for
16 the record. It's -- it's completion of the Academy.
17 Which is everything. But I believe graduation is
18 beyond their one year. They're already beyond their
19 one year, and so they're looking for that extension
20 to the point that they graduate from the Academy
21 that they are currently attending. The Cat III
22 Academy.

23 TROY TANNER: Troy Tanner for the record.
24 Again, so they didn't attempt to do it during the
25 entire year?

1 MICHAEL SHERLOCK: Again, with this
2 particular officer, they attempted to send them
3 through a Cat I Academy originally within the one
4 year.

5 TROY TANNER: Okay.

6 MICHAEL SHERLOCK: And then didn't make
7 the Academy and so they decided to put him through a
8 Cat III is my understanding. And the Cat III just
9 didn't start because they lost that time of being up
10 here attending our Academy.

11 RUSSELL PEDERSEN: And Russ Pedersen.
12 When -- when do you recall when he was removed from
13 your Academy or left your Academy?

14 MICHAEL SHERLOCK: It was --

15 RUSSELL PEDERSEN: Roughly.

16 MICHAEL SHERLOCK: September. Something
17 like that, would be a guess on that.

18 RUSSELL PEDERSEN: Thank you.

19 RON PIERINI: Okay.

20 UNIDENTIFIED MALE: I'll make a motion not
21 to approve it if no one else can make a motion. I'm
22 glad I'm doing it.

23 JAMES WRIGHT: Second. Jim Wright.

24 RON PIERINI: Thank you. Anybody else
25 want to make any comments?

1 MICHELE FREEMAN: I -- I just have one for
2 comment. Because this is the second one of the two,
3 right? So we already just approved the first one,
4 the (inaudible).

5 RON PIERINI: Yeah, it's a little
6 confusing with that, but we're getting a little
7 tired of it. You know, I'm not sure that it's right
8 to do one and not the other one. Yes, sir?

9 RUSSELL PEDERSEN: Russ Pedersen. The
10 difference, though, on this one is that, from your
11 memory, Jose Citron went through a Cat I was, for
12 whatever reason, unsuccessful for personal reasons
13 or whatever, where the Joshua was not part of that
14 Academy group. So it's a separate issue.

15 UNIDENTIFIED MALE: That's the way I
16 understood it.

17 MICHAEL SHERLOCK: Yeah, I believe that's
18 true. I don't believe the other one was in our
19 Academy. I got to tell you I'm not positive on
20 that. But, well, he was wasn't (inaudible).

21 KEVIN MCKINNEY: Kevin McKinney for the
22 record. Just reviewing this letter, seems very
23 vague. I don't know if we really have enough
24 information to, you know, is this -- is this a
25 department issue or is it the officer issue? I

1 don't know. And with them both being together, it's
2 hard to tell.

3 RON PIERINI: And that's exactly why, you
4 know, Kevin, that want people to be here.

5 KEVIN MCKINNEY: Yeah, it -- that makes
6 sense.

7 TROY TANNER: Troy Tanner for the record.
8 Can we bring up the other one and --

9 RON PIERINI: I was going to ask Mr.
10 Jensen that. Can we go back to that?

11 MICHAEL JENSEN: Yeah. Absolutely.
12 (Inaudible) so back have it start over again.
13 (Inaudible).

14 RON PIERINI: You guys have nothing else
15 to do anyway. So what we'll do -- I think that's a
16 good idea. (Inaudible) back to Number 9 if we
17 could.

18 MICHAEL JENSEN: Yeah, I would say you
19 probably need the person who made that motion to
20 withdraw (inaudible) motion previous.

21 RON PIERINI: Okay. So what we need to do
22 is go back to Number 8. Correct? And if we could
23 open that up again.

24 SCOTT JOHNSTON: Mr. Chairman, Scott --

25 RON PIERINI: And discuss that one more

1 time.

2 SCOTT JOHNSTON: Scott Johnston for the
3 record. The -- Number 8 the motion was made by
4 Commissioner Pedersen. So the way I understood
5 legal is he would have to withdraw that. Is that
6 correct?

7 MICHAEL JENSEN: Yep.

8 RON PIERINI: If you wish.

9 RUSSELL PEDERSEN: Yep. So Russ Pedersen.
10 After further discussion and -- and -- and
11 discussion regarding what past practice and -- and
12 what the feeling of the Board is for moving forward,
13 I will go ahead and change my --

14 RON PIERINI: Motion.

15 RUSSELL PEDERSEN: -- motion. Thank you.
16 And revert back and say I make a motion not to
17 approve.

18 RON PIERINI: Thank you. Who was the
19 second on that?

20 DAN WATTS: Dan Watts for the record. I
21 will rescind my second.

22 RON PIERINI: And how about the rest of
23 the Commission? Everybody okay with that?

24 MICHELE FREEMAN: Yes.

25 RON PIERINI: All right. So why don't we

1 redo that, the Number 8? If you'd like to do that
2 or --

3 RUSSELL PEDERSEN: Russ Pedersen. I make
4 a motion not to approve Joshua Armendariz dates --
5 request for extension.

6 TROY TANNER: Troy Tanner. Second.

7 RON PIERINI: Okay. Any other discussion?
8 Let's go back, maybe what we should do is ask the
9 public if they want to make a comment on it? Seeing
10 none, then all in favor?

11 COMMISSIONERS: Aye.

12 RON PIERINI: Anybody opposed? So
13 carried. Then we'll go to Number 9. And Scott, how
14 we doing on --

15 SCOTT JOHNSTON: We were at the point
16 where Mr. Tanner had made a motion, Commissioner
17 Wright had seconded it, but there was no follow up.
18 So it has not been voted on or we can change it.
19 We're at that point.

20 RON PIERINI: All right. So would we like
21 to start over with that motion?

22 UNIDENTIFIED MALE: I make a motion not to
23 approve the extension on Number 9.

24 UNIDENTIFIED MALE: Second.

25 RON PIERINI: Thank you. Any other

1 discussion? We should ask the public again. Seeing
2 none, all in favor?

3 COMMISSIONERS: Aye.

4 RON PIERINI: Anybody opposed? All right,
5 so carried. Thank you. So we're done with those
6 three.

7 UNIDENTIFIED MALE: Mr. Chairman, comment.
8 Maybe when we get these requests from the agencies
9 instead of doubling them up, because most likely
10 they're going to be different anyway, it would help
11 us determine, you know, the differences of these.
12 So maybe they need to send two agenda requests next
13 time and delineate the differences between the two.
14 That's what led my -- to my confusion on is what the
15 deal with them. So.

16 MICHAEL SHERLOCK: We can certainly do
17 that. And that's what the sheriff tried to do. She
18 sent that letter twice. You know. To get on the
19 agenda.

20 TROY TANNER: Troy Tanner for the record.
21 For sure make sure your staff encourages them to be
22 here so they can explain. They're really vague.
23 Like, he said, I have a hard time -- I went up and
24 down. There wasn't much attached, so there's not a
25 lot to draw from.

1 KEVIN MCKINNEY: Yeah, I mean -- Kevin
2 McKinney. I mean, you can see the difference
3 between the letter submitted by Washoe County
4 Juvenile Services. I mean, it was detailed, they
5 explained what the situation was, gave us good cause
6 to extend it versus this one.

7 UNIDENTIFIED MALE: And (inaudible).

8 RON PIERINI: Okay. So, yeah, that's what
9 we're going to do, we're going to work on that. We
10 can also, don't forget, we can always use a phone.
11 If they can't come here personally, we can use a
12 phone (inaudible). So we're going to go with Number
13 10 please. Discussion and public comment, and for
14 possible action. Request from the Justice Court, Las
15 Vegas Township for their employee Mark F. Castle,
16 for a six-month extension past the one year
17 requirement to September 3rd, 2016, in order to meet
18 the requirements for certification. And we actually
19 have a person here. Thank you.

20 TIM SHAY: Yeah, I'm going to be here now.
21 But hello, my name is Tim Shay and I'm the
22 supervising Marshall for the Las Vegas Justice
23 Court. And I have a person named Mark Castle. He's
24 a reciprocal from Virginia. He was a police officer
25 in Virginia. He'd be equivalent to a Category I.

1 He was also a trainer at the Northern Virginia
2 Police Law Enforcement Academy, which is the major
3 academy for the northern part of Virginia, if you're
4 familiar with Virginia.

5 Anyway, I put him through the physical
6 POST physical test multiple times. He has just
7 barely passed -- not passed every time. One sit up
8 short, one second short on a run. We couldn't
9 figure out what was wrong with him. He went to the
10 doctor, they found something wrong, but he had
11 surgery in January. I thought he was going to pass
12 long before this. He assures me he will once he
13 recovers. The doctor hasn't released him yet. Once
14 he is released, he will take the test every three
15 weeks until he passes. If he doesn't pass, I need
16 an extension. There's just absolutely nothing we
17 can do.

18 And I've made changes to the hiring
19 process so this will not happen again. They now
20 have to take the test as part of the hiring process
21 and pass at least the Academy entrance level. They
22 will then take it again three weeks after -- three
23 weeks after until they pass. So I'll never come
24 before you again and ask for something like this for
25 these conditions. I find it embarrassing. And your

1 staff was absolutely clear that I needed to be here
2 to talk to you. So.

3 RON PIERINI: And we appreciate that.
4 Thank you.

5 TIM SHAY: I would not have asked for such
6 a thing without coming in and seeing you all. So
7 anyway, that's where we're at with him. And we have
8 a critical staffing shortage. Otherwise, again, I
9 wouldn't be asking. As you all know, right now
10 there are a lot of agencies in the Las Vegas area
11 hiring and our young folks, they want to go be a cop
12 instead of hanging around a court. I don't blame
13 them. So they're leaving left and right.

14 RON PIERINI: Any questions that the
15 Commissioners have? How about to the public? Any
16 questions? Scott, what do you think? What do you -
17 - what do you got on yours?

18 SCOTT JOHNSTON: He's covered everything
19 in detail.

20 RON PIERINI: Okay. Good. So we're all
21 right? All right. Looking for a motion.

22 KEVIN MCKINNEY: Kevin McKinney. I move
23 we approve this six-month extension.

24 RON PIERINI: All right. Thank you.
25 Second?

1 UNIDENTIFIED MALE: Just a correct. This
2 says 16-week extension.

3 MICHAEL SHERLOCK: Mr. Chairman, for the
4 record, I can clarify that. It is a reciprocity and
5 under the regulations the reciprocity has 16 weeks
6 to pass the PT test. Mr. Shay already had gotten an
7 extension of that within the year, which was --
8 staff does that. So now he needs to extend the year
9 requirement, which is a separate regulation. It
10 gets confusing because of the reciprocity issue, is
11 16 weeks, but you do have a year to get certified
12 and he's looking to extend that here. He's already
13 gotten an extension on that 16-week PT test. So
14 he's looking for the six-month extension on the one
15 year.

16 TIM SHAY: He's passed the online POST in
17 lieu course. I can't give him the POST
18 certification test because he had to take the PT
19 test first. And then, had I known this, I would
20 have brought this to the November 5th meeting, but I
21 certainly thought he was going to pass. And then
22 when he didn't pass by November 5th, my extension
23 was still in force for the 16 weeks, but I couldn't
24 come before you before this meeting to ask for any
25 more of an extension. I find myself in a pickle.

1 TROY TANNER: Troy Tanner for the record.
2 So he's already had one extension is what you're
3 saying. This would be his second extension.
4 MICHAEL SHERLOCK: Unlike other hires that
5 the reciprocity is only 16 weeks and under the
6 regulations, the Executive Director can extend that
7 up to one year. Beyond the one-year they have to
8 come before you.
9 RON PIERINI: Okay, just to make sure
10 we're clear, we're within the regulations that we
11 have?
12 SCOTT JOHNSTON: Yes.
13 MICHAEL SHERLOCK: Yes.
14 RON PIERINI: Are we okay with that.
15 MICHAEL SHERLOCK: Yes.
16 RON PIERINI: If we do approve that, we're
17 not going outside the (inaudible).
18 MICHAEL SHERLOCK: Not at all.
19 UNIDENTIFIED MALE: What's the past
20 practice for you guys? How many extensions do you
21 give? Is it unlimited or --
22 MICHAEL SHERLOCK: We get -- internally,
23 we can only we can only do one. And that's within
24 that one-year requirement. It's really -- it's an
25 anomaly in the regulation, bottom line, because

1 everybody else has a year. These -- reciprocity
2 only has 16 week to do the PT test. That's the --
3 that's the anomaly in there and that's why you kind
4 of see these sometimes on reciprocity. You -- you
5 don't see these on regular hires, new hires, because
6 they -- you don't have that 16-week requirement.
7 They have one year. Difference is with reciprocity,
8 they still have one year only to be certified. And
9 so he was unable to complete that in one year even
10 with the extension of the 16 weeks. That's where
11 you guys come in, the Commission comes in and as the
12 authority to extend that another six months for them
13 to be able to complete that.

14 MICHELE FREEMAN: So, I'm sorry.

15 RON PIERINI: Go ahead. No, go ahead.

16 MICHELE FREEMAN: I have a clarity
17 question. Michele Freeman. So he's taken the
18 physical agility test several times and just barely
19 missed it?

20 TIM SHAY: Yes.

21 MICHELE FREEMAN: But it's a medical
22 condition?

23 TIM SHAY: Yes.

24 MICHELE FREEMAN: Because I'm feeling a
25 little conflicted with that statement.

1 TIM SHAY: Purely, yeah, purely medical.
2 He couldn't figure out what was wrong. Most of it
3 had to with abdominal. And he would miss by one
4 sit-up. He missed the -- the sprint -- 300-meter
5 sprint by a second. And he -- he failed. And they
6 found out what it was in December. He had surgery
7 in January. And the doctor said he should have a
8 complete recovery. He hasn't been released to take
9 the test yet. I'm hoping that's any day. And then
10 I'll start the process again every three weeks.

11 MICHELE FREEMAN: As I'm sensitive to the
12 medical issue, it just seems interesting to me that
13 he can almost get it. Because is it just that he
14 didn't condition himself? Or is it the medical
15 issue?

16 TIM SHAY: It's the medical issue. They -
17 - he had had a surgery previously where they severed
18 all the abdominal muscles from just below his
19 sternum down to below his beltline and he was having
20 trouble with the sit-ups. They had to reopen that
21 to get into where the problem was and that was in
22 January. So he's expected to be able to do it. The
23 doctor said he should be able to. I -- I don't
24 know.

25 TROY TANNER: Troy Tanner for the record.

1 Just one more time. I'm not trying to draw this
2 out, but I just want to make sure we're consistent,
3 not just with past practice, but we have several
4 contacts by e-mail that come up in the future, too.
5 I think we need to be consistent whatever we do.
6 You know, if we're going to do two extensions, one
7 extension, whatever it is because there's several
8 people that have come before us on extensions the
9 last few months and said hey, I want one more
10 extension and then they still haven't got physically
11 fit and we're going on two years. So I -- I tend to
12 want to stay with the regulation and have them -- I
13 just -- I'm not trying to be strict or mean. I just
14 want to be consistent. It's hard. Like we just
15 talked about in the last one, we, you know, we're
16 doing one for one and not for another. I just want
17 to be consistent. That's all I -- so that's why
18 past practice.

19 MICHAEL SHERLOCK: Yeah. Mike Sherlock
20 for the record. Again, it would only be one
21 extension. I don't want to confuse you with that 16
22 week. I know it's (inaudible). That's unusual, not
23 really an extension. It's just powers of the
24 Director here to allow that 16 weeks, but beyond
25 that, your authority is that one year and it would

1 only be one extension if you granted this. And only
2 one available. If that makes sense.

3 RUSSELL PEDERSEN: Russ Pedersen. It
4 sounds like we're, if we grant this extension, we're
5 really giving the same amount of time really as the
6 other individuals, because that first, quote,
7 unquote, extension was 16 weeks where,
8 theoretically, non -- out-of-state type stuff is a
9 one-year issue and we give them another six months
10 to 18 months. It sounds like we're still giving
11 approximately the same time if we grant this one.

12 MICHAEL SHERLOCK: Yes.

13 RUSSELL PEDERSEN: Even though it may be
14 two extensions you granting the first one at 16
15 weeks and then us as the second, but time-wise,
16 they're getting about the same amount of time.

17 MICHAEL SHERLOCK: Right. And --

18 RUSSELL PEDERSEN: If I'm understanding it
19 correctly,

20 MICHAEL SHERLOCK: Yes. And so to put it
21 in simple terms, no matter how you get certified in
22 the state of Nevada, with that extension would be --
23 the maximum is 18 months with the Commission's
24 approval. So it doesn't matter if it's reciprocity
25 or not. He's not getting any more than -- than any

1 other applicant for certification in the state of
2 Nevada with the extension it would be the same.

3 RUSSELL PEDERSEN: Thank you.

4 TROY TANNER: Troy Tanner. In saying
5 that, I'll second the motion.

6 RON PIERINI: Thank you. Do we have any
7 questions or comments? All in favor?

8 COMMISSIONERS: Aye.

9 RON PIERINI: Anybody opposed? Okay.
10 Thank you, sir.

11 TIM SHAY: Thank you very much.

12 RON PIERINI: Number 11. Discussion with
13 public comment and possible action. Request from
14 Henderson Police Department for their employee
15 Captain Michael Mattoon for an Executive
16 Certificate. I don't know if anybody from Henderson
17 is here to represent that? That's not really
18 required in any event. Scott, what do you have?
19 Scott, are you -- Mike?

20 MICHAEL SHERLOCK: Mike Sherlock for the
21 record. Staff received and reviewed the application
22 for an Executive Certificate from -- for Captain
23 Michael Mattoon of the Henderson Police Department.
24 Staff finds that all requirements under the NAC have
25 been met for the certificate and we recommend

1 awarding the Executive Certificate to Captain
2 Mattoon.

3 RON PIERINI: Thank you, Mike. Appreciate
4 that. Any comments, questions? How about in the
5 public? Anybody like to make comment on that
6 particular topic? Seeing none, looking for a
7 motion.

8 TROY TANNER: Troy Tanner. Motion to
9 approve Captain Michael Mattoon --

10 RON PIERINI: Thank you.

11 TROY TANNER: -- for Executive
12 Certificate.

13 JAMES KETSAA: Jim Ketsaa. Second.

14 RON PIERINI: All right, Chief, thank you.
15 Any other questions or answers -- comments? All
16 right. All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed? So
19 carried. Thank you. I don't know about the next
20 one. Discussion, public comment, possible action.
21 Request from Washoe County Sheriff's Office Chief
22 Deputy Russell Pedersen for Executive Certificate.
23 And I understand you have to come up here.

24 RUSSELL PEDERSEN: I'd be more than happy
25 to, sir.

1 RON PIERINI: What we're doing. I
2 wouldn't do that. But, however, you do know that
3 you're not going to vote for yourself.

4 RUSSELL PEDERSEN: I will be abstaining,
5 sir.

6 RON PIERINI: All right. Mike, what do
7 you got?

8 MICHAEL SHERLOCK: Mike Sherlock for the
9 record. Staff received and reviewed the application
10 for an Executive Certificate for Chief Deputy
11 Russell Pedersen Washoe County Sheriff's Department.
12 Staff finds that all requirements under the NAC have
13 been met for the certificate and we recommend
14 awarding the Executive Certificate to Chief Deputy
15 Pedersen.

16 RON PIERINI: Thank you, sir. Any
17 questions or comments from the Commission? How
18 about to the public? Do we have a motion?

19 DAN WATTS: Dan Watts for the record.

20 MICHELE FREEMAN: Michele Freeman.

21 RON PIERINI: Okay, we got --

22 DAN WATTS: Defer to the -- to our new
23 member.

24 RON PIERINI: Okay.

25 DAN WATTS: I'll second.

1 MICHELE FREEMAN: Michele Freeman. Move
2 to --
3 RON PIERINI: Michele, are you second?
4 MICHELE FREEMAN: I'll second.
5 RON PIERINI: Are you first?
6 MICHELE FREEMAN: I'll first or second.
7 DAN WATTS: I gave her a first. I'll
8 second.
9 RON PIERINI: Okay. All right. All in
10 favor?
11 COMMISSIONERS: Aye.
12 RON PIERINI: And for the record --
13 RUSSELL PEDERSEN: For the record I will
14 abstain.
15 RON PIERINI: You didn't vote yourself.
16 Okay. Great. Okay. And then finally, I did see on
17 Number 13, you're up. All right, come on up.
18 Request from Reno Police Department their employee
19 Deputy Chief Tom Robinson for an Executive
20 Certificate. Thank you for coming today. We
21 appreciate that.
22 THOMAS ROBINSON: Thank you. Just for the
23 record, let me say that I'm glad I came.
24 RON PIERINI: All right. Mike, what do
25 you got?

1 MICHAEL SHERLOCK: Mike Sherlock for the
2 record. Staff received and reviewed the application
3 for an Executive Certificate for Deputy Chief Thomas
4 Robinson Reno Police Department. Staff finds that
5 all requirements under the NAC have been met for the
6 certificate and we recommend awarding the Executive
7 Certificate to Deputy Chief Robinson.

8 RON PIERINI: Would you like to make a
9 comment? You're welcome.

10 THOMAS ROBINSON: Boy, I didn't prepare
11 any comments. I just want to thank you all for the
12 consideration. I've worked hard to achieve this.
13 It's been important for my career to improve my
14 education and my training and it's an experience.
15 So this is something that I've strove to achieve and
16 I'm just happy to be before you. Thank you all for
17 your consideration.

18 RON PIERINI: Now as Executive Certificate
19 is the highest one that we do have, and it is one of
20 honor. So, yeah, you're right, it's really a neat
21 thing to have. All right, any comments from the
22 Commission? How about to the public? You don't
23 have any enemies out there, so --

24 THOMAS ROBINSON: Well, Russ. He's
25 sitting here just dying to --

1 RUSSELL PEDERSEN: I'm just dying to make
2 -- no.

3 RON PIERINI: Watch that guy. All right -
4 -

5 THOMAS ROBINSON: We had an agreement. If
6 I wouldn't get up for his, he wouldn't say anything
7 (inaudible).

8 RON PIERINI: Do I have a motion?

9 DAN WATTS: Dan Watts for the record. I
10 make a motion that we approve the Executive
11 Certificate for Deputy Chief Thomas Robinson.

12 RON PIERINI: All right. Thank you. And
13 James you did the second.

14 JAMES KETSAA: Second.

15 RON PIERINI: All right. Any other
16 discussion? All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed?
19 Congratulations.

20 THOMAS ROBINSON: Thank you, sir. Thank
21 you all. Appreciate it.

22 RON PIERINI: We do have them -- we do
23 have them here.

24 MICHAEL SHERLOCK: Stay -- stay -- stay
25 around.

1 THOMAS ROBINSON: Okay, I will.

2 RON PIERINI: We have them here for you.

3 MICHAEL SHERLOCK: Get some pictures.

4 THOMAS ROBINSON: Thank you.

5 RON PIERINI: All right, we're going to go

6 on to Number 14 now. Request from Nevada Department

7 of Public Safety for employee Natalie Wood for

8 Executive Certificate. And I don't know. Jim.

9 JAMES WRIGHT: Due to -- due to

10 conflicting meetings Chief Wood could not be here

11 today.

12 RON PIERINI: Okay. We're okay with that.

13 All right, why don't we go with you, Scott?

14 SCOTT JOHNSTON: Mike.

15 MICHAEL SHERLOCK: Mike Sherlock for the

16 record.

17 RON PIERINI: I keep doing that. Sorry.

18 MICHAEL SHERLOCK: Staff received and

19 reviewed the application for an Executive

20 Certificate for Chief Natalie Wood Nevada Department

21 of Public Safety. Staff finds that all the

22 requirements under the NAC have been met for the

23 certificate and we recommend awarding the Executive

24 Certificate to Chief Wood.

25 RON PIERINI: Thank you. Any comments,

1 questions from the Commission? What about the
2 public? Seeing none, looking for a motion.

3 MICHELE FREEMAN: Michele Freeman. I'll
4 move to approve.

5 RUSSELL PEDERSEN: Russ Pedersen. Second.

6 RON PIERINI: Thank you. And I don't
7 know, Mr. Wright, if you're going to vote or not on
8 this?

9 JAMES WRIGHT: I kind of asked counsel. I
10 --

11 MICHAEL JENSEN: He can go either way.

12 JAMES WRIGHT: Yeah, I'll vote for it.

13 RON PIERINI: All right. All in favor?

14 COMMISSIONERS: Aye.

15 RON PIERINI: Anybody opposed? So
16 carried. Thank you. Number 15. All right. Here
17 we go. This is discussion, public comment, and also
18 for possible action. Hearing pursuant to NAC
19 289.290(1)(h) is revoking Ronald Hunt. Familiar
20 with the Nevada Department of Corrections
21 certification based on a felony conviction for
22 furnishing a controlled substance to a state
23 prisoner. The Commission will decide whether or not
24 Mr. Hunt's Category III Basic Certificate. So it's
25 up to you, Mr. Jensen.

1 MICHAEL JENSEN: Thank you, Mr. Chairman.
2 We had some new Commissioner training yesterday and
3 explained in that training that one of the things we
4 do as part of this -- this particular job is to put
5 on these different hearings for revocation. Just
6 for the new Commissioners understanding, we go
7 through the documents that we received in support of
8 the particular potential action that may be taken.
9 We do this so that we provide the -- the individual
10 who the action is being taken against due process to
11 appear and contest if they so desire. In all three
12 of these cases I don't believe that -- that any of
13 the individuals has indicated that they will be
14 appearing today at the hearing. So what I'll be
15 doing is going through the documents on each
16 individual case for your consideration.

17 First, with regards to Mr. Hunt's where
18 the Commission is acting pursuant to NRS 289.510.
19 It provides for the Commission to adopt regulations
20 establishing minimum standards for certification and
21 decertification of officers. Particular ground for
22 revocation, potential revocation here would be found
23 in NAC 289.290 which establishes that the Commission
24 can revoke, refuse or suspend a certificate --
25 certificate of an officer for a felony conviction.

1 And so, we'll go to the exhibits. Exhibit
2 A is the Notice of Intent to Revoke, which is
3 required both by the Commission statutes and by the
4 Open Meeting Law to let the person know that there
5 may be action taken against their POST certificate
6 today. That notice informs him of the law that
7 provides for -- for revocation for a felony
8 conviction, the time, place and location of this
9 particular hearing and his right to appear at the
10 hearing, the legal requirements that the Commission
11 has that he inform us if he intends to appear within
12 15 days of that service of that Notice of Intent.
13 It is my understanding he had not indicated his
14 intent to appear today. He was also told the scope
15 of the hearing was whether or not to revoke his
16 certificate for a felony conviction.

17 Exhibit B shows that he was served with
18 this Notice of Intent to revoke on March 23. And so
19 the Commission has complied with the legal
20 requirements both in your regulations and the Open
21 Meeting Law for providing notice of this potential
22 action today.

23 Exhibit C is the Personnel Action Report
24 from the agency that he worked for showing his
25 employment as a peace officer. He separated from

1 his employer effective some time ago, December 5th
2 of 2014.

3 Exhibit D is the Category III Basic
4 Certificate for Mr. Hunt.

5 And now get into the -- to the court
6 documents that deal with this particular crime
7 involved and conviction of this case. The first is
8 the information that is the charging document
9 against Mr. Hunt, which shows that he was originally
10 charged with one count of furnishing a controlled
11 substance to a state prisoner. The factual basis of
12 that charge was that he attempted to furnish
13 marijuana to a particular prisoner in the High
14 Desert State Prison and were actually furnished
15 marijuana to a second prisoner at that same prison,
16 which is a Category B felony.

17 The next document is a certified copy of
18 his guilty plea agreement showing that he agreed to
19 plead guilty to furnishing a controlled substance to
20 a state prisoner. The terms of that agreement were
21 that the state would not oppose probation at the
22 time of sentencing and that they would jointly
23 recommend probation be set for a three-year term.
24 Also the state and the defendant agreed that upon
25 successful completion of probation that the state

1 wouldn't oppose his motion to withdraw the plea in
2 favor of entering a plea to conspiracy to furnish, a
3 gross misdemeanor.

4 The next document is the -- a Judgment of
5 Conviction showing that he, in fact, was convicted
6 of the felony of furnishing controlled substance to
7 a state prisoner committed on September -- on or
8 about September 1st, 2014. Through that he was
9 sentenced to a maximum of 30 months, a minimum of 12
10 months. He -- that was suspended. He was placed on
11 probation for a fixed term of three years with
12 certain terms and conditions.

13 You also have with that the order that
14 admits him to probation, which contains a number of
15 different conditions, which are clearly inconsistent
16 with being a police officer. Including not being
17 able to associate with individuals who might be on
18 probation or have felonies and not to possess
19 weapons or have access to weapons.

20 I'd ask, Mr. Chairman, that we -- that you
21 would make those exhibits part of the record for any
22 action that may be taken by the Commission.

23 RON PIERINI: Yes, I will.

24 MICHAEL JENSEN: Based on the -- the
25 evidence that shows that Mr. Hunt has been convicted

1 of a serious felony conviction, it's for furnishing
2 a controlled substance to people who are in prison,
3 inmates in prison. Clearly, that's a very serious
4 charge for an individual who's in the position to be
5 able to do that. And clearly violates the trust
6 that was placed in him as a peace officer by the
7 public, by his agency. And the recommendation would
8 be that his POST certificate be revoked.

9 RON PIERINI: Thank you, Mr. Jensen. Any
10 questions from the Commission? And the public?
11 Anybody out there in the audience would like to make
12 a comment on this particular topic. Okay.
13 (Inaudible) for a motion.

14 DAN WATTS: Dan Watts for the record. I
15 make a motion that we revoke the POST certificate of
16 Ronald Hunt.

17 RON PIERINI: Thank you, Dan. Do we have
18 a second?

19 RUSSELL PEDERSEN: Russ Pedersen. Second.

20 RON PIERINI: All right. I have a second.
21 Any other questions or comments? All in favor?

22 COMMISSIONERS: Aye.

23 RON PIERINI: Anybody opposed? So
24 carried. Thank you. Go on to Number 16.
25 Discussion, public comment, and for possible action.

1 Hearing pursuant to NAC 289.290(1)(e) on the
2 revocation of Michael Kitchen formerly of the Las
3 Vegas Metro Police Department certification based on
4 a gross misdemeanor convicted of attempted theft.
5 The Commission will decide whether to revoke Mr.
6 Kitchen's Category I Basic Certificate. Mr. Jensen.

7 MICHAEL JENSEN: Thank you, Mr. Chairman.
8 Again, we'll go through some documentation that was
9 received from the courts and the agency in support
10 of any action that the Commission may take today.
11 The NRS section supporting the action is the same as
12 the previous, which is NRS 289.510 where the
13 Commission is given authority to set regulations for
14 the decertification of peace officers. And the
15 specific ground for potential revocation would be
16 NAC 289.290, which establishes under Section (1)(e)
17 that a person's POST certification can be revoked or
18 suspended for a conviction or plea of guilty or no
19 contest to a gross misdemeanor.

20 The exhibits that I would present today in
21 support of any action taken by the Commission, we
22 would look at first Exhibit A, again, is the Notice
23 of Intent to Revoke. You can see that that's -- is
24 Exhibit A under the tab for this particular action.
25 It again, informs Mr. Kitchen that the Commission

1 intends to initiate action to revoke his Basic
2 Certificate and informs him of the information on
3 the conviction on which any revocation action would
4 be based. Which, in this case, is -- is a count of
5 attempted theft in violation of NRS 193.330. It's a
6 felony gross misdemeanor crime out of the District
7 Court in Clark County. It informed him of his
8 opportunity to attend this hearing today and the
9 need to inform the Commission within 15 days if he
10 intends to do so. It's my understanding, again, on
11 this particular one that Mr. Kitchen did not request
12 to be here and contest the action today.

13 The scope of the hearing today would be
14 whether his POST certification should be revoked for
15 a plea of guilty or conviction for gross
16 misdemeanor.

17 Exhibit B is the affidavit showing that he
18 received notice of this potential action today. It
19 shows that he was served with that on March 7th of
20 2016, which shows that the Commission complied with
21 all the legal requirements for notice.

22 Exhibit C is the Personnel Action Report
23 showing Mr. Kitchen separated from his employment as
24 a peace officer effective October 5th of 2015.

25 Exhibit D is the Basic Certificate for Mr.

1 Kitchen for a Category I Basic Certificate.

2 Exhibit E is the -- are the beginning of
3 the court documents showing the -- the original
4 charge. Mr. Kitchen was charged with a number of
5 counts as you can see in that certified copy of the
6 information. It began with charges of battery with
7 intent to commit sexual assault resulting in bodily
8 harm, attempted sexual assault is another felony
9 account, battery with intent to commit a crime,
10 another felony count and robbery, another felony
11 account for conduct that occurred in January of 2015
12 -- is alleged to have occurred in January of 2015.

13 Exhibit F is the Amended Information.
14 From all of those original charges, the information
15 was amended to attempted theft, a Category E felony
16 gross misdemeanor. Again, it states that on -- on
17 or about January 22nd of 2015, Mr. Kitchen did
18 willfully, knowingly, feloniously and without lawful
19 authority attempt to obtain money in the amount of
20 \$650 or more belonging to DT who from the context
21 appears to be a prostitute, for material
22 misrepresentation with intent to deprive a person of
23 that property by attempting to take money in the
24 amount of \$100 from that individual.

25 The next exhibit is the certified copy the

1 guilty plea agreement again showing that Mr. Kitchen
2 agreed to plead pursuant to Alford, which is
3 essentially a no contest plea to the charge of
4 attempted theft. He -- the parties stipulated that
5 this would be treated as a gross misdemeanor as
6 opposed to a felony and it's -- if defendant
7 successfully completed probation that he would be
8 allowed to withdraw the plea to the gross
9 misdemeanor and plead to a misdemeanor.

10 Exhibit H is the -- the conviction
11 document showing that he, in fact, was convicted of
12 attempted theft which is treated in this case as a -
13 - as a gross misdemeanor. It shows that he was
14 sentenced to 364 days in the Clark County Detention
15 Center. That was suspended. He was placed on
16 probation for indeterminate period. Those
17 conditions of probation, again, include terms that
18 are inconsistent with working as a peace officer
19 including non-association with felons or individuals
20 who are on parole or probation and, again, the
21 restriction on possessing or access to weapons.

22 And those are the -- all of the court
23 documents and employment documents related to this
24 case. I would ask that those be made a part of the
25 record to -- in support of any action the Commission

1 may take today.

2 RON PIERINI: Absolutely. Accepted.

3 MICHAEL JENSEN: The evidence in those

4 documents shows that Mr. Kitchen pled guilty

5 pursuant to Alford, to the gross misdemeanor in

6 connection with conduct involving attempting to

7 steal money from an individual. This is, again,

8 very serious conduct that is inconsistent with being

9 a peace officer and acting as a peace officer in the

10 future and would recommend that Mr. Kitchen's

11 certificate be revoked.

12 RON PIERINI: Thank you. Any questions

13 from the Commission? How about to the public?

14 Okay.

15 KEVIN MCKINNEY: One quick question.

16 RON PIERINI: Sure.

17 KEVIN MCKINNEY: Kevin McKinney. Part of

18 the plea agreement is that later on he can actually

19 withdraw his plea to gross misdemeanor to -- lower

20 it to a misdemeanor. Will that affect the

21 certification revocation?

22 MICHAEL JENSEN: No, in fact, probably a

23 year ago the regulations were changed to provide the

24 individuals whose POST certification could be

25 revoked for guilty plea or no contest plea to a --

1 to a felony or gross misdemeanor. And so it doesn't
2 affect your authority to be able to take that action
3 just based on a plea. It appears here, though, that
4 he actually -- the -- there was an actual entry of a
5 conviction for the gross misdemeanor. So that would
6 be at the end of the process, he would have to come
7 back and make a motion to have that withdrawn.

8 KEVIN MCKINNEY: Thank you.

9 RON PIERINI: Okay, any -- we're looking
10 for a motion, I guess.

11 UNIDENTIFIED MALE: Motion to (inaudible).

12 RON PIERINI: Okay, we got a --

13 MICHELE FREEMAN: Michele Freeman.
14 Second.

15 RON PIERINI: First and second. Okay.

16 Any other discussion? All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed? So
19 carried. Okay, Number 17. Discussion, public
20 comment, and for possible action. This hearing
21 pursuant to NAC 289.290(1)(e) for revoking Jessie
22 Fikes formerly of Nevada Department of Corrections
23 certification based on a gross misdemeanor
24 conviction for open and gross lewdness. The
25 Commission will decide whether to revoke Mr. Fikes'

1 Category III Basic Certificate. Mr. Jensen.

2 MICHAEL JENSEN: Thank you, Mr. Chairman.

3 This is the final of the three. I won't put you
4 through any more pain after this one in terms of
5 having to listen to me. This is the time and place
6 scheduled for the hearing for potential revocation
7 of Mr. Jessie Fikes' POST certification. Same
8 authority underlying any action taken by the
9 Commission. In this specific case it would be based
10 on NAC 289.290 Section (1)(e), again, authorizing
11 revocation or suspension for a plea of guilty or
12 conviction to a -- or no-contest to a gross
13 misdemeanor.

14 Just to go through the documents that any
15 action being taken today would be based on. We
16 start with the Notice of Intent which shows that Mr.
17 Fikes was notified of the Commission's intent to
18 initiate action to revoke his Basic Certificate,
19 again, informing him of the law that provides for
20 that to take place in the particular conviction
21 which is a conviction for open or gross lewdness, a
22 gross misdemeanor in violation of NRS 201.210, his
23 ability to appear at this hearing today, the time,
24 place and location of this hearing. It's my
25 understanding that he did not contact the Commission

1 to appear today.

2 The scope of this hearing is whether or
3 not his POST -- Mr. Fikes' POST certification should
4 be revoked for a plea of guilty or -- or no contest
5 to that gross misdemeanor, open and gross lewdness.

6 Exhibit B is our proof of service on Mr.
7 Fikes, which shows that he received this Notice of
8 Intent to Revoke on February 26, 2016, which
9 complies with all legal requirements for notice for
10 this particular hearing and any action taken by the
11 Commission.

12 Exhibit C is the Personnel Action Report
13 which shows that Mr. Fikes separated employment with
14 his agency effective, again, some time ago in May of
15 2014.

16 Exhibit D is his Category -- I believe
17 it's Category III POST Basic Certificate, which
18 would be the certificate that action would be taken
19 against today if any.

20 The court documents begin with Exhibit E.
21 The original information has a number of counts
22 which you can see begin with child abuse or neglect
23 of a child under age 14 causing substantial mental -
24 - mental harm and unjustifiable pain. You can see
25 in looking at those documents each of those relates

1 to sexual conduct with that -- with that juvenile.

2 Exhibit 2 -- or Count 2 is lewdness with a
3 child under 14. Count 3 is child abuse or neglect
4 of a child under age 14. And you can see -- I won't
5 read through the allegations. Basically, it's
6 sexual conduct with a juvenile.

7 Exhibit 4 is the lewdness count with a
8 child under 14. Again, if you -- you can read
9 through and see that that involved some sexual
10 conduct and touching of a -- of a child, a juvenile.

11 The next exhibit is Exhibit F, which is
12 the Amended Information, which is two counts.
13 You'll see in this case it actually went through two
14 amended informations. The first he was -- the
15 charges were reduced down to lewdness with a child
16 under 14 and two counts of lewdness with a child
17 under 14. And finally, the information that he
18 ended up pleading guilty no contest under Alford,
19 too, was a Second Amended Complaint which is Exhibit
20 G, the open or gross lewdness count. Again, you can
21 see the -- the allegation there is sexual in nature
22 with this juvenile, a gross misdemeanor.

23 Exhibit H is the no-contest plea pursuant
24 to Alford. Again, in our context the no contest
25 plea doesn't matter. It's still a plea of guilty

1 under -- under Alford. And he's agreeing to plead
2 guilty to that gross misdemeanor of open or gross
3 lewdness. The parties agree that he would be
4 sentenced to time served as a recommendation from
5 the parties.

6 The final document is the judgment
7 sentence. That particular judgment shows that he
8 was convicted of open or gross lewdness with that
9 individual, that juvenile. He received a sentence
10 of 364 days which was time served for him in -- in
11 the White Pine County Jail and was required to pay a
12 fine of \$1,000.

13 And the final document that's part of that
14 exhibit shows that he was given credit against his
15 fine for additional time past that 364 days that he
16 served in jail. So -- to cover the fine.

17 This particular case, I think, is pretty
18 straightforward in terms of the kind of conduct
19 involved. So that it's clearly inconsistent with
20 anyone who is a peace officer or who wishes to be a
21 peace officer in the future. Serious inability to
22 control himself and serious adverse effects on a
23 juvenile. So I would recommend that his POST
24 certification be revoked and that his conduct has
25 disqualified him from being able to act as a peace

1 officer in the future.

2 RON PIERINI: I also want to mention that

3 the exhibits are approved (inaudible). Any

4 questions from the Commission? How about in the

5 public? I'm looking for a motion.

6 TROY TANNER: Troy Tanner. I make a

7 motion to revoke Mr. Fikes' Category III Basic

8 Certificate.

9 RON PIERINI: Thank you, Chief. Do I have

10 a second?

11 JAMES WRIGHT: Jim Wright. I'll second.

12 RON PIERINI: Thank you. Any other

13 questions or comments? All in favor?

14 COMMISSIONERS: Aye.

15 RON PIERINI: Anybody opposed? So

16 carried. Thank you. Okay, Number 18 is the comment

17 -- public comments. This is, obviously, items that

18 -- that we can't take action on. Is there anybody

19 in the audience that would like to make a question

20 or a comment here? All right, seeing none, we're

21 going onto the scheduling of upcoming Commission

22 meeting, which I imagine will be in July. It will

23 be in Dan Watt's country.

24 DAN WATTS: Come on down.

25 RON PIERINI: And so I guess that's what

1 we're going to be doing, isn't that true, Mike?

2 MICHAEL SHERLOCK: At this point we

3 haven't been able to confirm with Bob Roshak on

4 which day and what's available, but it will be in

5 conjunction with the Sheriffs and Chiefs.

6 RON PIERINI: Usually it's on the third

7 week of July. So kind of count on that pretty much

8 I think.

9 MICHAEL SHERLOCK: And then depending on,

10 you know, what rooms he has and what -- which day,

11 we'll get a notice out on that.

12 RON PIERINI: Okay. We can't do really a

13 motion on that because we don't have a date, so

14 we're fine with that. But I do have to have a

15 discussion, public comment, possible action for

16 adjournment. So who had -- who wants to do that?

17 Dan, you do want that, right? A motion.

18 UNIDENTIFIED MALE: Go ahead, I'll let you

19 make the motion.

20 DAN WATTS: I move we adjourn.

21 RON PIERINI: Okay and second.

22 RUSSELL PEDERSEN: Russ Pedersen. Second.

23 (Several people speaking at the same

24 time.)

25 RON PIERINI: Okay, thank you.

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(MEETING ADJOURNED AT 10:07 a.m.)

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C-E-R-T-I-F-I-C-A-T-I-O-N

I certify that the foregoing is a true and accurate transcript of the electronic audio recording from the meeting in the above-entitled matter.

Michele Boyles
Trustpoint Reporting

5/16/16

DATE

PEACE OFFICERS STANDARDS AND TRAINING

PUBLIC MEETING

August 24, 2016

10:01 a.m.

The Commission on Peace Officer Standards and Training
Nevada Gaming Control Board
Room 100
1919 East College Parkway
Carson City, Nevada

And

Grant Sawyer Building
Suite 2450
555 East Washington Avenue
Las Vegas, Nevada

MEMBERS PRESENT:

Ronald Pierini, Sheriff - Chairman,
Douglas County Sheriffs' Office

Michele Freeman, Chief
City of LV Department of Public
Safety

James Ketsaa, Chief
Clark County School District Police
Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Gary Schofield, Deputy Chief
Las Vegas Metropolitan Police
Department

Troy Tanner, Police Chief
Mesquite Police Department

Dan Watts, Sheriff
White Pine County Sheriff's Office

James M. Wright, Director
Department of Public Safety

STAFF PRESENT:

Michael Sherlock, Executive Director,
Commission on Peace Officers
Standards and Training

Michael Jensen, Senior Deputy
Attorney General
Department of Motor Vehicles and
Department of Public Safety

Scott Johnston, Bureau Chief,
Commission on Peace Officers
Standards and Training

1 RONALD PIERINI: All right. What we'd
2 like to do now is we'd like to say it is I got it
3 about one minute after ten a.m. here on the August
4 24th, and we're divided actually in two different
5 locations for our video conference, and what I'd
6 like to do now is say that we have these two
7 locations, one where we're at right now, which is
8 Nevada Gaming Control Board, Room 100, at 1919 East
9 College Parkway in Carson City, Nevada. The second
10 one is a commission meeting is also at the video
11 conference at the Grant Sawyer Building, Suite 2450
12 at 555 East Washington Avenue, Las Vegas, Nevada.
13 And so what I'd like to do right now if we could is
14 to call for order and start with, Scott, if we
15 could.

16 SCOTT JOHNSTON: Scott Johnston, POST.

17 MICHAEL SHERLOCK: And Mike Sherlock from
18 POST.

19 MICHAEL JENSEN: Mike Jensen with the
20 Attorney General's Office.

21 RON PIERINI: Ron Pierini, Douglas County
22 Sheriff.

23 RUSSELL PEDERSEN: Russ Pedersen, Washoe
24 County Sheriff's Office.

25 JAMES WRIGHT: Jim Wright, DPS.

1 RON PIERINI: And now if we could go to
2 Las Vegas start with you, Dan.

3 DAN WATTS: Dan Watts, White Pine County.

4 GARY SCHOFIELD: Gary Schofield, Las Vegas
5 Metropolitan Police Department.

6 JAMES KETSAA: Jim Ketsaa, Clark County
7 School Police.

8 TROY TANNER: Troy Tanner, Mesquite
9 Police.

10 MICHELE FREEMAN: Michele Freeman, Las
11 Vegas Department of Public Safety.

12 RON PIERINI: Okay. And the only one that
13 (inaudible) have right now is the Undersheriff
14 McKinney from Elko County Sheriff's Department is
15 not present.

16 I'd like to maybe have Scott, if you could
17 explain a little bit about the -- how this works
18 with the mics.

19 SCOTT JOHNSTON: Yeah. Yeah, thank you.
20 Scott Johnston for the record. As many of you have
21 already figured out, there's a switch on your
22 console there that activates the mic, so it will be
23 heard at both ends of the state, and then you can
24 turn it off after you're done speaking, if you wish,
25 so that your conversation doesn't get out.

1 RON PIERINI: Okay, Scott. Thank you.
2 All right. We'd like to do this, is start off with
3 members of the public, and I stated that we have
4 four in this location, you've got one in yours, and
5 if you came into this at this room, would you please
6 -- if you haven't done, put your name down. There's
7 a list over there to do such. Remember if you come
8 up here to make a comment, you have to have your
9 name and the agency that you work for. I want to
10 also make sure for all the Commissioners that, and
11 especially for this event, is when we have a motion
12 or a question, make sure it's clear that your name
13 is given to that and what agency you're from. Also
14 remind the Commissioners that the mics are very
15 sensitive, and so that it could be recorded if
16 you're talking to the Commissioner next to you.

17 So on those we'd like to go from there.
18 And Scott, if we could go and list exactly where
19 this information as far as posting that we have this
20 meeting today, if you could list all the locations.

21 SCOTT JOHNSTON: Thank you, Mr. Chairman.
22 Scott Johnston for the record. As part of the
23 compliance with the open-meeting law on posting
24 meetings, the agenda was posted at the POST
25 Administrative Offices in Carson City, Nevada State

1 Capitol Building in Carson City, Blasdel State
2 Building in Carson City, Nevada State Library and
3 Archives in Carson City, Grant Sawyer Building in
4 Las Vegas, the Carson City Sheriff's Office, the
5 White Pine County Sheriff's Office, and it was also
6 posted on the POST website at post.state.nv.us, and
7 the state notice website at notice.nv.gov, and it
8 was e-mailed to all law enforcement agency point of
9 contacts that we have listed on an ongoing list.

10 RON PIERINI: Okay, Scott. Thank you very
11 much.

12 We're going to start off with Number 3 if
13 we could now discussion and public comment and for
14 possible action. And approval from the minutes from
15 the May 5th, 2016, regularly scheduled POST
16 Commission meeting. Does anybody from the audience
17 would like to -- maybe looked at those particular
18 minutes that we had on that particular day. Okay.
19 Anybody would like to make a comment on that? Okay.
20 Seeing none, how about the Commissioners? Do we
21 have any commissioners might have any corrections
22 that they saw from the minutes on May 5th? Okay.
23 Not seeing any, do we have a motion?

24 RUSSELL PEDERSEN: Russ Pedersen, motion
25 to approve.

1 RON PIERINI: Okay. Do I have a second?

2 JAMES WRIGHT: Jim Wright, second.

3 RON PIERINI: Thank you. Any other

4 discussion? All in favor? Aye.

5 COMMISSIONERS: Aye.

6 RON PIERINI: Any opposed? So carried.

7 All right. Now, Mike Sherlock, it's your

8 turn to talk about executive (inaudible). Boy, this

9 button thing is really weird. (Inaudible) record.

10 Mike.

11 MICHAEL SHERLOCK: For the record, Mike

12 Sherlock from POST. Real quick, I'm going to try to

13 be brief. I'm not going to lie. This is our chance

14 to kind of let the Commissioners know what's going

15 on at POST. Even though we do a lot of outreach

16 with our newsletter and that kind of thing, we use

17 this time to at least let the commissioners know

18 what's going on at POST and what things we are

19 doing. I'm going to just go by division real quick.

20 For the Training Division we are working

21 on what we originally called statewide lesson plans.

22 Really what that is is student material that we're

23 going to provide all academies to make sure that all

24 basis are covered in terms of state certification

25 tests, and we're nearing completion with that

1 project, and that'll be rolling out hopefully by
2 January.

3 One of the big programs that we were ask
4 to develop and we're nearing a completion with that,
5 actually it's done, is the Post Reserve Academy. I
6 just want to let the commissioners know that
7 priority will be given to Category I agencies with
8 the understanding that the -- the State Reserve
9 Training requirements under the NAC are based on
10 Category I agencies, and that's why the emphasis
11 there. This new academy will include a component,
12 but that must be provided by the hiring agency, you
13 know, range, arrest control, that kind of thing, an
14 online component, and a three-day stay at POST to
15 finish that academy over the weekend.

16 Our goal was to increase the standard of
17 training for reserves while at the same time
18 recognize that reserves are often voluntary in
19 nature and agencies have a limited budget in terms
20 of training reserves. This program will be free to
21 our -- to the agencies across the state that -- that
22 with to use that. We are having a roll-out meeting
23 and presentation on September 7 at ten a.m. at POST
24 in Carson City for anyone that would like to -- to
25 come and learn what that program is. We have a lot

1 of people coming already, but we do have room for
2 agencies to come hear about that program. We're
3 pretty excited about it, and I think it'll be a
4 benefit across -- across the state.

5 As we've been talking about a lot, we've
6 kind of changed focus at our academy, more
7 structure. We've updated curriculum, added quite a
8 bit of performance based learning, scenario
9 training, that kind of thing. Again, we've had
10 another request to include Category III, which we do
11 not do right now. We will be doing that in January.
12 Our Cat III program will emphasize detention, not
13 state prison type training, but will be the first
14 eight weeks of our academy. Cat II will be included
15 as it is now at 10 weeks, and then Cat I will expand
16 to 17 weeks beginning in January.

17 If you have any questions on that, I would
18 suggest you get a hold of our training staff. They
19 put a lot of work into integrating Cat III subjects
20 and -- and marrying those up with Cat I. There were
21 some issues, and there still remain some issues in
22 the NAC, but we're -- we're working hard to -- to
23 clean those. So we're -- we're there on that, and -
24 - and we're pretty excited about that. And again,
25 that came from a request from agencies across the

1 state.

2 In the standards division, academy audits
3 are on schedule. We wanted to meet the NRS. It
4 says we are to inspect them yearly. We've done
5 that, and we will continue to do that. We're trying
6 to change our focus a little bit in terms of audits
7 and inspections to look at all requirements under
8 the NAC whether it's standards of appointment rather
9 than just simply training, and a lot of the training
10 issues in terms of Continuing Ed fixed themselves
11 throughout the year, because we do it every year in
12 looking at those records. So we're on track there.

13 We continue to look at personnel
14 assignments within POST looking for the best
15 combination we can come up with. We are getting
16 close on a -- an administrative manual that we're
17 going to roll out that will provide agencies a
18 resource on -- on what is required under the NAC and
19 -- and most importantly how POST really interprets
20 or looks at compliance with those regulations and
21 how agencies can work better with POST, and we hope
22 to get that done very soon.

23 In terms of the budget, I think we do a
24 good job with the -- the funds that we receive right
25 now. With this budget season coming up, we've been

1 asked, as every other state agency, to budget at
2 five percent less on our cap on our case budget for
3 the biennium. Again, it's a bit frustrating. We
4 are a 100 percent fee-based agency. We receive no
5 general funds, but we are building our budget with
6 that requirement, which would be a loss of one
7 position, so we'll see what happens there. We are
8 hopeful that that will be restored and the
9 government -- governor's budget recommendation
10 includes additional resources for us, and so we're
11 just waiting to see on that.

12 On a national issue, you know, in terms of
13 POST, the National Certification Project is -- is
14 moving quickly across the country. We hope to be --
15 be able to update our regulations to fall within
16 that, and this about core certification, not officer
17 certification, and -- and we've worked out a plan
18 with NCP to be able to do that hopefully fairly soon
19 and -- and they may require a small change in our
20 regulation.

21 We're being tasked constantly to help with
22 this project dealing with a National Use of Force
23 Model policy. We continue to take the stand that
24 it's not a POST issue, and frankly it's an issue for
25 local agencies, so honestly we're trying to push the

1 back onto the agencies. When I say them, I'm
2 talking about Washington, DC.

3 We continue to have to be involved in
4 studies related to training dealing with mentally
5 ill and also DS relation, and we continue to do
6 that. And -- and here in Nevada, as you know, we do
7 a pretty good job. Our basic training requirements
8 include both CIT and dealing or handling those with
9 mental illness, which covers a lot of what is being
10 suggested nationally and -- and -- and our academy
11 in house we've included -- added about 40 hours of
12 scenario-based training dealing with decision making
13 and DS relation, that kind of thing.

14 So in a nutshell, that is what's been
15 going on at POST. Be happy to answer any questions
16 and feel free to get a hold of us at any time.

17 RON PIERINI: Okay. Thank you very much,
18 Mike. And anybody have any questions or comments?

19 RUSSELL PEDERSEN: Russ Pedersen. Mike, I
20 just want -- you said September 7th is the rollout.
21 I'm sorry. What time for the reserves?

22 MICHAEL SHERLOCK: It's September 7th at
23 ten a.m. is the meeting.

24 JAMES WRIGHT: For the record Jim Wright.
25 Comment for Mike and his staff. DPS is standing up

1 a basic academy in Las Vegas and -- and Mike, you
2 and your staff was a tremendous help to us in
3 getting that certified for us to -- to launch that
4 class down there, and we certainly appreciate it.
5 We know it was a rush thing. We were rushing to get
6 an agreement in place where we're going to have that
7 academy at one of the National Guard facilities down
8 there, and we're hoping to have up to 35 cadets into
9 that class. So it starts September 12th, but it was
10 getting that POST certification and the location
11 that made all that happen, so thank you. Thank you
12 and your staff for helping us with that.

13 RON PIERINI: Las Vegas, any questions or
14 comments? I'm going to make one, and I tell you
15 what. You're doing a great job.

16 MICHAEL SHERLOCK: Thank you.

17 RON PIERINI: It's been a year now that
18 Mike has taken over that Executive Director
19 position, and I think we've -- we've really done
20 very well. People working hard and you're really
21 tackling some of the questions that we've always had
22 in the past and doing something to fix it, so I just
23 wanted to say, Mike, appreciate it.

24 MICHAEL SHERLOCK: Thank you.

25 RON PIERINI: Anybody from the comment --

1 out in the public would like to make a comment?

2 Question?

3 TROY TANNER: I have a quick comment.

4 Troy Tanner for the record. I just want to thank
5 Mike (inaudible) the academy and a little bit more
6 quality training that we asked (inaudible). So I
7 appreciate (inaudible).

8 MICHAEL SHERLOCK: Thank you.

9 RON PIERINI: Does that mean your ego is
10 going up?

11 MICHAEL SHERLOCK: Not at all.

12 RON PIERINI: Go on to Number 5 if we
13 would now, please. Discussion, public comment, and
14 for possible action, discussion of possible action.
15 Establish Commissioners' interpretation of NAC
16 289.300, which sets the standards of certification
17 and operation of basic training course as presented
18 by the law enforcement agencies in other areas
19 approved by the Commission. Commission to
20 discussion and -- and possibly take action determine
21 whether it will -- what am I trying to say? Where
22 am I at? Okay. Well, anyway NAC 289.300(1) which
23 permits an entity approved by the Commission to
24 present basic training courses to include private
25 nongovernmental entities.

1 So I think, Mike, that's up to you.

2 MICHAEL SHERLOCK: Mike Sherlock for the
3 record. The reason this is on the agenda is staff
4 has had some inquiries as to whether a private
5 entity can present a Basic Training Peace Officer
6 Academy.

7 Just to give you some background, under
8 the current regulation NAC 289.300 states that,
9 "POST shall certify basic training courses that meet
10 the minimum standards on our -- and are presented by
11 an agency," and there's a definition in there of an
12 agency. Real quick, it simply is a state or local
13 entity that employs peace officers. But the second
14 part of that reg or of the sentence and -- and who
15 may present says, "Or approved by the Commission."
16 So the inquiry is where it says, "approved by the
17 Commission," does that mean a private entity could
18 come before the Commissioners and ask to -- to be
19 able to present a basic training academy.

20 So real quick what I'd like to do is give
21 you just the history of that wording. I think in
22 your books there's a portion of a meeting and
23 workshop from 2002 when that language was changed
24 and "or approved by the Commission" was added. So
25 as you can see back then the issue at hand was that

1 POST does not meet the definition of an agency. And
2 I'm talking about POST staff. And yet we are tasked
3 with presenting basic training academies. So back
4 in 2002, if you look at the comments, the language
5 was updated to ensure POST was within its own
6 regulation.

7 Even more to put it in context, if you
8 look at that meeting and the comments there
9 Commission was not Commissioners, but Commission was
10 staff; whether or not staff could present or the
11 Commission staff could present an academy not being
12 an agency by definition. And that -- and that seems
13 to be the reason that wording was -- was placed in
14 there.

15 So the question I think today is do the
16 Commissioners interpret that regulation to mean law
17 enforcement agencies and POST staff may run an
18 academy, or is it a broader interpretation that
19 would allow private entities to present a peace
20 officer academy. Again, in -- in terms of getting
21 you as much information as I can, I did check with -
22 - we pulled states from the western states to
23 determine what -- how they handled peace officer
24 academies, and none of the westerns states, and
25 frankly none of the United States that I could find,

1 but specifically in the western states none of them
2 allow private entities to present academies. In
3 fact, a couple of states specifically prohibit
4 private entities, but most of them their language is
5 very similar to ours in that law enforcement
6 agencies are authorized to run academies, not
7 private entities. So that's kind of the basis of
8 this and -- and some of the confusion with this
9 particular regulation.

10 I will say regardless of the
11 Commissioners' interpretation of that language,
12 staff has looked at this pretty thoroughly and for
13 some time now. Staff's recommendation would be
14 regardless of the interpretation is to not open the
15 door for police academies, peace officer academies
16 to private entities.

17 And I believe Mike was going to -- going
18 to give you some information in terms of the
19 regulation.

20 MICHAEL JENSEN: This is Mike Jensen for
21 the record. Just from the -- from the legal aspect
22 on this particular question, why -- why it's coming
23 to you as a question of interpretation of your
24 regulation, with an entity like the POST Commission
25 that has rule-making authority, with that comes the

1 ability because of your expertise in a particular
2 field to interpret your regulations. And in this
3 particular case where there is some ambiguity as to
4 whether or not, you know, your regulation when it
5 talks about other courses approved by the Commission
6 where there's some ambiguity about what kinds of
7 entities would be appropriate to come forward and
8 request those certification, the -- the Commission
9 has the authority to interpret that regulation based
10 on expertise and your policy considerations to
11 determine whether you want to interpret that way so
12 that the whole field would be covered as opposed to
13 potentially if you didn't make an interpretation
14 having to deal case by case as particular
15 applications for a certification came in. So the
16 thinking is to give the Commission the opportunity
17 to make -- potentially make an interpretation on
18 whether or not that could include private entities.

19 The other thing that's important is that
20 the Courts recognize that when an agency makes an
21 interpretation of its own regulations that that
22 interpretation is given deference by the Court. So
23 if there were a challenge to that interpretation,
24 the Court would give deference, meaning it would --
25 it would recognize the expertise of the Commission

1 in making those kinds of determinations when
2 deciding whether or not that was appropriate.

3 And so I think -- I think from a legal
4 perspective, that's -- that's a couple of the
5 important points to consider.

6 RON PIERINI: Thank you. Any of the
7 Commission like to make a comment?

8 GARY SCHOFIELD: Gary Schofield for the
9 record. I think for my fellow Commissioners
10 (inaudible) when it comes to this regulation is
11 background checks. The reality is that those
12 individuals that go into our academies be it
13 (inaudible) open this up to a private entity
14 (inaudible) not be the same (inaudible).
15 (Inaudible) refer to what staff has recommended for
16 the (inaudible) trailblazer decision (inaudible).

17 RON PIERINI: Thank you.

18 TROY TANNER: Troy Tanner for the record.
19 A question, Mike Sherlock. Do we have any private
20 entities at this point inside of Nevada?

21 MICHAEL SHERLOCK: No, we do not. We --
22 all academies are associated with and sponsored by a
23 law enforcement agency across the state currently.

24 UNIDENTIFIED MALE: I agree with Gary's
25 comments.

1 RON PIERINI: Okay. Any more from the
2 Commissioners?

3 RUSSELL PEDERSEN: Yes, (inaudible). Russ
4 Pedersen. I just absolutely agree with them. I
5 think we should stay away from the private entity.
6 I don't think for one we're trying to control our
7 regulations and -- and I don't believe POST is set
8 out to expand that with personnel budget as we try
9 to, you know, make sure that we adhere to a much --
10 a higher standard what's expected of us especially
11 across the nation. I -- to me agency is law
12 enforcement. I think that still gives the
13 flexibility to an agency or a department who may
14 want to partner with an entity, be it a school or a
15 private, they can go ahead and sponsor, but the
16 background issue, all of those things come into
17 play, so I -- my recommendation is agency is law
18 enforcement or as -- just as it's defined.

19 RON PIERINI: Thank you. Anybody else
20 like to -- any other Commissioners? Let's go to the
21 public. Is there anybody from the public would like
22 to make comment on this agenda item?

23 Interpretation, if I could to Mike
24 Jensen, because we go and we make, for example, a
25 possible action on this that we believe this is what

1 we want to have done or not to do, do we -- should
2 we make it more clear in doing (inaudible), you
3 know, some kind of in -- in our regulations that
4 this is what it really means or how would we do
5 that?

6 MICHAEL JENSEN: Well, certainly the
7 Commission has the option to -- to go through rule
8 making and -- and clarify that particular section of
9 the regulation for purposes of where you're at right
10 now. It's also appropriate in a circumstance like
11 this to -- to have a motion where you would say, you
12 know, the Commission interprets other entities
13 approved by the Commission to mean something, you
14 know, whether it means in this particular case that
15 it doesn't apply to private entities. That could be
16 one potential way that you could deal with that.

17 RON PIERINI: All right. Any other
18 comment from the Commissioners? Looking for a
19 motion. Gary, I think I see her or Chief, do you
20 see her?

21 JAMES KETSAA: Jim Ketsaa for the record.
22 I make a motion define the agency as a law
23 enforcement (inaudible).

24 TROY TANNER: Second. Troy Tanner,
25 second.

1 RON PIERINI: Does everybody understand
2 that okay? Was it loud enough for everybody? I
3 think need you to clarify it.

4 MICHAEL SHERLOCK: Mike Sherlock for the
5 record. If I could clarify, in the regulation
6 agency is -- is defined fairly well. Actually
7 really well. The -- the question is the second part
8 of that sentence says or approved by the Commission,
9 so what we were looking for is an interpretation of
10 the meaning. Does that mean that a private entity
11 can be approved by the Commission? If the answer to
12 that is no, I think the motion would be just that,
13 that the second part of that sentence does not allow
14 for private entities, if that makes sense.

15 RON PIERINI: I think we're all okay on
16 that. We want to make sure that it's better motion
17 on this if we could maybe with you, Gary, or maybe
18 Mike Jensen. I don't know. You can't do that, but
19 you understand what we're trying to do to make sure
20 that we're correct in what we're doing.

21 MICHAEL JENSEN: Yes. Yeah.

22 RON PIERINI: I guess that's what I'm
23 reaching to do.

24 GARY SCHOFIELD: Gary Schofield for the
25 record. I think that since Chief Ketsaa has a

1 motion on the floor that you clarify that
2 (inaudible).

3 JAMES KETSAA: Yeah, I'd like to clarify,
4 Jim Ketsaa for the record, that the specified
5 language in the second part -- should the attorney
6 general give us some (inaudible) appropriate or not
7 (inaudible) proper language or just basically say
8 that (inaudible) not -- not allow private entities
9 or (inaudible) academy (inaudible)?

10 MICHAEL JENSEN: This -- this is Mike
11 Jensen for the record. Yeah, in terms of
12 clarifying, that makes sense, you -- you just want
13 to make sure that in -- in your motion you're not
14 limiting the term "agency" to how it's defined in
15 the NAC, because that would exclude POST from
16 presenting a basic training course. So yeah, I
17 think the clarification that you've made for the
18 record it -- it -- it sounds like what you're saying
19 is that the interpretation of that regulation would
20 be that private entities would not be entities that
21 would be approved for certification.

22 RON PIERINI: So are we good enough on
23 that right now and should be going with a clear
24 second on it on that? I think we're okay on that?

25 TROY TANNER: Troy Tanner for the record.

1 I'll second the motion.

2 RON PIERINI: Okay. Any other comments or
3 information? All in favor?

4 COMMISSIONERS: Aye.

5 RON PIERINI: Anybody opposed? So
6 carried. Okay. Thank you.

7 Well, I -- I think that we did public. I
8 think we're okay on the public end of it. I did ask
9 that and I didn't see (inaudible), so we're okay on
10 that.

11 UNIDENTIFIED MALE: Sorry.

12 RON PIERINI: That's okay. I appreciate
13 you getting me squared away. That's all right. Any
14 time you want to do that is fine with me.

15 We're going to go on Number 6, discussion,
16 public comment, and for possible action as result
17 the Nevada Department of Public Safety for their
18 employee Captain Charles Powell for the executive
19 certificate, and I would think that is probably you,
20 Mike.

21 MICHAEL SHERLOCK: Mike Sherlock for the
22 record. Yes, staff received and reviewed the
23 application for an executive certificate for Captain
24 Charles Powell, Nevada Department of Public Safety.
25 Staff finds that all requirements under the NAC have

1 been met for the -- for the certificate, and we
2 recommend awarding the executive certificate.

3 RON PIERINI: Make it official (inaudible)
4 have any questions? (Inaudible) the public. Anyone
5 being in the public would like make a comment on
6 this, Number 6? And do we have Charles here today?
7 I thought that was you. Why don't you come on up
8 front, please? Thank you, sir. That's fine right
9 there. Okay. Is there anybody who'd like to make
10 any more comments? Seeing none, do I have a motion?

11 RUSSELL PEDERSEN: Russell Pedersen move
12 to approve the executive certificate for Captain
13 Charles Powell.

14 RON PIERINI: Do we have a second?

15 DAN WATTS: Dan Watts for second.

16 RON PIERINI: Okay, Dan. All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed? So
19 carried. Captain, we want to congratulate you very
20 much.

21 CAPTAIN POWELL: (Inaudible).

22 RON PIERINI: Thank you.

23 CAPTAIN POWELL: Thank you, sir.

24 RON PIERINI: Charles, what we do is we
25 have the certificate here, so be more than glad to

1 get that to you. And we just want to congratulate
2 you with one of the things that I want to say and
3 we're going to have to say it for the next couple
4 more, because the fact it's really an important
5 thing to receive. You've worked hard for it, and we
6 really appreciate your profession and that you
7 really count that as a positive thing and being able
8 to get as much training and education possibly could
9 get. That certificate is sometimes very difficult,
10 but you made it out (inaudible), so we want to thank
11 you very much.

12 Okay. We're going to go onto Number 7 of
13 the agenda. This is a discussion, public comment,
14 and for possible action, we request the Las Vegas
15 Metropolitan Police Department for their employee
16 Captain Christopher (Inaudible) for the executive
17 certificate. So I guess Mike, you're up on that one
18 again.

19 MICHAEL SHERLOCK: Mike Sherlock for the
20 record. Again, staff received and reviewed the
21 application for an executive certificate for Captain
22 Christopher Tomaino, Las Vegas Metropolitan --
23 sorry, go ahead.

24 UNIDENTIFIED MALE: (Inaudible).

25 MICHAEL SHERLOCK: Okay. Las Vegas

1 Metropolitan Police Department. Staff finds that
2 all requirements under the NAC have been met for the
3 certificate, and staff recommends awarding the
4 executive certificate.

5 RON PIERINI: Thank you, Mike.

6 UNIDENTIFIED MALE: (Inaudible).

7 RON PIERINI: Did anybody --

8 UNIDENTIFIED MALE: No.

9 RON PIERINI: Are we okay? I guess, but
10 anyway, what I wanted to say is comments from any
11 Commissioners? Seeing none, do we have Christopher
12 in the audience? Okay. Thank you, Gary. All in
13 favor? Oh, let's make a motion first. Let's do
14 that, huh? There we go.

15 GARY SCHOFIELD: Gary Schofield
16 (inaudible) for the record make motion to award
17 (inaudible).

18 RON PIERINI: Thank you, Gary. Second?

19 MICHELE FREEMAN: Michele Freeman. I
20 second.

21 RON PIERINI: Thank you. Any other
22 discussion? All in favor?

23 COMMISSIONERS: Aye.

24 RON PIERINI: Anybody opposed? So
25 carried.

1 We're going go on Number 8. Discussion,
2 public comment, and for possible action request from
3 Las Vegas Metropolitan Police Department for
4 employee Captain James J. Seebock for the executive
5 certificate. Mike?

6 MICHAEL SHERLOCK: Mike Sherlock for the
7 record. One more time, staff received and reviewed
8 the application for an executive certificate for
9 Captain James J. Seebock of the Las Vegas
10 Metropolitan Police Department. Staff finds that
11 all requirements under the NAC have been met for the
12 certificate, and we recommend awarding the executive
13 certificate.

14 RON PIERINI: Thank you, Mike. Questions
15 from the Commission? (inaudible) to the public
16 then. Does anybody (inaudible) make comment on
17 Number 8? Seeing none, we'll now look for a motion.

18 RUSSELL PEDERSEN: Russell Pedersen --

19 MICHELE FREEMAN: Michele Freeman --

20 Michele Freeman. I make a motion to approve.

21 RON PIERINI: Thank you. Do I have a
22 second?

23 RUSSELL PEDERSEN: And Russell Pedersen
24 move to second.

25 RON PIERINI: All right. Any other

1 comment? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Is anybody opposed? So

4 carried.

5 Number 9 is (inaudible) discussion and

6 public comment and possible action. Request from

7 Washoe County Sheriff's Office for employee Captain

8 Frank Schumann for the executive certificate. Mike?

9 MICHAEL SHERLOCK: Mike Sherlock for the

10 record. Staff received and reviewed the application

11 for an executive certificate for Captain Frank

12 Schumann of the Washoe County Sheriff's Department.

13 Staff finds that all requirements under the NAC have

14 been met for the certificate and staff recommends

15 awarding the executive certificate.

16 RON PIERINI: Thank you, Mike. Any

17 comments or questions from the Commission? How

18 about to the public? Anybody who would like to make

19 a comment on this particular Number 9 (inaudible)?

20 All right. Looking for a motion. Somebody should

21 really make a motion. I'm sorry.

22 TROY TANNER: Troy Tanner for the record.

23 I'll make the motion to approve Captain Frank

24 Schumann for executive certificate.

25 RON PIERINI: Thank you. Do I have a

1 second? Second? Okay. Any other comments from the
2 Commissioners? All in favor?

3 COMMISSIONERS: Aye.

4 RON PIERINI: Anybody opposed? And did
5 you want to make any comment?

6 RUSSELL PEDERSEN: Yeah. Russell Pedersen
7 just for the record (inaudible).

8 RON PIERINI: Thank you very much.

9 Okay. Number 10 (inaudible) discussion,
10 public comment, and for possible action. Hearing
11 pursuant to NAC 289.290(1)(g) Patrick Gale Taylor
12 (inaudible) Las Vegas Metropolitan Police Department
13 certification based on a felony conviction for the
14 possible or visual presentation (inaudible) sexual
15 conduct of a child. Commission will decide whether
16 to revoke Mr. Taylor's Category I Basic Certificate.
17 And Mr. Jensen?

18 MICHAEL JENSEN: Mr. Chairman, this is
19 Mike Jensen for the record. We have two of these
20 revocation hearings scheduled for this morning. If
21 you recall from the last hearing I was sort of new
22 on the Commission. We will be going through some of
23 the -- the exhibits that we've received -- that POST
24 has received in support of any action that the
25 Commission might take this morning and -- and would

1 ask that any exhibits be made part of the record for
2 each of these hearings.

3 The hearings are proceeding under the
4 authority of NRS 289.510 that provides for the
5 Commission to adopt regulations establishing
6 standards for the certification and decertification
7 of officers. In regulation, the Commission has
8 adopted and established those causes to revoke,
9 recuse, or suspend a certificate in 289.290. The
10 specific section that we're dealing with today is
11 Section (1)(g) that authorizes the revocation or
12 suspension of a certificate for a -- either a --
13 entry of plea to or a conviction for a felony.
14 Under your Tab Number 10 there are a number of
15 documents that I'll just go through real -- real
16 briefly so you can see the basis for the action that
17 you may take today.

18 Starting with Exhibit A, which is the
19 Amended Notice of Intent to Revoke, which is
20 required by the Commission's regulations. It
21 informed Mr. Taylor of his ability to appear this
22 morning and to present any evidence, cross examine
23 any witnesses.

24 He was served with this Notice of Intent
25 shown in Exhibit B, which is the Declaration of

1 Service on July 25th of 2016, and that satisfies
2 requirements for notice both in the Commission's
3 regulations as well as in the other statutes here in
4 Nevada.

5 Exhibit C is the Personnel Action Report
6 from the Agency showing that Mr. Taylor retired from
7 his employment effective May 13th of 2015.

8 Exhibit D is the Basic Certificate that
9 was issued to Mr. Taylor which is a Category I Basic
10 Certificate.

11 The next series of documents are the court
12 documents that set out the criminal conviction and -
13 - and the original charging documents.

14 Exhibit F or Exhibit E is the certified
15 copy of the -- of the information which charged Mr.
16 Taylor with that. It's a Category D felony of
17 possession of a visual presentation depicting sexual
18 conduct with a child, which is a Category D felony.

19 To give you -- if you look at that
20 particular exhibit, you can see basically the
21 factual allegation of the charge, which was that Mr.
22 Taylor willfully and lawfully, feloniously, and
23 knowingly had in his possession in a film,
24 photograph, or other visual presentation depicting a
25 child under the age of 16 years of age as the

1 subject of a sexual portrayal or engaging in,
2 simulating, or assisting others in engaging in or
3 simulating sexual conduct to whit two prepubescent
4 female children in bed wearing shirts and underwear.
5 The children are seen taking off their underwear and
6 the camera zooming in on one of the child's
7 genitals. So that's the factual allegation in the
8 charge against Mr. Taylor.

9 The next document, Exhibit F, is the
10 Guilty Plea Agreement where Mr. Taylor agreed to
11 plead guilty to that particular charge, that
12 Category D felony.

13 You then have in your documents the actual
14 conviction documentation, which is the Judgment of
15 Conviction, which is Exhibit G showing that he was
16 convicted of that charge, felony charge.

17 As his sentence he received a -- a minimum
18 term of 24 months, a maximum term of 72 months in
19 the Nevada Department of Corrections. That sentence
20 was suspended. He was placed on probation for an
21 indeterminate period not to exceed three years with
22 a number of stated special conditions that you can
23 see there in that document.

24 Mr. Chairman, I would ask that those
25 Exhibits A through G be admitted as part of the

1 record in support of any action that would be taken
2 by the Commission today.

3 RON PIERINI: (Inaudible) Mr. Jensen
4 (inaudible) Exhibits are approved and accepted.

5 MICHAEL JENSEN: The evidence in this
6 particular case, I think, is pretty clear and
7 straightforward. Mr. Taylor has been convicted of a
8 extremely serious felony. The type of criminal
9 activity that's inconsistent and incompatible with
10 him being in a position of a peace officer. It
11 certainly has violated public trust that was placed
12 in him as a peace officer, and based on that
13 evidence it would be the recommendation that his
14 Basic Certificate be revoked.

15 RON PIERINI: Thank you, Mr. Jensen. Any
16 comments from the Commissioners? We want to reach
17 out. Is there a Mr. Taylor in the audience or his
18 representatives? Seeing none. Any public comment
19 (inaudible)? Not seeing any, looking for a motion.

20 RUSSELL PEDERSEN: Russell Pedersen, move
21 to revoke Patrick Gale's Category I Basic
22 Certificate.

23 RON PIERINI: Do I have second?

24 JAMES WRIGHT: Jim Wright. I'll second.

25 RON PIERINI: Thank you. Any other

1 questions or comment? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So

4 carried. Thank you.

5 GARY SCHOFIELD: Gary Schofield for the

6 record (inaudible).

7 RON PIERINI: Okay. Thank you, Gary.

8 Number 11, discussion, public comment, and

9 possible action. Hearing pursuant to NAC

10 289.290(1)(g) revocation of Michael Anthony Horne

11 formerly of the Nye County Sheriff's Office.

12 Revocation based on two felony convictions

13 (inaudible) conduct of a public officer in

14 possession of controlled substance. The Commission

15 will decide whether to revoke Mr. Horne's Category I

16 Basic Certificate. Mr. Jensen?

17 MICHAEL JENSEN: Thank you, Mr. Chairman.

18 This is the second in -- in our revocation hearings

19 for today. Again, we're proceeding -- you would be

20 proceeding under the two statute -- the statute

21 regulation previously cited. 289.510 (inaudible) and

22 also 289.290, which provides as a cause for

23 revocation a plea of guilty or a conviction for a

24 felony or felonies.

25 Again, just would go through these --

1 quickly through these exhibits. The first of which
2 is Exhibit A, which, again, is the Amended Notice of
3 Intent to Revoke. It informs Mr. Horne of the
4 intent to initiate action to revoke his Basic
5 Certificate. It informs him of the law that
6 provides all the information about his convictions
7 and which provide for revocation for those
8 convictions. The date, time, and location of the
9 hearing was set out in that -- is set out in that
10 notice, as well as his rights to appear and to cross
11 examine and present witnesses.

12 It also informed him of the requirement to
13 inform the Commission within 15 days of the letter
14 of his intent to appear at the hearing today, and
15 it's my understanding that he did not notice the
16 Commission on his intent to appear and I don't
17 believe that he's present here today. As well as
18 the scope of the hearing, which would be whether his
19 -- his certification should be revoked for that
20 felony or conviction or convictions.

21 Exhibit B is the Declaration of Service.
22 It shows that he was -- he was served with that
23 Amended Notice of Intent on August the 4th and that
24 service complies with both the -- the Commission's
25 and the state's regulations for notice.

1 Exhibit C is the Personnel Action Report
2 showing Mr. Horne retired from employment as a peace
3 officer effective December 1st of 2014.

4 Exhibit D is the start of -- is his Basic
5 Certificate, and Exhibit E is the beginning of the
6 court documents that set out both the criminal
7 charge and conviction.

8 Exhibit E is the certified copy of the
9 original information, which you can see charged that
10 multiple both gross misdemeanor and felony charges
11 including the two charges for which he ultimately
12 pled guilty. The first of those charges is
13 misconduct of a public officer, which is one he pled
14 guilty to, as well as possession of a controlled
15 substance.

16 Exhibit F is the order which bound him
17 over for trial on those charges.

18 Exhibit G is Amended Information or
19 Charging Document that was -- that was filed by the
20 prosecuting authority, and you can see in there the
21 two charges for which he ultimately did plead guilty

22 To give you an idea of the factual basis
23 for this particular -- these particular convictions.
24 The first under if you look at Count 1 under Exhibit
25 G, that's misconduct of a public officer, which is a

1 Category E felony. It indicates that the defendant
2 in the time period indicated in the charging
3 document used his public officer official control or
4 direction or his -- or items within his official
5 custody for his private benefit or gain, which in
6 essence is obtaining prescription medications
7 intended -- that were intended to be destroyed
8 through a medication disposal program, which he,
9 instead, appropriated for his own use and benefit or
10 gain.

11 The second is that -- a charge that he
12 pled guilty is Count 3, which is the possession of
13 controlled substance, which shows that during the
14 time period indicated in the charging documents he
15 willfully and unlawfully and knowingly had in his
16 possession and under his dominion and control a
17 Schedule II controlled substance morphine and/or
18 hydrocodone.

19 Moving on to the next documents, his
20 Guilty Plea Agreement in which he pled to -- or he
21 agreed to plead guilty to both of those counts, both
22 Count 1 and Count 3. As part of that he agreed with
23 the state that they would recommend Veterans
24 Diversion for him, and would not request any jail
25 time and posed as a condition of probation if he was

1 granted probation. The state also further agreed
2 that if the defendant was placed in a diversion
3 program on both counts and received an honorable
4 discharge from probation that the -- that he could
5 withdraw his plea to the felonies and the case would
6 be dismissed.

7 Exhibit I is a certified copy of the
8 Judgment of Conviction. It shows that he was
9 convicted of those two counts, those felony counts,
10 both the -- the misconduct of a public officer and
11 possession of controlled substance, both of which
12 are Category E felonies. The court deferred
13 sentencing on Count 3 under the Drug Diversion
14 Program, and on Count 1 they sentenced him to a
15 minimum of 19 months, a maximum of 48 months in the
16 Nevada Department of Corrections, and on Count 1 the
17 sentence was suspended. He was placed on probation
18 for a term of five years with the special conditions
19 that you can see are set out in the Judgment of
20 Conviction.

21 Mr. Chairman, I would ask that you would
22 admit into evidence and make a part of the record
23 Exhibits A through I to support any action taken by
24 the Commission today.

25 RON PIERINI: Absolutely. Exhibits are

1 included and accepted.

2 MICHAEL JENSEN: Would submit that the
3 evidence in this case shows that Mr. Taylor has been
4 convicted of two felony offenses, one of which or
5 both of which relate to using his authority as a --
6 as a peace officer for his own private benefit or
7 gain. Certainly that type of conduct is
8 incompatible with the position of a peace officer,
9 and it's a clear violation of the trust that was
10 placed in him. And based on the evidence that's
11 presented, the recommendation would be that Mr.
12 Horne's Basic Certificate be revoked.

13 RON PIERINI: Thank you, Mr. Jensen. Any
14 comments or questions from the Commissioners?
15 Seeing none. Reaching out Mr. Horne present or any
16 of his representatives here? Okay. How about to
17 the public? Is there anybody from the public here
18 that would like to make a comment or question
19 (inaudible)? Okay. Looking for a motion.

20 GARY SCHOFIELD: Gary Schofield. I make a
21 motion (inaudible).

22 RON PIERINI: Thank you, Gary. Do I have
23 a second?

24 DAN WATTS: Second.

25 RON PIERINI: Okay, Dan Watts. Any other

1 questions? Comments? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So

4 carried.

5 Okay. We're going go on to Number 12

6 (inaudible) public comments or anybody in the

7 audience would like to make a comment (inaudible)

8 any items that were not discussed -- discussed

9 today. Seeing none, we move on Number 13, which is

10 scheduling of our next meeting. Sherlock?

11 MICHAEL SHERLOCK: Mike Sherlock for the

12 record. Right now what we have is Tuesday, November

13 1st, at South Point Hotel in Las Vegas, Sonoma Room

14 A at four p.m. That is the first day of the

15 Sheriff's and Chief's Annual Conference. It's

16 always a struggle to get around their agenda and

17 still be able to, you know, have our meetings, so

18 that's we've come up with at this point.

19 RON PIERINI: (Inaudible) you mind if I

20 could just ask a couple of questions. One of which

21 that we have an agenda that's growing. In other

22 words, there's quite a few items that we have to

23 discuss.

24 MICHAEL SHERLOCK: I only know of one

25 right now, and Chairman is aware of that one. And

1 probably why we need to -- to figure out that date
2 so we can get notice out to these tentative agenda
3 items, but that's the only pending agenda item right
4 now is the one item.

5 RON PIERINI: Okay. Thanks, Mike. At the
6 same time (inaudible) there might be a -- a change
7 of interest on this or they may not want to ask
8 (inaudible). But we'll find out, and if it does
9 happen that way, then certainly notify you. We'll
10 notify you regardless one way or the other.

11 Okay. So we've got that time down, and we
12 need to end discussion, public comment, and for
13 possible action we're adjourned. Got to be somebody
14 who'd want to do that.

15 RUSSELL PEDERSEN: Russ Pedersen move to
16 adjourn.

17 RON PIERINI: Thanks, Russ.

18 Can I have a second?

19 DAN WATTS: Dan Watts, second.

20 RON PIERINI: Thank you, Dan.

21 All right. Any other questions? All
22 right. All in favor?

23 COMMISSIONERS: Aye.

24 RON PIERINI: Anybody opposed? So
25 carried. Thank you very much.

1 (MEETING ADJOURNED AT 11:02 a.m.)
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PEACE OFFICERS STANDARDS AND TRAINING

PUBLIC MEETING

November 1, 2016

04:00 p.m.

The Commission on Peace Officer Standards and Training
South Point Hotel & Casino
9777 Las Vegas Boulevard
Las Vegas, Nevada

MEMBERS PRESENT:

Ronald Pierini, Sheriff - Chairman,
Douglas County Sheriffs' Office

Michele Freeman, Chief
City of LV Department of Public
Safety

Kevin McKinney, Undersheriff
Elko County Sheriff's Office

James Ketsaa, Chief
Clark County School District Police
Department

Gary Schofield, Deputy Chief
Las Vegas Metropolitan Police
Department

Troy Tanner, Police Chief
Mesquite Police Department

STAFF PRESENT:

Michael Sherlock, Executive Director,
Commission on Peace Officers
Standards and Training

Michael Jensen, Senior Deputy
Attorney General
Department of Motor Vehicles and
Department of Public Safety

Scott Johnston, Bureau Chief,
Commission on Peace Officers
Standards and Training

1 RONALD PIERINI: POST Commission meeting,
2 November 1, 2016. Test.

3 It is at 4:02 and today is on November 1,
4 2016, the Commission on Police Officer Standards and
5 Training is held here at South Point Hotel and
6 Casino in Las Vegas, Nevada. I'd also like to
7 mention to our commissioners we have, before we get
8 started, reminder to the public, anyone in here that
9 hasn't signed in the back over there, we would
10 appreciate it if you did so and also to mention what
11 agency you are from. I remind the public that their
12 name and their agency before speaking to the public
13 table and this is where that is up here if you wish
14 to make any comment. I remind the commissioners to
15 state their name before speaking and don't forget
16 that all the information that we are going to have
17 here is going to be recorded and we ask you that
18 your cell phones are going to be turned off. We
19 would appreciate that.

20 When we make a motion, the most important
21 thing for the Commissioners, if they share, that
22 they list their name or mention their name.

23 I would like to go right now with a call
24 of order and if we could start with on the left over
25 here if we could.

1 JAMES KETSAA: Jim Ketsaa, Chief, Clark
2 County School District Police.

3 KEVIN MCKINNEY: Kevin McKinney, Elko
4 County Sheriff's Office.

5 TROY TANNER: Troy Tanner, Mesquite
6 Police.

7 MICHELE FREEMAN: Michele Freeman, City of
8 Las Vegas Department of Public Safety.

9 GARY SCHOFIELD: Gary Schofield, Las Vegas
10 Metropolitan Police Department.

11 RON PIERINI: Ron Pierini, Douglas County
12 Sheriff.

13 MIKE JENSEN: Mike Jensen, Attorney
14 General's Office.

15 MICHAEL SHERLOCK: Mike Sherlock from POST.

16 SCOTT JOHNSTON: Scott Johnston, POST.

17 RONALD PIERINI: Okay, thank you. And we
18 have three that are not here, Commissioners, at
19 leastwise at this point, James Wright, Director of
20 Department of Public Safety; Dan Watts, the Sheriff
21 in White Pine County; Russell Pedersen from -- the
22 Chief Deputy from Washoe County Sheriff's Office,
23 are absent.

24 And if we could, Scott Johnston, if you
25 could give us an idea of where we have posted this

1 information?

2 SCOTT JOHNSTON: Thank you. Scott
3 Johnston for the record. The postings for the
4 notice for this meeting in Carson City was at the
5 Blasdel Building at 209 East Muster Street, Nevada
6 State Library at 100 Stewart Street, the Capitol
7 Building at 101 North Carson Street, POST
8 Administrative Building at 5587 Wa Pai Shone Avenue.

9 In Las Vegas, it was posted at the Grant
10 Story Building at 555 Washington Avenue. In Ely at
11 the White Pine County Sheriff's Office at 1785 Great
12 Basin Boulevard. The notice was also e-mailed to
13 all the agency point of contacts that we have listed
14 in our system and the web postings were done at the
15 POST website of POST.state.gov and the state notice
16 website at notice.nv.gov.

17 RONALD PIERINI: Thank you, Scott. Okay.
18 We're going to go onto number 3, discussion of
19 public comment and for possible action, approval of
20 the minutes from the August 24, 2016 regularly
21 scheduled POST Commission Meeting. I am hoping that
22 the commissioners have all taken the time to look at
23 that and has anybody found any kind of errors or
24 mistakes?

25 Asking to the public, if you had the

1 opportunity to do so, you can make a comment.

2 All right. I'm looking for a motion.

3 Commissioner?

4 TROY TANNER: Troy Tanner, motion to move.

5 RONALD PIERINI: Thank you, Mr. Tanner.

6 How about a second?

7 KEVIN MCKINNEY: Kevin McKinney, I'll

8 second.

9 RONALD PIERINI: All right. Thank you

10 very much. Any other questions or comments? Okay.

11 All in favor?

12 MULTIPLE VOICES: Aye.

13 RONALD PIERINI: Anybody against it? No.

14 Okay. So it goes through.

15 Information, this is for Executive

16 Director, Mike Sherlock, and this section is for

17 you.

18 MICHAEL SHERLOCK: All right. Mike

19 Sherlock from POST. I'll just give a real quick

20 update of what we've got going on with staff. In

21 the training division, academy class 2016-2

22 graduates November 10 up at POST in Carson City, our

23 keynote speaker will be Deputy Chief Scott Taylor

24 from Mesquite PD. We thank him for doing that. The

25 next academy begins the last week in January.

1 Beginning in January, we will be including Category
2 3 training in our Basic Academy program with an
3 emphasis on detention rather than prison-type stuff.
4 It adds about one week to our academy as it is now.

5 The new Reserve Officer Training Program
6 was rolled out. We have a date set for December and
7 January. We really believe the program will
8 increase the quality of training for reserves across
9 the state and provide a better more cost-effective
10 option for agencies in training reserves so we're
11 pretty happy with that program.

12 Standards Division, audits continue. We
13 really appreciate those agencies who have
14 participated in an audit this year and we truly are
15 pleased with the level of compliance we've been
16 seeing across the state.

17 Administratively, it's budget season. We
18 have submitted our budget with the recommendation of
19 reducing it by 5%. We'll see what happens at this
20 point. 5% for us is a loss of one position which is
21 a pretty large impact on our small staff so we'll
22 see how that goes.

23 We were chosen as a host state for the
24 Western State IADLEST Conference which will be held
25 December 4, 5, and 6 here in Las Vegas. I've been

1 trying to put that together. I have to thank Metro.
2 Metro will hold part of the -- or host part of the
3 conference over at the academy. They're going to
4 provide some training in terms of basic training
5 programs. Their new PT program within the basic
6 program, presentation on fair and impartial police
7 training. We will include some -- a presentation on
8 incorporating reserve officer training, utilizing
9 your current base of training staff and the national
10 organization will be here to present on Blue Courage
11 and the national certification project.

12 The training in December is really geared
13 towards academy commanders, academy staff, and POST
14 directors but we invite any Nevada law enforcement
15 officer with some interest to attend. It is free.
16 Just get a hold of POST if you are interested in
17 attending that.

18 The last thing I just want to talk about
19 again and I know I speak of this every time but I
20 don't want to beat a dead horse but we continue to
21 get Public Record Act requests. Many are from the
22 media. I'm sure, as the Commission knows, the
23 requests are often related to three areas and those
24 are, do we require DS relation training, do we
25 revoke, and how often do we revoke cops who do bad

1 things and do we have standards and how do we ensure
2 standards from that. Often, the media seeks this
3 information by requesting officer training records.
4 This makes me nervous. We do not necessarily have
5 every individual officer's entire training record.
6 What we're afraid of is our POST training records
7 will be misinterpreted as the officer's entire
8 training package so we have placed -- put into
9 policy that -- and, again, not to put this off on
10 individual agencies but we want to make sure that
11 these public record requests are legitimate and
12 we've simply been including a statement where it's
13 appropriate that -- it says the employing agency is
14 the true custodian of record for the entire complete
15 training record. POST records contain those
16 training records related to POST certification and
17 per professional certificates and only include POST-
18 certified training. We just don't want to get
19 caught in the middle or have our training records
20 used as evidence of the officer's entire training
21 record.

22 And that's all I have.

23 RONALD PIERINI: Would any commissioners
24 like to make any questions or comment?

25 I'd like to make one. So now it's

1 outstanding as far as the reserve training program
2 that you have put together. I know our agency has
3 been there and others have been making comments that
4 this was going to be a positive thing for us.

5 MICHAEL SHERLOCK: Thank you.

6 RONALD PIERINI: The second on the list is
7 on the budget that we're going to be dealing with
8 starting in February. I certainly would like to
9 have the strength of others to show that our POST
10 agency is not doing well on the budget that we have.
11 It's pretty small. So anybody that wants to help
12 with that and certainly, it was mentioned, I
13 believe, at the last time we had a meeting was we
14 were hoping that the Governor's office is going to
15 supply more or at leastwise make a presentation to
16 increase the budget at a different stigma area so
17 we're hoping that's going to work and we're going to
18 certainly be asking others to participate if they
19 wish.

20 And, again, anybody from the Commission
21 like to make any comment?

22 Okay. We're going to move on to the next
23 one if I could and that is number 5. Information is
24 a presentation of the Las Vegas Metro Police
25 Department MACTAC and the unit on what MACTAC next

1 generation active shooter response is and how their
2 agencies are integrating this process so if we can
3 have Metro come up.

4 FRANK CLARKSON: Well, we have a
5 PowerPoint presentation but police technology
6 doesn't go with HMI so we will do our best to kind
7 of explain what we have for you. Let's see if a
8 service tech will set that up and kind of talk about
9 it.

10 So for everybody -- so MACTAC is, what we
11 do is we are preparing our officers and our valley
12 for an active assailant. I'm sorry.

13 RONALD PIERINI: I just wonder because the
14 audio audience that's here. But would it be better
15 then if we moved our location over on the side and
16 then you could turn and have all of us look that way
17 or would you rather --

18 GARY SCHOFIELD: Whatever is easier for
19 you. This is my first one.

20 RONALD PIERINI: Well, there is a lot of
21 law enforcement people here that probably would like
22 to hear that. So why don't we do that if we don't
23 mind? Move over here on the wall so now we can all
24 face that way. All right? You folks get in.

25 UNIDENTIFIED MALE: And I have my -- one

1 of my guys to come with my mobile projector if it
2 gets here in time and we'll throw it up there. It
3 will only take a second but -- so the MACTAC
4 session, for those who don't know what MACTAC is,
5 the Multiple Assault Counter Terrorism Action
6 Capability and what we do is we train and prepare
7 our officers and our civilian employees and our
8 state holders in the event of a critical incident
9 and something along those lines.

10 The good thing about the training is that
11 we are preparing for an assailant and advise them to
12 [INAUDIBLE 4:13]. This is -- my name is Sgt. Frank
13 Clarkson with the MACTAC section and this is Officer
14 Dean Hennesy with the MACTAC section. He's been
15 with the MACTAC section since its foundation so I'm
16 going to turn it over to Officer Hennesy and you can
17 kind of just -- we'll discuss until we get this
18 projector going and you guys can just - the
19 pictures, I promise you, it's really good but we'll
20 go from here.

21 DEAN HENNESY: All right. Like he said,
22 I'm Officer Dean Hennesy. We started MACTAC late
23 2009, early 2010 [INAUDIBLE] 4:13-37 attacks that we
24 had. Our department looked into the future and saw
25 that we probably needed to have some way to mitigate

1 any kind of terrorist incident that will happen in
2 our valley, being as Las Vegas Valley, you know,
3 funds pretty much everything. Mubi is their
4 regions, Las Vegas, so to speak, a lot of
5 entertainment and things like that. We realized,
6 especially after 9/11 which happened on the East
7 Coast that, you know, we shut down a little bit so
8 we could withstand a 96-hour standoff in a hotel.
9 So not only was it just a Metro thing but we went to
10 L.A. and met with a couple of their agencies out
11 there, LAPD, LASO, Orange County and things like
12 that and got some ideas from them. I'm not ashamed
13 to tell you we kind of stole their name, the MACTAC
14 name from Chief Bratton. He came up with it and we
15 thought it sounded pretty good so we kind of stole
16 that name from him.

17 But, when we got back here, the first
18 thing that we knew is that this could not be just
19 the Las Vegas Metro Police program. All right? We
20 are the big dog on the block, so to speak, down
21 here, and we have the most bodies to throw at things
22 if we need to. However, if there was a major
23 incident and it was a true multiple assault and we
24 look at that worst-case scenario so, say it's a
25 multiple assault by a terrorist organization or

1 other organization, Metro Assault is going to run
2 out of resources pretty quick. All right.

3 So we decided that, since we don't want
4 this to be just a Metro program, we needed to
5 involve everyone else in the valley so we went to
6 all the other state holders, so to speak, all the
7 other law enforcement agencies here in the valley
8 and went to them and said, look, this is a program
9 we're going to push out. We want to know if you
10 want to be on-board with it and if you want to help
11 out with it and we got a very overwhelming response
12 on that. NHP, North Town, Henderson, school police.
13 I could name hundreds of them. The FBI, Secret
14 Service themselves have all been through our
15 training and they all respond the same way we do
16 when they're here so it truly is a Valley-wide
17 program. It's not just us and that's how we really
18 like it.

19 We start off training in the academy with
20 them. We have a day course that we do for all the
21 academy officers when they come in, nothing real
22 intense. We know they drinking from a fire hose at
23 that time so we do put on a long, one-day course for
24 them. We get into core team concepts and how to
25 operate as a team and not just an individual officer

1 because this will be a team effort, a team approach
2 to it. We talk to them with the teamwork, the
3 mindset. We talk to them about over-convergence.
4 Over-convergence is a big thing. We've seen that
5 here in Las Vegas on many critical incidents. A lot
6 of officers take one area and now we have no one
7 else to protect the rest of the Valley so we came up
8 with a program for that too. I'll get into that
9 here in a minute but we talked about over-
10 convergence, standing in your area responsibility.
11 If you're on one side of the Valley and something's
12 happening on the other side, getting over there, by
13 the time you get there, it may be done and now we
14 have no one for you left so I'll get into that a
15 little bit more here. We talked about
16 communication. In fact, the radio channels that
17 we've got, our new radio system. We talked about
18 the SNACC system and NCORE. How are we all going to
19 talk to each other. We take some pages and pardon
20 me if we need to say anything. That's not the fire
21 department because that's not my side of the house
22 but they're really good at things like that so we
23 took some lessons from them as well as far as
24 communication and things or how to have
25 accountability for our officers.

1 We get into the policies of it. We get
2 into what our three activations are, our three
3 response protocols are, our activation on
4 notification. We get into those with them.

5 We do rally points for our officers. We
6 teach them where to go to get rallied up. It works
7 really good for our department because we've got
8 nine substations now and we have some bodies to do.
9 North Las Vegas handles it just a little bit
10 differently but along the same lines, the same
11 protocols that we do. It works really well. When
12 we had our shooting in 2010 at the Federal Court
13 House, North Las Vegas showed up rather quickly to
14 get the team ready to go and that's the big thing
15 about our rally points, is having a team that's
16 cohesive, they know their mission. They're - they
17 have the same running orders, if you will.

18 We -- what we're doing in this academy
19 training, we also go over down officer arresting
20 drill, citizen arresting drill is one of the
21 programs we run into. We talk about hand and arm
22 signals in situations that they're not going to be
23 able to hear. Formation and movements -- a lot of
24 police departments have always trained, you know,
25 right here at the breach, we're going in. Let's do

1 our job. Well, how do we get our officers up to
2 that so that's what we teach them as well in there.
3 Formation of movements, team movements. You know as
4 well as I do, if something happens on the strip,
5 take a Saturday night on the strip, driving down the
6 strip, it's busy. So what happens if we can't get -
7 - drive right up to that area? How are we going to
8 get up through there?

9 We go over reactive contact with them and
10 how to handle that if they are heading to their
11 incident and all of a sudden something comes up from
12 the side or something comes up and they don't know
13 how to deal with that. The one thing that we're
14 really pushing right now is Rescue Task Force.
15 That's something that we've been working on, the
16 fire departments here in the Valley for the last
17 probably about three and a half to four years now
18 have took a little bit to get, you know, policies
19 all lined up and make sure that the fire
20 department's on-board with it but, again, they don't
21 make just great chili. They really do a great job
22 and they're helping us out quite a bit here.

23 And then we used to have a big scenario
24 for them at the end where everything that we taught
25 them that day they can put together and run through

1 to get to the end of the scenario. When that's all
2 done, we go to a squad level training. What we'll
3 do is we'll go out to the squads on a regular basis
4 where, when they call us and come down to our
5 training center but we'll teach those squads
6 everything. We'll run through all of that. If they
7 want to come down for a four-hour active assailant
8 class, will take them through a four-hour active
9 assailant class. Everything we do is the walk,
10 crawl, run kind of method. We walk them through it,
11 we let them move around a little bit on their own
12 and then we start running them through the scenarios
13 on the tougher stuff for them to get on board with
14 it.

15 We have a one- to two-day course that we
16 train so not only in the academy do we have it but
17 we have a one- to two-day course that they can come
18 to and train as well. They just got the projector
19 up. They really are some great pictures.

20 We have ambush training that we come up
21 with them so the officers kind of reacting to ambush
22 and things like that, how to get themselves out of
23 it and now we have a new thing coming up here
24 shortly that's a patrol shield briefing so our
25 patrol officers will have the ability to get a

1 little more protection for themselves during some
2 kind of a critical incident.

3 If you will give me a second or two, I'll
4 let them put this up on the board if you don't mind.
5 Can everyone see this? All right. We can set it
6 here.

7 [SETTING UP PROJECTOR.]

8 OFFICER DEAN HENNESY: So as you can see,
9 we put them through all that training. Like I said,
10 squad level training, the one- or two-day course,
11 some ambush training, patrol shield training that we
12 spend task force so we're going to go ahead and get
13 that pushed out here as quickly as possible.

14 All right. So testing -- kind of separate
15 to Metro, we have in the box squads, we have stay-
16 at-home squads. We test our in-the-box squads. We
17 do notice tests on them. When we first started it,
18 we were looking at, what do we do to get the
19 officers from rally point to get them here up at the
20 [INAUDIBLE 4:21:30] whatever the mission calls for,
21 give them a good briefing so they're all on the same
22 page and they know exactly what the mission is at
23 hand and they can get there. We are looking at 30
24 minutes, right? Figuring the commands and all this.
25 Well, this last summer, we took that all the way

1 down to 12 to 15 minutes and that's 12 to 15 minutes
2 from the onset of the call to when we can get
3 officers to a rally point, gear, in the proper gear
4 for that mission, give good, solid briefings so they
5 know what's going on and then get them out to the
6 call and ready to leave. We've really stepped it up
7 and then had some good timing on those.

8 FRANK CLARKSON??: So one thing that we
9 discussed too in these -- during the testing is that
10 we discussed current trends with them, why we have
11 them. We have to do every squad. So with every
12 squad, we talk about the Rescue Task Force concept,
13 we reinforce that, if they had to deploy, convoy
14 operations, how they're going to get there. We
15 discuss kind of a maps for each or our critical
16 infrastructure. We discuss the Rescue Task Force
17 model and then we kind of throw up different
18 scenarios at them if they had to react to something,
19 how they're team element is set up, how they're
20 going to react to different situations and it's one
21 of the times we can get the group together and we
22 test our equipment too. We talk about the
23 [INAUDIBLE 4:22:43].

24 DEAN HENNESY: We have cadre. There's
25 only four of us in our section, our sergeant and the

1 three of us so we're kind of limited on manpower.
2 We have developed some cadre members that will come
3 out and they've gone through our instructor class,
4 train the trainer, if you will. Basic stuff with
5 these things. Usually, there's one of us with them
6 and we use them as a fourth rule to get the message
7 out, so to speak.

8 That's not only with just our department.
9 We have cadre from North Las Vegas, we have cadre
10 from Henderson, and NHP and I'm here to tell you,
11 NHP has been really good with us. They've helped us
12 out a lot and they seem to help us to help us with
13 these but those are the people who are the ones who
14 help get this message out.

15 As far as exercises and drills, what do we
16 do? We did - just did an exercise for City Hall
17 recently where we actually cleared out City Hall and
18 had some of their people be role players for us and
19 we did an assault on City Hall. We didn't train
20 just Metro for that. We actually brought in City
21 Marshals, we brought in North Las Vegas, Henderson
22 again, NHP, some school police, things like that.
23 We've got a video if you would like to watch that
24 works really well. Let me show you. This is what
25 we did.

1 FRANK CLARKSON: Well, I imagine a lot of
2 gunshots.

3 DEAN HENNESY: Gunshots. Thank you. We
4 had two assailants. The two assailants go through
5 this building. They basically take over City Hall
6 kind of is what the scenario was. They go up and
7 find the commissioners. And what we did during this
8 whole thing is all of our assault teams that came
9 in, North -- just Metro assault team -- we actually
10 integrated them with the other agencies so this
11 truly is not just a Las Vegas Metro program. We
12 headed it up. We kind of had the say on it but, for
13 the most part, everybody else is involved with it
14 and helps us out with this.

15 The realism that we put into it is to get
16 those officers the ability to function through
17 these. I liken it to when I was an MPO and I had my
18 very first trainee and we started out on the road
19 running cold. Okay. I don't know if anybody's ever
20 done it but, as you know, those trainees get very
21 focused, straightforward and [INAUDIBLE 4:25:05]
22 like you've done it a hundred times. It's - you're
23 very [INAUDIBLE 4:25:06] and it's a lot more
24 relaxing for you, I guess to say. So that's what we
25 do with them. We want to run through it and make it

1 as realistic as possible. This year's Rescue Task
2 Force, which we work with all the local fire
3 departments here in the Valley as well. We'd like
4 to get that pushed out, definitely statewide, if not
5 further. But that is a collaboration with the fire
6 departments here. We will actually take the fire
7 department into the situation even if the assailant
8 has not stopped yet. We have some protocols here in
9 place before it can be implemented but we are
10 getting them in there faster so we can save lives
11 which is the bottom line of what we do. You guys
12 are fairly well aware that protocols across the
13 country are usually the firemen are pulled short to
14 wait until SWAT comes in. It could take hours. We
15 don't want to do that. We looked at Aurora,
16 Colorado and a couple of other places and said, hey,
17 we need to get you guys in quicker. What can we do
18 to get you in there? We came up with this Rescue
19 Task Force.

20 FRANK CLARKSON??: And the reason for
21 these drills and exercises is to, one, these are
22 cadre. They're out there training the officers.
23 We're gauging our response time. We're gauging our
24 communication skills. We used our in-core and I-Op
25 channels for this to test the response, the

1 coordination working together. And the most
2 important thing, I think, is for a unified command.
3 We're really good at setting up ICS, especially in
4 law enforcement, but incorporating our medical
5 branch into the unified command or that ICS concept
6 and really getting a take on it. Like Officer
7 Hennesy had mentioned, they're really good at ICS
8 incidents. Every incident they go to is a mini-ICS.
9 So incorporating it, bringing it into the fold is
10 really dividends for us.

11 DEAN HENNESY: Okay. So our cadre course.
12 What do we do when we teach our cadres real quick,
13 real simple. We have a three-day course for them.
14 The first day, these are the things we work on.
15 Again, core team concepts. How do we work together
16 as a team? How do we work together as a unified
17 group to get in there and mitigate the incident. We
18 work on communication procedures, rally points, what
19 we expect at rally points, what we want them to look
20 for and how to properly perform one.

21 Again, mindset and response. It's all
22 about the mindset of it. We work on down officer
23 rescue and, again, active assailant as much as we
24 can. On that second day, we bring them back in and
25 we do more hand and arm signals, movement

1 formations, react to contacts, individual movement
2 techniques, things like that. The fire department
3 comes in and we do their hostile MCI or rescue task
4 force for us. MCA stands for mass casualty incident
5 so they're hostile mass casualty incident. We go
6 over the FD roles and what their policies are on
7 it. We work on that Rescue Task Force which we used
8 to call Force Pro. Now it's Rescue Task Force. And
9 then we go over some rally point procedures, what we
10 want them to do and how they do it.

11 On the third day, we bring them back in
12 and they have to teach all that back to us. We take
13 them into groups and they've got to show us that
14 they're proficient in it. They've got to show us
15 that we're all on the same message. One thing that
16 we say in MACTAC, it doesn't matter what color
17 uniform you're wearing. You can [INAUDIBLE 4:28:01]
18 and that's what we want. We want those tactics
19 standardized throughout the Valley. We'd love to
20 see it standardized throughout the state so we -- it
21 just doesn't matter. Everybody knows what
22 everyone's doing and I've got to handle something
23 and Mesquite's there and a guy from Laughlin and
24 maybe Nye County guy just happens to be there. We
25 can work tactically together and move in instead of

1 the whole dance of what are we going to do and how
2 are we going to do this and nobody knows what's
3 going on.

4 FRANK CLARKSON: So with the Cadre course
5 too, it gives us an extra force multiplier with all
6 the scenarios that we do, all the academy training
7 we do. I mean, the academy training is pretty
8 extensive so are some of the scenarios that we've
9 done and put them into different groups. We have
10 large academies that are coming through. I believe
11 we have a large academy is around 82 people right
12 now so we split them up in a couple of days but, if
13 it wasn't for that, our extra cadres, it would be
14 hard for us to get this done and we're able to send
15 our cadre out to help us with exercises because this
16 is drills. The squad level training is another
17 thing. We have cadre within each of our area
18 commands as a force multiplier and we're making sure
19 that they're receiving some type -- that same type
20 training, especially Task Force training in
21 partnership with our MD. So it's a huge resource
22 for us in our MACTAC session and I believe it's
23 cadre over in Northern as well so --

24 DEAN HENNESY: Yeah, a couple of years
25 ago, NHP hosted us to come up to Northern Nevada to

1 do some training for their guys. We also were
2 fortunate to have some outstanding NHPs up there to
3 join us. I believe some of them were from Stark,
4 from Reno, a couple of other places were there, Elko
5 and Ely were around there as well so they are coming
6 to do senior training as well so we have some cadre
7 members up there and NHP stays pretty well trained.
8 I know that they would like us to see us get back up
9 there and do some work for them but, as I said
10 before, I'd love to see this go statewide for sure
11 and, I mean, it wouldn't break my heart if the whole
12 Southwest region, to tell you the truth.

13 So we do these -- some of the attendees we
14 have our officers from each area command, we teach
15 officers from specialized units as well to come in
16 and work with it and then the other jurisdictions as
17 well as you see. Not only is the law enforcement on
18 our side but we have a real good working
19 relationship with the Nellis Air Force Base and the
20 Army Reserve Center. We have gone out and trained
21 with them. They are kind of on the same page with
22 us. Nellis does drills now to involve officers so
23 we come in and they will operate the same way we
24 will and they can get in that active assailant
25 formation with us and move through.

1 Now, on the other side, we teach all our
2 law enforcement people.

3 Everybody should know about this entire
4 department about this but we also go out and we will
5 teach to the public. We'll -- it's kind of our
6 community outreach thing. We do presentations to
7 large companies, pretty much anybody who wants them
8 and the reason behind this is, there is that 12-
9 minute gap between when these calls come in and law
10 enforcement can respond to them, that they have to
11 fend for themselves but we want to give them the
12 best chance to fend for themselves and prepare for
13 us to come and we want to give these presentations.
14 We tell them what the law enforcement means, what we
15 require of them and what we would like to see from
16 them. We let them know what we are going to be
17 doing so they're not put off by it, things like
18 that. We show them the run, hide, fight video which
19 I think is a fantastic video to show their people.

20 We talk about go bags. Go bags is
21 something that we need from those businesses, the
22 casinos here in town. MJ, Bellagio, any of them
23 down there. We all have go bags with them. They
24 know that, if we show up, they've got something to
25 give us so we have access to all kinds of places,

1 all their rooms, locations that we can get into,
2 maps of the area so that we can get through there
3 and handle it. It's gone very well. We're also
4 working on a mapping program and I'll let Sgt. talk
5 about that because that's kind of his baby and he's
6 done a real good job with that.

7 FRANK CLARKSON: So we're working with our
8 critical infrastructure so obviously that gambling
9 and the resorts are a big deal for us so we want --
10 if anyone's going to do a casino, the underbelly of
11 those things is almost impossible to understand so,
12 the go bags there definitely helped out. We were
13 ready for communication, had access to keys. I know
14 The Venetian and Plaza, for example, once provided
15 pathfinders to help strike teams or assault teams to
16 get in through that underbelly. If you make a
17 wrong turn, you could end up on a loading dock which
18 happened to me several times because it's messy so
19 having those maps and that stuff too but we're also
20 doing tabletop discussions with the infrastructure
21 because, if something happens, we just like, just
22 like we do presentations, we want to know that they
23 are ready for us and we are ready for them when the
24 time comes so, you know, that's part of that MACTAC
25 concept, the concept of what do but the tabletop

1 access helps. We also -- we have a mapping
2 program, the department, with several of our
3 properties and our [INAUDIBLE 4:32:55] parts so they
4 are reading the same maps that we have and we can
5 deploy and have our entry points labeled and located
6 and it's a seamless response as well.

7 So that's really the end of it. The whole
8 point is, we want our cadre, our officers, our
9 MACTAC section to spread as much as possible
10 because, really, if something happens anywhere in
11 Nevada, there's going to be a response from our
12 neighboring law enforcement agencies and partners to
13 help with the issue and it's great training. The
14 active assailant portion, Rescue, the flight
15 commands, the ICS portion of it so -- and without
16 our cadre, we [INAUDIBLE 4:33:46] so that in a
17 nutshell is MACTAC and hopefully we can push it out
18 and get back in to Northern Nevada and just kind of
19 incorporate new ideas and kind of see this thing
20 through.

21 DEAN HENNESY: Like we said, our vision is
22 to get this -- at least if we could get it -- if the
23 commission approves or like to get it into the
24 academies. We'd like to see it in a day or two in
25 the academies when they train them and then get it

1 pushed out throughout the whole state. That's it.

2 That's all I have.

3 [APPLAUSE]

4 RONALD PIERINI: Okay. We can go back on
5 the record, if we could. If any of the
6 commissioners would like to ask any questions or
7 make comment. One thing I'll tell you is that I
8 think one of the important things is that our POST
9 academies, we go through a one -- what, one-day with
10 active shooters or half a day. I'm not sure.
11 Whatever it may be, there's that training that's
12 given to the new cadets that are there but what we
13 need to do is the, I think, the sheriff's and chiefs
14 ought to do -- they do exactly what you're doing
15 throughout Nevada and that is that they can go to
16 the academy and they do a half a day or a day of
17 that training. If we don't do that every other year
18 at least, at a bare minimum, then we lose that kind
19 of information and I think that's really important
20 that we take that time for training and I think
21 that's an exceptional one there and, for up north,
22 we would like to participate with that for sure.

23 DEAN HENNESY: We'd love to help out.

24 Like I said, it's -- I tell it to the public when we
25 talk to them but it holds the same true to all of us

1 in law enforcement. This is not Las Vegas Metro is
2 Nevada. This is our Nevada. And we need to take
3 care of it and, if we get the public on the side and
4 know what to do and we get out law enforcement on
5 the same side, we're just ahead of the 8-ball, if
6 you will, so as far as when tragedy comes.

7 RON PIERINI: True.

8 FRANK CLARKSON: That's why we want to
9 push the Cadre as well because we talk about the use
10 of our cadre in our training. The cadre course
11 explains pretty much everything that we cover in our
12 one-day response training for our academy and it's
13 something that I think can easily be pushed into the
14 curriculum and I can tell you honestly, every time
15 we do the training for the academies, hands down,
16 they love it, especially the scenario at the end and
17 seeing how they react to the incidents so it's real
18 good stuff.

19 MICHAEL SHERLOCK??: Mr. Clarkson, just so
20 you know, I think -- I believe our staff's trying to
21 get you guys up in the spring. We'd like to have --
22 at least include the concepts in our academy after
23 you guys get up there so, get it up north.

24 FRANK CLARKSON: That's up to [INAUDIBLE]
25 4:36:32]

1 RONALD PIERINI: Okay. Well, again, we
2 appreciate your time. Thank you very much.

3 FRANK CLARKSON: thank you, sir.

4 RONALD PIERINI: Okay. We're going to go
5 onto number 6 now. Discussion and public comment
6 and for possible action. Request from the Nye
7 County Sheriff's, a waiver pursuant to NAC 289.370,
8 of all running-related portions of the state
9 physical fitness examination which a peace officer
10 is required to pass to certify the commission -- by
11 the commission. And as pursuant to NAC-289.201 (c)
12 per Undersheriff Brent Moody.

13 The running portions of the state physical
14 fitness examination set out in NAC-289.205 includes
15 300 meter runs, 1.5 mile walk/run, and LG run. The
16 commission may vote to close a portion of the
17 meeting to consider the character, alleged
18 misconduct, professional competence and physical or
19 mental health of the person. If the commission goes
20 into a closed session, the commission will convene
21 a open session to delegate and to take action, if
22 any, on any other question waiver so, what we've got
23 here is we've got to ask -- oh, there you are. You
24 snuck up on me there, Sheriff.

25 SHERIFF WEHRLY: I did.

1 RONALD PIERINI: So you're going to be the
2 representative at this point?

3 SHERIFF WEHRLY: Well, I'm going to
4 formally ask for a waiver at this point. I am going
5 to ask for that waiver because he injured himself
6 when he was going through them. The fact that he is
7 a truly a first responder and so this board knows
8 that he is an Executive Position and I'd like to ask
9 for that waiver under 289.510 that says that any
10 administrator may ask or any portion of this chapter
11 to be waived and I'd also like to ask for it as a
12 reasonable accommodation for [INAUDIBLE 4:39:02]
13 and, at this point, I'd like to introduce Lisa
14 CHAMLEE:, Mr. Moody's or Undersheriff Moody's
15 attorney, who will present his case to you.

16 RONALD PIERINI: Okay. If you would like
17 to come up, we'd appreciate that. Would you say
18 your name, please?

19 LISA CHAMLEE: Thank you. Good afternoon.
20 I am perfectly retained counsel for Undersheriff
21 Brent Moody and I am here to present --

22 RONALD PIERINI: May we have your name,
23 please?

24 LISA CHAMLEE: Oh, Lisa Chamlee. I
25 apologize.

1 RONALD PIERINI: Thank you.

2 LISA CHAMLEE:: I'm here to present facts
3 and evidence and some legal argument in support of
4 Sheriff Wehrly's request for the waiver of certain
5 provisions of the POST certification for the
6 physical fitness requirements. What you have in
7 front of you that I just passed out to you is a
8 packet of information. You'll first see a resume
9 for Undersheriff Moody which highlights his
10 extensive background and experience in law
11 enforcement. As you will see, he has been employed
12 in various law enforcement positions for 41 years.
13 He was POST certified in both Alaska and Minnesota.

14 RONALD PIERINI: May I interrupt for a
15 second, please?

16 LISA CHAMLEE:: Yes.

17 RONALD PIERINI: Did you say that was in
18 Alaska and what was the other one?

19 LISA CHAMLEE:: Minnesota.

20 RONALD PIERINI: And do you have a
21 certificate there saying that he has a --

22 LISA CHAMLEE:: I do not. I don't but I
23 can present that to you if you would like me to get
24 that to you after the meeting today.

25 RONALD PIERINI: After the meeting. You

1 don't have it with you right now.

2 LISA CHAMLEE: I don't have it with me.

3 RONALD PIERINI: Okay.

4 LISA CHAMLEE: But I do see in the resume

5 and I have spoken to --

6 RONALD PIERINI: Okay. Just to make sure

7 that I'm clear on this then that the actual

8 certificate that you have is like a POST certified

9 academy that he went through?

10 LISA CHAMLEE: He was POST certified in

11 both Alaska and Minnesota. I believe that actually

12 in Minnesota he possesses a license to serve as a

13 peace officer. Now, my understanding is that,

14 after your certification to serve as a peace

15 officer, after it's been not used for five years,

16 you're no longer eligible to do what Nevada

17 recognizes as a lateral transfer so, Undersheriff

18 Moody is now -- he's been required to go through the

19 requirements under NAC, the chapter that I referred

20 to in my letter.

21 GARY SCHOFIELD: Mr. Chairman, can I ask a

22 question?

23 RONALD PIERINI: Yes, sir.

24 GARY SCHOFIELD: Gary Schofield, for the

25 record. In Alaska and Minnesota, he was POST

1 certified. Do you know the years?

2 LISA CHAMLEE: Well, I'm actually going to
3 get into testimony so you can ask my client about
4 those questions. He was first POST certified -- his
5 law enforcement career began in Minnesota. I think
6 he first began working as a law enforcement officer
7 in Minnesota in -- just a second -- in 1971, I want
8 to say. Well, I'll put him under oath and then you
9 can ask him those questions directly. I don't have
10 that information available to you. My primary
11 purpose for coming today is to present -- I have
12 presented to Sheriff Wehrly, I have two other
13 employees of the Nye County Sheriff's Office who are
14 going to testify and we have a unique set of facts
15 here in this case that would require that POST issue
16 a waiver of the running portions of the physical
17 fitness testing requirements. What you will see
18 after you hear the testimony of Undersheriff Moody
19 and Sheriff Wehrly is that he has a long history in
20 the career of law enforcement. He's highly
21 experienced. He is absolutely qualified to serve as
22 a peace officer in Nevada.

23 What you will also find, after you hear
24 his testimony, is that, in addition to the medical
25 documents that I've supplied to you with my briefs,

1 you'll hear testimony that he sustained an injury
2 while he was testing for POST, the physical fitness
3 requirements. It was in August of 2015 and so,
4 during this time, he was, I think, working in the
5 Sheriff's office beginning of mid-January 2015. He
6 was attending an academy and we will present
7 testimony too. I know that that was because Mr.
8 Jensen posed to me that he was not accepted into an
9 academy. In fact, he was. He attended the Silver
10 State Academy for about a week after he was unable
11 to entirely complete the physical testing portion of
12 the Silver State Academy so you're going to hear
13 some testimony about the injury that he sustained.

14 What you're going to hear today from our
15 witnesses is that, despite his injury, he has been
16 able to completely satisfy the essential functions
17 of his position. Sheriff Wehrly is going to testify
18 that, for the entire time that he has been the
19 undersheriff of the Nye County Sheriff's Office, he
20 has managed to fulfill every component of his job.
21 He has assisted in patrol, he has assisted in
22 investigations.

23 Now, I know that another issue that's come
24 up in my conversations with Mr. Jensen is that the
25 commission has proposed perhaps he can serve as a

1 civil administrator without a POST certification.
2 That is not going to enable him to satisfy the
3 essential requirements of his job. As you will see,
4 attached to my brief, his job description requires
5 that he assist with patrol, with investigations and
6 you will hear some testimony from the sheriff in
7 addition to the two other employees in the Sheriff's
8 office, that the Sheriff's office has undergone
9 quite a bit of change in its internal administration
10 and its chain of command and, as part of these
11 changes, what Sheriff Wehrly has attempted to do is
12 get -- she's eliminated a lot of mid-level
13 management so Undersheriff Moody is coming in not as
14 your typical undersheriff. He's not serving in, you
15 know, a large agency like Metro perhaps where an
16 undersheriff is basically sitting behind a desk, is
17 not getting out there and assisting in the field.
18 What we have is a very small Sheriff's office with
19 very limited resources but many problems. We have a
20 lot of violence in Nye County so Undersheriff Moody
21 has been hired specifically because of his
22 experience out in the field. He's also a medic.
23 That provides a valuable asset to the Nye County
24 Sheriff's Office and he is out there required as
25 part of his job to assist in patrol and in

1 investigations. You will hear testimony that he
2 goes out to serve search warrants. He acts as
3 backup.

4 Now, I understand that the commission
5 obviously has concerns that, you know, he can't
6 fulfill the physical fitness requirements here but
7 he's not going to be able to serve as a peace
8 officer. Let me assure you and you will hear
9 evidence today that he is never going to be placed
10 in a situation where he's going to have to be the
11 initial patrol deputy reporting to a call. He's
12 simply acting as a backup officer when needed and
13 you'll hear some evidence today that his presence
14 out in the field is absolutely essential to the
15 operations of the Sheriff's office.

16 RONALD PIERINI: I understand that but, if
17 I could just say, you look what each one of these
18 people who enter law enforcement as a career and
19 they go to the Academy. They know what's expected
20 from them to be able to get that certification. Is
21 that true?

22 LISA CHAMLEE: Yes, I would agree with
23 that.

24 RONALD PIERINI: And things that happened
25 in the past and then all of a sudden that doesn't

1 have that -- can't renew that because he's not able
2 to do that because of physical problems. Is that
3 what I'm hearing?

4 LISA CHAMLEE: He sustained an injury
5 while he was trying to meet the requirements for the
6 POST fitness test which precludes him from running.
7 And as you will see attached to my brief, there are
8 letters from two workers comp doctors. Now, I know
9 and I would like to bring to your attention the fact
10 that they released him to full duty, understanding
11 the specific requirements associated with his job.
12 You have another doctor, Dr. Reiner, a very
13 prominent doctor in Pahrump, Nevada who expressed
14 his opinion that Undersheriff Moody falls within the
15 auspices of the Americans with Disabilities Act so
16 what we are arguing here today is that, for the POST
17 commission to remain in compliance with the
18 Americans with Disabilities Act and additional
19 federal regulation, we are asking you to issue this
20 waiver. I mean, you've certainly given yourselves
21 the authority under NAC 289.370 to grant a waiver on
22 behalf of any administrator of an agency and we have
23 the Sheriff today. She's asking you to invoke that
24 discretion.

25 Now, I've reviewed the entire NAC chapter

1 289 in its entirety and there is no language in that
2 code that limits your authority to limit the scope
3 of the waiver. I've discussed with Mr. Jensen the
4 fact that we would be willing to submit to a very
5 limited waiver that would combine the certification
6 for POST strictly to when Sheriff Undersheriff Moody
7 is serving alongside with Sheriff Wehrly and if
8 Sheriff Wehrly were to leave office, then his POST
9 certification would be canceled. He has no interest
10 in going to any other law enforcement agency in the
11 state. He has no interest in working under any
12 other sheriff in the state. He only wants to work
13 with Sheriff Wehrly so that is -- it's an
14 alternative proposition that I would like to submit
15 to the commission.

16 RONALD PIERINI: Okay. Well, thank you.
17 What I should do is I should first ask the -- Mr.
18 Sherlock, if you would like to say anything or any
19 questions you may have or Mr. Jensen, would you like
20 to do that?

21 MIKE JENSEN: This is Mike Jensen for the
22 record. I definitely have a couple of questions.
23 I'm not sure how you prefer to proceed with this. I
24 know you have some witnesses where --

25 LISA CHAMLEE: I do.

1 MIKE JENSEN: -- there can be a potential
2 closed session.

3 LISA CHAMLEE: Yes.

4 MIKE JENSEN: I definitely have a few
5 comments and questions I would like to ask but I'm
6 not sure at this point if that makes sense or maybe
7 after all the information is presented that it might
8 be a more appropriate time to talk about this.

9 LISA CHAMLEE: I would tend to agree with
10 Mr. Jensen. I think that's probably appropriate. I
11 would like to present everything that we have today
12 and then, if the commission has any individual
13 questions of any of the witnesses or myself, we
14 would be more than happy to answer them.

15 So at this point, I think that I'm
16 probably going to have Undersheriff Moody come up
17 here and share information. I think we will
18 probably be getting into some confidential protected
19 health information. It might be appropriate perhaps
20 to make a motion to close the meeting at this
21 juncture.

22 MIKE JENSEN: Mike Jensen, for the record.
23 Mr. Chairman, this is a little bit new territory,
24 especially for new members of the commission. It's
25 pretty unusual for the POST commission to close a

1 meeting. It's unlikely, well, if you would like,
2 Mr. Chairman, to talk about the requirements to
3 close a meeting, what has to happen. The open
4 meeting law does permit a closed session to occur
5 for consideration by a board of commission of the
6 physical health of an individual, in this case, in
7 conjunction with his request for a waiver of the
8 running components of the physical fitness
9 examination and so there's a provision for that to
10 occur. If the commission makes a motion and votes
11 to do that, to go in closed session, that might -
12 legal opinion may be a good idea given, you know,
13 that we are going to be talking about some sensitive
14 medical issues of an individual. Once that -- as
15 part of that motion, the commission is supposed to
16 indicate the scope of what's going to be talked
17 about in that closed meeting which, in this case,
18 would be the physical health of Mr. Moody in
19 relation to his waiver request and also state the
20 authority under which the meeting would be closed
21 which would be under the open meeting law under NRS
22 241 and this is .030 is the section that allows for
23 the meeting to be closed for that purpose and so
24 it's permitted if the commission wants to do that.

25 The other issue that would have to be

1 addressed is who would be permitted to be in the
2 closed session. The open meeting law generally
3 states that the individual that's being talked about
4 is to be allowed into the meeting with their
5 attorney and potentially a representative and that
6 the chairperson has the ability with the commission
7 to decide if anybody else would be permitted in the
8 meeting as well as those individuals and certainly
9 we would ask for input from Mr. Moody's attorney on
10 concerns about anyone that might be considered
11 beyond those three individuals.

12 To do a closed session, you have to put it
13 on the agenda and, as you've seen on this particular
14 agenda, we indicated that that may occur today. It
15 also requires that a notice be served on Mr. Moody
16 indicating that this could happen today and it's my
17 understanding that that occurred that he was given
18 notice. Is that correct?

19 LISA CHAMLEE: That's correct.

20 MIKE JENSEN: And does he have any problem
21 with us going into a closed session?

22 LISA CHAMLEE: No. He would prefer that.

23 MIKE JENSEN: And so that's essentially,
24 Mr. Chairman, and commission, how that works. And
25 there would have to be a motion to close the meeting

1 just for the consideration of those health issues.
2 Mr. Moody, you would be required to come back into
3 open session to discuss and deliberate any potential
4 waiver.

5 RONALD PIERINI: Okay. I'm going to ask
6 some of the commissioners, any comments or any
7 motion that you would like to make or any idea?

8 GARY SCHOFIELD: I'd like to make a
9 motion.

10 RONALD PIERINI: All right. Go ahead.

11 GARY SCHOFIELD: Mr. Gary Schofield, Las
12 Vegas Metropolitan Police Department. I make a
13 motion that, under NRS 241.030, the open meeting
14 law, that we close this session of the Nevada POST
15 Commission to consider the public physical health
16 issues concerning Mr. Moody and that that portion of
17 the hearing allow his attorney to be present with.

18 RONALD PIERINI: Thank you. All right.
19 Is there any second?

20 MULTIPLE VOICES: Second.

21 RONALD PIERINI: Thank you very much. And
22 do we have any other questions or anything like
23 that? Everybody okay with that?

24 I think one of the things that maybe I can
25 mention a little bit too is that we have the

1 attorney here for Mr. Moody and then we may have one
2 other person. Should I guess we talk a little bit
3 that if there are others that should be in there if
4 they're asking or go through the first motion first?
5 What would you think?

6 LISA CHAMLEE: We have no objection to
7 Sheriff Wehrly being present. She's certainly aware
8 of the medical facts that we're going to be going
9 into but anybody else I --

10 GARY SCHOFIELD: I'm going to make the
11 motion so my question for him concerns health trust.
12 By doing that, does Mr. Moody understand that his
13 HIPAA rights are being void for his sheriff, if he's
14 okay with that, then I'm okay with it. But I'd like
15 that on the record.

16 [INAUDIBLE 4:55:34]

17 LISA CHAMLEE: For the record, this is my
18 client, Undersheriff Brent Moody.

19 RONALD PIERINI: Mr. Moody.

20 BRENT MOODY: I am Brent C. Moody and I am
21 an undersheriff for Nye County.

22 [INAUDIBLE 4:55:58]

23 BRENT MOODY: I do not object to have
24 Sheriff Wehrly.

25 [INAUDIBLE 4:56:05]

1 RONALD PIERINI: So we have a motion and
2 we have a second and all in favor?
3 MULTIPLE VOICES: Aye.
4 RONALD PIERINI: All right. Anybody
5 opposed? All right. So carried. So what we have
6 to do at this point, if we could have everyone leave
7 the room, we would appreciate it except for these
8 two.
9 LISA CHAMLEE: Thank you.
10 [CLOSED MEETING 4:56:37 to 5:22:36]
11 [BREAK]
12 RONALD PIERINI: We're back on, please.
13 We're back in session. The recorder is on. Okay.
14 Lisa, did you want to say anything more?
15 LISA CHAMLEE: Yes.
16 RONALD PIERINI: I'm sure you do.
17 LISA CHAMLEE: I would like to -- I'm
18 sorry. One moment.
19 I'd like to --
20 RONALD PIERINI: Okay. This is going back
21 into the open session right now.
22 LISA CHAMLEE: Yes.
23 RONALD PIERINI: Okay. You understand
24 that.
25 LISA CHAMLEE: That's fine. And we are

1 fine with that.

2 RONALD PIERINI: Okay. Thank you. And we
3 do have our audience as well.

4 LISA CHAMLEE: What I'd like to do is
5 elicit some testimony. I don't know if you have to
6 put my client under oath or if that's necessary here
7 but I'd like to have him speak and I'll ask him some
8 questions about his qualifications, his experience
9 in law enforcement and I would also like to clarify
10 an error that I made in my previous statement to you
11 that his POST certification in Minnesota and Alaska
12 has expired. It was just brought to my attention
13 that he actually took measures to get that
14 reinstated prior to coming to Nevada so he does have
15 an active POST in both of those states. But my
16 understanding from the Sheriff Wehrly is that he is
17 going to have to go through an Academy because he
18 was not able to complete the run within 12 weeks so
19 resuming his position.

20 UNDERSHERIFF MOODY: Okay. Maybe I can
21 just clarify that a little bit. When I first moved
22 to Nevada and was asked to be undersheriff, we went
23 through a course on how to be a Sheriff, an
24 undersheriff that POST put on. At that time, I
25 discussed my certifications with Mr. Sherlock and

1 he was helpful in that regard. And one of the
2 things that I told him is that, really technically
3 speaking, I really hadn't had a five-year period. I
4 had worked for a week as a sworn officer doing an
5 audit for a law enforcement agency in Alaska and had
6 been on the payroll as a commissioned policeman for
7 about a week. He said, well, in that case, if I
8 accept that, you would have to go through a two-week
9 class and then complete your PT test within 11 weeks
10 and I said there is no way I can pass it a PT test
11 in 11 weeks so, rather than play a bunch of games, I
12 chose -- it wasn't anybody else's choice but my
13 choice to go to the full Academy and give me the
14 time to get into shape and to start, you know, going
15 after the test. So I just wanted to -- really
16 technically speaking, it didn't expire, okay, but I
17 didn't want to play games so I went on and, you
18 know, agreed to go to a full Academy and that was my
19 choice.

20 RON PIERINI: Okay.

21 LISA CHAMLEE: Any questions on those
22 statements? Okay.

23 Undersheriff Moody, how -- when were you
24 first POST certified and in what state?

25 UNDERSHERIFF MOODY: I was certified in

1 Minnesota in 1973.

2 LISA CHAMLEE: Okay. And how many years
3 did you work in law enforcement in Minnesota?

4 UNDERSHERIFF MOODY: 1969 to December of
5 '84.

6 LISA CHAMLEE: Okay. And when you
7 obtained your POST certification in Minnesota, can
8 you just describe to the members, some of the
9 physical fitness requirements that you were required
10 to complete and pass?

11 UNDERSHERIFF MOODY: Well, we went through
12 riot training, we went through defensive tactics and
13 it was a little different in those days than it is
14 now but nightstick work and body bags and grappling
15 and all the typical stuff that policemen do.

16 LISA CHAMLEE: Okay. And after you left
17 Minnesota, did you become POST-certified in Alaska?

18 UNDERSHERIFF MOODY: I did.

19 LISA CHAMLEE: Okay. And had to go
20 through some --

21 UNDERSHERIFF MOODY: That would have been
22 1984, right after I left Minnesota with a job in
23 [INAUDIBLE 5:35:08], Alaska so --

24 LISA CHAMLEE: Okay. And did you go
25 through the same type of testing that --

1 UNDERSHERIFF MOODY: No, actually, this
2 testing was for what they called an out-of-state
3 officer test and it was a two week thing, probably
4 very similar to what they do here in Nevada for
5 out-of-state officers but [INAUDIBLE 5:35:24].

6 LISA CHAMLEE: Okay. And so you were
7 POST-certified for how long in Alaska?

8 UNDERSHERIFF MOODY: Well, I left in '05,
9 2005. I went to Iraq.

10 LISA CHAMLEE: Okay. Now, can you
11 describe to the commission members some of the
12 training and experience, your qualifications, in
13 your 41-year career as a law enforcement officer?

14 RONALD PIERINI: Can I interrupt you just
15 for a second, please? I don't think we need to do
16 that but, what I do think is we need to have Mr.
17 Sherlock has done some kind of back, I think, some
18 information about his history and if he could share
19 that with us.

20 MICHAEL SHERLOCK: Yeah. I just first
21 would like to clarify what the regulation says. If
22 you're coming in on reciprocity, you have 16 weeks
23 to pass the PPFT, POST physical fitness test, 16
24 weeks from the date of hire.

25 In contrast of that, if you're coming in

1 as, not as a reciprocity, not as a lateral from
2 another state, you have one year to be certified,
3 which would include an Academy and PPFT and other
4 requirements so I just want to clear that up.

5 Now, one thing I do know, Mr. Moody did
6 initially inquire as to whether or not he was
7 eligible to come in as a reciprocity officer. We
8 did, in fact, I did advise him that, if you come in
9 as reciprocity in terms of the PPFT, you have 16
10 weeks to pass that PPFT, that physical fitness test.
11 In addition, we made inquiries to both Alaska and
12 Minnesota and -- to determine whether or not he was
13 eligible under reciprocity. If you understand
14 reciprocity, reciprocity applies only if you are
15 certified in another state or had been certified in
16 another state and employed as a peace officer within
17 the last 60 months, prior 60 months.

18 I don't have the numbers in front of me.
19 I did write down some as I left, what was notified
20 to us, both from Alaska and Minnesota. I know in
21 Alaska, they reported to us that Mr. Moody was
22 employed from 1984 to 1985, I believe. You may be
23 able to confirm that. He was not certified at that
24 time. He was again employed by an Alaska agency in
25 1988 and I don't know the period. I believe it was

1 still 1993. He was not certified at that point. He
2 was then again employed at another agency in Alaska,
3 '95, something like that. I don't remember the
4 month, at another agency, applied for and received
5 his Alaska certificate at that point. I can't
6 comment as to why there was no certificate prior to
7 that. He -- I believe he worked there and was
8 certified and employed because that's what's
9 required under our regulations until 2000, left
10 there, joined another department, still good
11 certificate and full-time peace officer employment
12 until 2005, clearly, way outside the 60 months.

13 We inquired into Mr. Moody's statement
14 that he went back and worked for one week at an
15 agency. Alaska POST reported to us that the one
16 week of employment was not law enforcement and did
17 not meet their standard for certification, that a
18 certificate is expired and it was not a full-time
19 peace officer position.

20 For that reason, Mr. Moody was not
21 eligible for reciprocity. Alaska or Minnesota is a
22 licensing agency. Our inquire to -- with them was
23 Mr. Moody had not worked there since the '80s, well
24 beyond the 60-month requirement that we have here in
25 Nevada. Apparently, Minnesota is a licensing

1 agency. If you pay your fees, the way they
2 explained it to us, your POST certificate remains
3 active as long as those fees are paid. I don't know
4 any of any other requirements on Minnesota but it
5 was not relevant to us because it's based on
6 employment as a peace officer within the last 60
7 months and so he was not eligible for reciprocity,
8 if that clarifies.

9 RONALD PIERINI: Thank you.

10 [OFF RECORD DISCUSSION]

11 MICHAEL SHERLOCK: And, again, this is
12 just was told to us. I don't have any knowledge,
13 personal knowledge. That's just what they provided
14 to us.

15 LISA CHAMLEE: Okay.

16 RONALD PIERINI: Lisa, I would think it
17 would be pretty fair for me to ask, to suggest, at
18 least, that we understand that he has a background
19 in law enforcement.

20 LISA CHAMLEE: Yes.

21 RONALD PIERINI: That's not going to fix
22 this problem that we're dealing with 100%.

23 LISA CHAMLEE: No, it's not.

24 RONALD PIERINI: But I do understand what
25 you're saying what his background is because of time

1 and for all the other things that we have to do and
2 we've got to move on.

3 LISA CHAMLEE: Okay.

4 RONALD PIERINI: So what I'm asking you
5 is, is there anything here anybody here that you
6 want to have come up and make any comments or do you
7 have any other thing that you want to do on that end
8 of it?

9 LISA CHAMLEE: I think I will have Sheriff
10 Wehrly come up and make a statement to the
11 commission --

12 RONALD PIERINI: Okay.

13 LISA CHAMLEE: -- unless there is anything
14 else you wanted to say?

15 UNDERSHERIFF MOODY: No.

16 LISA CHAMLEE: Okay. And I would just ask
17 the members to please look at his resume and see
18 that he has a lot of training and experience so I'm
19 not going to get into those specific questions.

20 RONALD PIERINI: Okay. Thank you.
21 Sheriff, would you like to come up?

22 LISA CHAMLEE: Sheriff Wehrly, you've been
23 acting as the Sheriff of Nye County since January of
24 2015. Correct?

25 SHERIFF WEHRLY: Yes.

1 LISA CHAMLEE: Okay. And can you explain
2 to the commission members how you came to select
3 Undersheriff Moody as your undersheriff and why?

4 SHERIFF WEHRLY: I have a selection
5 criteria and that criteria was that they must not
6 have worked for Nye County for five years, that they
7 had to have a squeaky clean background, and they had
8 to have a good to excellent law enforcement
9 background and I found that he met those
10 qualifications.

11 LISA CHAMLEE: Okay. So you were looking
12 for somebody that didn't have any ties, any biases,
13 about the operations within Nye County.

14 SHERIFF WEHRLY: Correct.

15 LISA CHAMLEE: And you've made a lot of
16 administrative changes within the Sheriff's office
17 since you took office. Isn't that correct?

18 SHERIFF WEHRLY: That's correct.

19 LISA CHAMLEE: Okay. Now, why did you
20 choose to make these changes and why is it important
21 to your application here today?

22 SHERIFF WEHRLY: Some of the changes I
23 made were made formally. Other changes I made were
24 because of the budget and the culture in Nye County
25 and I wanted to change that culture.

1 RONALD PIERINI: Again, I'd like to
2 interrupt. You know, this has nothing to do with
3 what we are dealing with, the health problems.
4 SHERIFF WEHRLY: I agree with you.
5 RONALD PIERINI: I think we've got to move
6 on.
7 LISA CHAMLEE: Okay. I --
8 RONALD PIERINI: I understand your
9 relationship and you've done - you hired him and you
10 like him and he's done a good job. I'm not
11 suggesting --
12 SHERIFF WEHRLY: Well, I think there's one
13 thing that you need to know, I did not know him
14 before I hired him.
15 RONALD PIERINI: Again, that's okay. I
16 don't care.
17 SHERIFF WEHRLY: I understand.
18 RONALD PIERINI: You know, that's fine.
19 We just have to move on.
20 LISA CHAMLEE: I want you -- but I want
21 the commission members to understand and I don't
22 want to speak for my - the people that are here to
23 speak to you, is that we are asking for this waiver
24 and it is critical to Undersheriff Moody being able
25 to satisfy the essential functions of his job. The

1 reason this is important and why I'm asking her
2 these questions is, she's eliminated, as I stated
3 earlier, mid-level management so the structure in
4 the chain of command within the Sheriff's office
5 requires that you have an undersheriff, unlike
6 larger agencies, where he's out on the street and
7 he's out assisting, serving search warrants, putting
8 himself in situations where the need for a POST
9 certification is critical. He's not going to be
10 able to do his job but, if you want to -- if you
11 don't want me to get into that line of questioning,
12 you'll accept my representations as fact and that's
13 fine. I'll move this along.

14 GARY SCHOFIELD: Okay. Mr. Chairman, Gary
15 Schofield, for the record. Counselor, on the
16 exhibit you presented us, it says class title,
17 undersheriff, County of Nye. Do you see that
18 exhibit?

19 LISA CHAMLEE: Yes.

20 GARY SCHOFIELD: Where did that come from?

21 LISA CHAMLEE: I obtained that from
22 Sheriff Wehrly.

23 SHERIFF WEHRLY: That came from HR.

24 GARY SCHOFIELD: Okay. From the HR from
25 Nye County?

1 SHERIFF WEHRLY: Yes. And that was
2 written for an undersheriff in 1991.

3 GARY SCHOFIELD: So this is -- okay.

4 SHERIFF WEHRLY: It has not been updated.

5 GARY SCHOFIELD: Ma'am, this is the
6 current job classification specifications for the
7 position of undersheriff for Nye County.

8 SHERIFF WEHRLY: Yes.

9 GARY SCHOFIELD: And it doesn't state
10 anything as has been asked before about category 1
11 police officer certification.

12 SHERIFF WEHRLY: That's very true.

13 GARY SCHOFIELD: Okay.

14 SHERIFF WEHRLY: At the time that was
15 written, it was written for a -- an officer that was
16 not POST certified. He became POST certified, I
17 believe, in 1993, according to POST records that I
18 was provided.

19 GARY SCHOFIELD: But just so I understand
20 as much within Nye County, is he an employee of Nye
21 County?

22 SHERIFF WEHRLY: Yes.

23 GARY SCHOFIELD: So he is an employee of
24 Nye County.

25 SHERIFF WEHRLY: Yes.

1 GARY SCHOFIELD: Okay. Thank you.

2 RONALD PIERINI: Thank you, Gary.

3 LISA CHAMLEE: Is Undersheriff Moody

4 required to have a POST certification according to

5 your job description, Sheriff Wehrly?

6 SHERIFF WEHRLY: Yes.

7 LISA CHAMLEE: And why is that?

8 SHERIFF WEHRLY: Because he takes my place

9 when I'm gone and he also backs up people in the

10 field on a regular basis as I do.

11 TROY TANNER: Troy Tanner for the record.

12 So you said that job description has to have a POST

13 certificate. Where is that job description?

14 SHERIFF WEHRLY: That job description does

15 not.

16 TROY TANNER: Oh, okay. So just your own

17 --

18 SHERIFF WEHRLY: I have not rewritten the

19 job description.

20 TROY TANNER: Okay.

21 SHERIFF WEHRLY: That's a 1991 job

22 description.

23 RONALD PIERINI: Have you read what our

24 regulations are under peace officer standards and

25 training and do you understand what our regulations

1 are --

2 SHERIFF WEHRLY: Absolutely.

3 RONALD PIERINI: -- and what is required?

4 You understand that?

5 SHERIFF WEHRLY: Yes.

6 RONALD PIERINI: Okay. Go ahead.

7 LISA CHAMLEE: Has Undersheriff Moody been

8 able to, after sustaining his injury, has he been

9 able to perform all the functions that he is

10 required to on the job?

11 SHERIFF WEHRLY: Yes, he has.

12 LISA CHAMLEE: And so he has continued

13 until his extension was elapsed, was he able to go

14 out and assist on patrol and investigations?

15 SHERIFF WEHRLY: Yes, he has.

16 LISA CHAMLEE: And you previously moved to

17 have the commission grant his six-month extension.

18 Correct?

19 SHERIFF WEHRLY: Yes, I did.

20 LISA CHAMLEE: Okay. Unless you have

21 anything else you want to offer in support of your

22 application, I think those conclude my questions.

23 RONALD PIERINI: All right. Thank you

24 very much. But I also want to get -- any other

25 commissioners like to have any other questions right

1 here dealing with this or are we moving on or what
2 do you think?

3 GARY SCHOFIELD: I have no other
4 questions. Gary Schofield, for the record, of the
5 Sheriff. Thank you for your testimony, ma'am.

6 SHERIFF WEHRLY: You're welcome.

7 RONALD PIERINI: Thank you very much.
8 Okay. What we're going to do right now is that
9 there may be some people in the audience that would
10 like to come up and make some comments.

11 LISA CHAMLEE: I do have two other
12 officers here that are here to talk about --

13 RONALD PIERINI: Oh, I'm sorry. I didn't
14 understand that.

15 LISA CHAMLEE: -- specific instances
16 where Undersheriff Moody has gone out to calls.

17 RONALD PIERINI: Just don't forget.
18 Please, don't -- what I'm saying is I understand he
19 does a good job out there on the street. That's
20 what we get. I understand that.

21 LISA CHAMLEE: Okay.

22 RONALD PIERINI: So if you're going to do
23 this, we've got to do it fairly fast.

24 LISA CHAMLEE: Okay.

25 RONALD PIERINI: Thank you.

1 LISA CHAMLEE: would like to have Sgt.
2 Eisenloffel come up and make a statement.
3 RONALD PIERINI: Please say your name.
4 SGT. MIKE EISENLOFFEL: Michael
5 Eisenloffel, sir.
6 RONALD PIERINI: And where do you work,
7 Sir?
8 SGT. MIKE EISENLOFFEL: I'm a detective
9 sergeant with the Nye County Sheriff's Department.
10 RONALD PIERINI: Go ahead please, Sir.
11 SGT. MIKE EISENLOFFEL: Thank you.
12 LISA CHAMLEE: When did you receive your
13 POST certification in Nevada?
14 SGT. MIKE EISENLOFFEL: I received it in
15 June of 2008.
16 LISA CHAMLEE: And how long have you been
17 employed with the Sheriff's office?
18 SGT. MIKE EISENLOFFEL: Since about a
19 year prior to that.
20 LISA CHAMLEE: Okay. And have you gone
21 out on calls with Undersheriff Moody since he's
22 begun working at the Sheriff's office?
23 SGT. MIKE EISENLOFFEL: Absolutely, very
24 many frequent calls of different varieties.
25 LISA CHAMLEE: Can you describe a few

1 instances where he's gone out to back you up on
2 calls or serving search warrants for the commission
3 members?

4 SGT. MIKE EISENLOFFEL: Absolutely. I
5 won't take much time but I would like to illustrate
6 with a couple or three or four examples.

7 One of them occurred July 24 of last year.
8 It was a homicide scene. Patrol officers came
9 across a dead body that was obviously there. A
10 homicide had occurred. It was an intentional act.
11 As myself and one -- only one other detective were
12 processing the scene, we needed someone to stay on
13 the outside and hold the perimeter. Our resources
14 are very limited. Undersheriff Moody voluntarily
15 took up that position to assist us. During this
16 time, the suspect actually showed up on the scene.
17 He was instrumental in obviously detaining that
18 suspect until we could have done -- investigated
19 further. That was a very, very important function
20 obviously.

21 Another example occurred in October of
22 last year. As you may or may not be familiar, the
23 outlining or the outlay of Nye County is very
24 remote, very remote area. Around midnight, I was in
25 the town of Beatty which is about 65 miles from

1 Pahrump. I was there all by myself and I was the
2 only sworn law enforcement officer on duty at that
3 time. I was dispatched to another town between
4 Pahrump and Beatty called Amargosa where, again,
5 there was nobody else on duty. It involved a rather
6 volatile call and I was dispatched to go to it by
7 myself. Nobody else was available at that time.
8 Again, a limited amount of resources we have.
9 Sheriff -- Undersheriff Moody was notified and
10 elected to get out of bed in the dead of night to
11 come back me up. It turned out to be that it
12 involved a felon, a possession of an illegal firearm
13 at that time. Undersheriff Moody, during the course
14 of that investigation, assisted me and he himself
15 took the individual into custody and transported him
16 to the jail in Pahrump which, again, is
17 approximately 45 to 50 miles away from where we were
18 at, a very volatile call and I couldn't have done it
19 without his assistance.

20 Another quick example involved a --

21 RONALD PIERINI: We get that. It's fine.
22 We've got to move on.

23 LISA CHAMLEE: Okay. And just one final
24 question. Since you have changed your POST
25 certification, that was in 2008, you said?

1 SGT. EISENLOFFEL: Yes, ma'am.

2 LISA CHAMLEE: Have you been required to

3 do any other physical fitness requirements?

4 SGT. EISENLOFFEL: No, ma'am.

5 LISA CHAMLEE: And you are still currently

6 POST certified in Nevada.

7 SGT. EISENLOFFEL: Yes, I am.

8 LISA CHAMLEE: Okay. That's it. Thank

9 you.

10 SGT. EISENLOFFEL: Thank you.

11 RONALD PIERINI: All right. Do you have

12 someone else?

13 LISA CHAMLEE: Det. Cox. And that will be

14 my last witness.

15 RONALD PIERINI: Your name, sir?

16 DET. ALEX COX: Det. Alex Cox.

17 RONALD PIERINI: And where do you work?

18 DET. ALEX COX: Nye County Sheriff's

19 office.

20 RONALD PIERINI: Okay.

21 LISA CHAMLEE: Can you describe for the

22 commission just a couple of examples where

23 Undersheriff Moody has acted out in the field to

24 assist you on backup or patrol or any calls?

25 ALEX COX: Sure. While working on patrol

1 division, I responded to a physical domestic battery
2 in progress. Upon arrival, we had merely
3 encountered a combative subject. Undersheriff Moody
4 and Sgt. James McCray responded as backup. Sheriff
5 Moody and Sgt. McCray were able to subdue the
6 suspect and handcuff him and detain him. While
7 conducting my investigation, basically what
8 happened, the female was battered, the children were
9 being abused, I found methamphetamine, numerous
10 narcotics. Sheriff Moody, Undersheriff Moody used
11 force to help subdue the subject.

12 In another instance, patrol division had a
13 domestic battery call. The suspect had broken a
14 female victim's thumb and fled the scene.
15 Undersheriff Moody was involved in a 72-mile
16 pursuit, reference that suspect. At the end of the
17 pursuit, Undersheriff Moody helped back up a rookie
18 officer that Undersheriff Moody and the rookie
19 officer took the suspect into custody at that time.

20 LISA CHAMLEE: Okay.

21 RONALD PIERINI: Thank you very much.

22 LISA CHAMLEE: Thank you.

23 RONALD PIERINI: Okay. Are you done now?

24 LISA CHAMLEE: Yes.

25 RONALD PIERINI: Are you okay?

1 LISA CHAMLEE: I'm just going to give you
2 a few legal arguments.

3 RONALD PIERINI: Sure.

4 LISA CHAMLEE: As you have in your packet,
5 I also provided you, I think, Mr. Jensen did, points
6 and authorities, legal authority, that applies to
7 our application or Sheriff Wehrly's application.

8 The ADA requires, number 1, that the
9 covered individual has to qualify as having a
10 disability and it's our position today that
11 Undersheriff Moody is a protected individual under
12 the ADA because he has been diagnosed as a doctor,
13 by a doctor, Dr. Reiner, as having a disability.
14 It's impeded with his major life activities of
15 walking, bending, and, to a certain degree, for a
16 period of working. He has not been able to go out
17 on calls. He is not able to act as a peace
18 officer in the community so we would submit to you
19 that he meets definition number 1.

20 Quickly just citing to the Littlefield
21 case which is in my brief, the Littlefield court,
22 which is the federal court here in Southern Nevada,
23 held that, in that case, the NHP officer who was
24 terminated, did not -- the NHP decision to terminate
25 him on the basis of not meeting the binocular vision

1 violated the ADA and what's interesting in that
2 particular case and how it applies to this situation
3 is NHP was the employer there. NHP made the
4 decision that he did not meet the criteria to work
5 for their organization. This wasn't a POST
6 requirement that he have binocular vision. It was
7 an NHP requirement and so he was terminated and what
8 the court found in Littlefield is that NHP violated
9 that the employee had proven a prima facie case
10 which means you basically overcome the first legal
11 hurdle and the case is going to go to trial, that
12 NHP had violated the ADA by terminating this
13 individual because he did not meet that specific
14 blanket requirement that they have binocular vision
15 in both eyes.

16 Well, in this particular instance, you've
17 heard Sheriff Wehrly, she's actually submitted the
18 application to you to issue a waiver which is within
19 your discretion. It's within your authority. She
20 is submitting to you, and I have all of the
21 evidence in my brief here and we've presented
22 testimony, that he can satisfy the essential
23 functions of his job so, if you look at the
24 Littlefield case and also the other two cases, the
25 night circuit case, which -- give me just a minute

1 and I'll find it -- Bates, it's a night circuit case
2 which deals with the ADA and then also the US
3 Supreme Court court case, USA versus Etcha
4 Zabaugh??[5:56:13].

5 If you look at the test in those
6 particular cases, Undersheriff Moody meets the
7 requirements on -- for ADA protection and it would
8 be our position today that you should exercise your
9 discretion as you've given yourself under the NAC
10 section 289 to issue a waiver and we are happy to
11 enter into any negotiation, a contract that's
12 binding that limits the scope of that POST
13 certification only when he's serving under Sheriff
14 Wehrly and, if she were to leave office, he would
15 happily re-sign and he would submit that his POST
16 certification is no longer valid. And that pretty
17 much sums up our presentation.

18 I thank you for taking the time to listen.

19 RONALD PIERINI: Thank you.

20 Okay. What I would, again, is ask the
21 commissioners, any other questions, any comments,
22 you would like to make? Or Mr. Jensen or Mr.
23 Sherlock, would you like to say anything?

24 MR. JENSEN: Yeah. We've been on this item
25 a long time so I'll try to be really brief but I

1 just had a couple of legal issues to raise in terms
2 of this particular item that I wanted to bring it up
3 to the commission. Obviously because we are in an
4 open session and I'm not going to be sharing
5 attorney-client privilege material with you guys but
6 I wanted to lay out a couple of the principles that
7 are involved in an ADA claim like this that I think
8 are important and I appreciate the briefing that was
9 done and I would agree with the majority of the
10 things that were cited in that brief in terms of the
11 rules for determining whether someone has a
12 disability and whether someone is a qualified
13 individual with a disability which is I think is the
14 critical point in this particular matter is whether
15 or not Mr. Moody is a qualified person with a
16 disability which means that he can meet those
17 essential functions, not of his job. They are not
18 here asking him to be Undersheriff of Nye County.
19 It's the critical functions that a category 1 peace
20 officer is what this POST commission certifies
21 individuals to do. It also requires that the
22 individual coming before you meets the eligibility
23 requirements for the license or certification that
24 they are asking for.

25 In this particular case, you have heard

1 testimony that Mr. Moody has not attended a basic
2 training Academy yet and has not passed the state
3 certification exam yet and has only attempted the
4 state physical fitness exam and so, in terms of
5 determining whether or not he is a qualified
6 individual with a disability, you would take into
7 consideration whether he's met the eligibility
8 requirements for the certification which, if he
9 hasn't done those other two prongs, the basic
10 training course and the state certification exam, he
11 has not met the eligibility requirements yet for
12 certification and so I think that's an important
13 thing to bring up.

14 The other is the EEOC and the regulations
15 have specifically provided that licensing boards and
16 employers can have testing for job applications if
17 certain requirements are met. If your testing tends
18 to disqualify people with disabilities, your testing
19 has to be shown to be job-related, in this case,
20 related to the job's critical task of a category 1
21 peace officer and a business necessity so those are
22 the two elements, if you're going to have a test
23 like we do here in Nevada where you - we say to be
24 certified as a category 1 peace officer, you have to
25 pass a state -- we call it a physical fitness

1 examination. It's probably more accurately called a
2 job readiness test or examination but that, as long
3 as those elements are met and your test disqualifies
4 certain people with disability, it's still a valid
5 test and is something that a commission or board can
6 do and so, to the extent that there's an argument
7 being made that you can't have a test that
8 disqualifies people that are -- that have
9 disabilities, I would disagree with that. That is
10 allowed as long as you have a validated job-related
11 test and, in Nevada, we have a job-related validated
12 test for the physical fitness examination that we
13 have here in Nevada and I think it's important for
14 the commission to be aware of that. We provided the
15 executive summary of that testing that was done in
16 2009 and I think Mike can give you just a quick real
17 quick overview of that.

18 MICHAEL SHERLOCK: I can again and, again,
19 now that we're in public and I have my notes, maybe
20 I can be a little clearer but again, from the
21 commission standpoint, when we originally did our
22 current validated test, the goal of validating a
23 physical test is first and foremost to create a
24 standard that gives us the best chance of certifying
25 those who can successfully perform the essential

1 functions, including the critical task of the job
2 class for which they are to be certified.

3 I hope the commission understands that
4 what the commission does is we certify by job class
5 and, when a person meets the standards created by
6 this commission at that time of certification, we
7 issue the certificate. It's based on that day and
8 so we do that.

9 Of course, the second objective when POST,
10 the POST commission authorized the spending of money
11 to validate was to create a test that is defensible
12 from a legal standpoint. Obviously, Mike is our
13 legal expert so I won't speak to that but, from a
14 layman's term, that is one of the reasons that
15 we've created the validated test or had that done.

16 Again, our test was validated -- this
17 particular test was validated in 2009, 2010. It was
18 accomplished by the use of Hoffman and Associates
19 which is a well-respected expert in the area of
20 police and fire physical job-related tests. Prior
21 to that, we had the Cooper standard and a bifurcated
22 test out of Idaho that we knew would not satisfy
23 that legal standard.

24 Nevada to do this, to validate, surveys
25 were conducted regarding the physical aspects of the

1 job, including critical tasks. Critical tasks are
2 those activities that may be done, may not be done
3 everyday or be called repetitive but are
4 requirements of that job class. These surveys at
5 the time of the validation were vetted by
6 supervisors and managers of law enforcement agencies
7 across the state and compared to national norms to
8 validate those actual physical critical tasks.

9 The -- based on the - those critical task
10 job simulation tests were, which Mike spoke about
11 earlier, were developed. Those are the things that
12 Mike was talking about, pushing the car, chasing
13 someone, handcuffing someone, that kind of thing.
14 Based on those job simulation tests from those
15 surveys on critical tasks, the PPFT was developed.
16 The PPFT or the physical fitness test, our physical
17 tests that are meant to simulate the critical task
18 requirements and that's where our PPFT was
19 developed.

20 A couple of things about the PPFT. First,
21 it is one test. There are six components to our
22 PPFT but there is only one test. The entire test is
23 what we have validated. The test must be done in
24 three hours and it has to be done in certain orders.
25 That's what the validation is about. If you remove

1 any portion of that, which was our problem
2 originally with the Idaho test, the test is no
3 longer valid and it's not a validated test.

4 The last thing I really want to say about
5 it is, our exact test is used all over the country
6 now, either as a POST requirement or a hiring
7 requirement of an individual agency. I can tell you
8 that Wisconsin just completed a lengthy and very
9 expensive validation transportability study as of
10 this year. They require both a PT test and an
11 academy entrance test which is exactly ours and in a
12 transportability validation test, these experts look
13 at other state requirements across the country.
14 They determine whether the critical tasks are the
15 same for their job class in their state and whether
16 or not the test is defensible. What they
17 determined, at least in Wisconsin, if we can say
18 because they adopted Nevada's test is they felt at
19 that time that it was a good representation of the
20 critical tasks in their state and the defensibility
21 of that particular PPFT test so I just want the
22 commission to be aware that it is used across the
23 country. Many states use it. Wisconsin just
24 studied it and validated it again for their state
25 using our exact cutoff scores, exact test so I'll

1 leave it at but that's what our -- that's how our
2 PPFT came about.

3 RONALD PIERINI: Okay. Thank you, Mike.

4 LISA CHAMLEE: I'd like to respond just
5 briefly. We are not disputing that the physical
6 fitness requirements that the POST commission has
7 created here. We certainly agree that it is
8 necessary for patrol deputies, for people that are
9 coming in with very little experience who are going
10 to be first responders on a scene. That's not what
11 we are submitting to you.

12 What we're asking for and why I wanted to
13 get into the facts about Undersheriff Moody's prior
14 experience, the unique lack of resources that we
15 have in Nye County. You know, it's a very small
16 Sheriff's office. We have a lot of problems and so
17 this is a unique set of facts. You have a very
18 experienced undersheriff who is required to go out
19 there. It's not the same situation that would apply
20 to the standards namedd in your study here and Mr.
21 Jensen was gracious enough to provide me with a
22 copy. I did read that.

23 What my question to you is, you have the
24 Sheriff submitting to you here that Undersheriff
25 Moody performs the essential functions of his job so

1 I understand that POST level I certification applies
2 to all basic police officers. I know that there are
3 different levels here but he has got to have that
4 and why would the POST commission give themselves
5 the authority to grant a waiver? You've given
6 yourselves that authority. We're asking you to
7 exercise your authority and issue a limited waiver.
8 It would satisfy -- it would enable him to do his
9 job and it would ensure compliance with the ADA so
10 I'm not disputing what's in the study here. I agree
11 and my client and Sheriff Wehrly would agree that
12 it is absolutely necessary for patrol deputies to
13 have -- to meet those physical fitness requirements.

14 RONALD PIERINI: Okay. Thank you. Gary?

15 GARY SCHOFIELD: Gary Schofield for the
16 record. Counselor, I think that your arguments are
17 well put together. My question for you is, in your
18 letter to us on October 24, 2016, it says, you're
19 asking for a limited waiver. If I'm hearing you
20 right, what you want us to do is, are you asking us
21 to grant a category 1 POST certification?

22 LISA CHAMLEE: No. And I apologize.

23 GARY SCHOFIELD: What --

24 LISA CHAMLEE: -- if I have missed spoken.
25 What I'm asking for is a limited waiver of just the

1 running portions of the physical fitness test.

2 GARY SCHOFIELD: So then to follow me on
3 that. So then the next thing would be, it would be
4 up to the Silver State Academy or whatever police
5 Academy with that limited waiver from the commission
6 to put the individual, in this case, a distinguished
7 undersheriff of Nye County, through the training.
8 Is that what you're saying?

9 LISA CHAMLEE: Yes.

10 GARY SCHOFIELD: And if, during that
11 training, he does not complete the training
12 appropriately, would you be back in front of this
13 commission again?

14 LISA CHAMLEE: Well, I don't know if the
15 POST has -- if the commission here has any authority
16 to order Silver State Academy to waive certain
17 parts of their Academy in the physical fitness
18 requirements. He cannot run. He cannot do any of
19 the running portions of the Academy so --

20 GARY SCHOFIELD: This commission does set
21 the standards for entry into different police
22 academies throughout the state of Nevada.

23 LISA CHAMLEE: Okay.

24 GARY SCHOFIELD: So as an individual that
25 runs one of those academies, then the other question

1 that I would ask you is, in your letter to us, it
2 says undersheriff is disabled under the ADA. I
3 don't want to go back into the closed session stuff
4 but that determination is not made by this
5 commission nor in the testimony before has it made
6 by Nye County.

7 LISA CHAMLEE: I agree.

8 GARY SCHOFIELD: Okay. And follow me
9 along that. It says Nevada POST commission is
10 required to provide a reasonable accommodation. We
11 are not the employer of the undersheriff.

12 LISA CHAMLEE: I agree with that. You are
13 not the employer but you have -- you are in a
14 position where you can issue a waiver that will
15 allow my client to receive the POST certification
16 which is necessary for him to continue his
17 employment so --

18 GARY SCHOFIELD: Would possibly allow him
19 because he would still have to make it through all
20 of the training that he needs to do, including any
21 defensive tactics training and not to get back into
22 the closed session again, there is a certain amount
23 of physicality that goes into that so somebody's
24 going to be accepting that risk but it's not the
25 commission. It would be --

1 LISA CHAMLEE: It would be the county.

2 GARY SCHOFIELD: -- Nye County.

3 LISA CHAMLEE: Yes.

4 GARY SCHOFIELD: Okay.

5 LISA CHAMLEE: And so to clarify, I guess

6 my request or sheriff's request for a waiver would

7 apply to any physical fitness requirements as part

8 of an Academy at Silver State.

9 MIKE JENSEN: This is Mike Jensen, for the

10 record. That isn't even an agenda item on the

11 agenda today.

12 LISA CHAMLEE: Well --

13 MIKE JENSEN: So --

14 RONALD PIERINI: Yeah, we're going way

15 ahead of ourselves on that.

16 MIKE JENSEN: Yeah.

17 RONALD PIERINI: Okay, does anybody else

18 have any questions? Any comment? All right. Thank

19 you.

20 LISA CHAMLEE: Okay. Thank you.

21 RONALD PIERINI: Now, it's, I think, time

22 for public comment. Is there anybody in the

23 audience that would like to make a comment on this

24 particular agenda item? Does anyone -- coming up.

25 Is there anybody else?

1 I want to make it real clear though is
2 that we need to do it very short and I want it to be
3 accurate. Okay? Thank you.

4 SHANE HODGE: Shane Hodge on behalf of the
5 public. I'd like to thank you and the fellow
6 commissioners in taking the time to speak with me
7 tonight. As you know, Sheriff Wehrly has submitted
8 a request to waive a portion of the physical fitness
9 requirements. I'm here to request the commission to
10 deny that. The basis for that denial is, last year,
11 this commission met on the same issue and an
12 extension was granted. That extension was set to
13 expire July 12, 2016 and that is in the meeting
14 notes from the commission and her communication
15 correspondence between the Sheriff and Mike
16 Sherlock.

17 On August 3 of this year, Undersheriff
18 Moody participated in a felony arrest. That is
19 outside of his extension period of time. I filed
20 an internal affairs complaint with the Nye County
21 Sheriff's Office, IA Investigator Sgt. Thomas
22 Klenczar. He responded in his finding saying that
23 Undersheriff Moody was a citizen assisting law
24 enforcement to effect an arrest.

25 That is extremely troublesome as, based

1 off of my feelings as well as many others, based off
2 if he was in possession of his influence of
3 authority, driving an unmarked unit, wearing a
4 badge, with weapon drawn.

5 Moving forward now, it is my request that
6 this be denied, again. I have spoken with Mike
7 Sherlock. I have submitted a request for records.
8 In that request for extension, Sharon Wehrly gave
9 the date of February 2 as Brent Moody's hire date.
10 I have a letter from the Nye County human resources,
11 an e-mail from them, saying that his hire date as
12 undersheriff and as a category 1 officer was January
13 12 so that information was given to the commission
14 as well as given into his employment personnel
15 action report as well. February 2 is the date that
16 Brent Moody was given his oath of office. That oath
17 is still in effect. She has yet not revoked that.
18 Sheriff Wehrly consistently says that Brent Moody is
19 certified in Alaska as a peace officer and he has
20 met reciprocity. I have a newspaper article back in
21 - I have spoken with Bob Griffis, the executive
22 director in Alaska. He states that Brent Moody has
23 not been certified in Alaska and his last date of
24 employment with Alaska was March 31 of 2005.

25 Back to what Mike Sherlock was talking

1 about earlier with regards to the employment in
2 Alaska, I have a letter that was submitted to the
3 Nye County Sheriff's Office regarding that -- those
4 dates that Brent Moody worked in Alaska.

5 We are, based on Alaska's record, Brent
6 Moody's Alaska police officer certification lapsed
7 on March 30, 2006, one year after his last
8 employment as a peace officer with the police
9 department. In speaking with Seward Police
10 Department, Chief Tom Clemons, which is that
11 question, the week period that he was employed in
12 Alaska, Mr. Moody, there was -- it is said that
13 there was no intent for Mr. Moody to perform the
14 duties of a police officer. He was hired to do
15 administrative duties. If not speaking with the
16 chief, the commission in Alaska would have no
17 knowledge of his employment.

18 Now, here we are a year later and this is
19 continuously, you know, gone on. He has violated
20 the extension by affecting a felony arrest on August
21 3. He is listed on the DA's report as a responding
22 officer, not as a civilian, as well as the
23 declaration of arrest. That should be extremely
24 troublesome and the Sheriff has now said that it's
25 an essential function for him to be certified as a

1 police officer. You've read his job description as
2 have I. Nowhere in that job description does it say
3 that he needs to be certified as a category 1
4 officer to effect his duties. He could be an
5 administrative personnel. He does not need to be
6 out in the street. It is not a necessity. They can
7 hire, reach out, hire other officers and promote
8 within but they -- he can work as an administrator
9 there. That leadership is still there. He -- that
10 doesn't mean he loses his job. It just means he is
11 not certified.

12 The physical fitness is a basic function
13 of any officer. Every officer here had to go
14 through that at one point. Any new officer has to
15 retake that physical fitness. If an officer needs
16 help and is out and there is a suspect hurting
17 another officer, he can't run after that to help
18 him. If that officer dies, that's -- where does the
19 liability land on that? Extremely -- it's extremely
20 troublesome that the audacity of the Sheriff to
21 continuously drag this out and quite frankly waste
22 the time of the commission.

23 RONALD PIERINI: Okay. Thank you very
24 much

25 SHANE HODGE: All right. Thank you for

1 your time.

2 RONALD PIERINI: Is there anything else
3 from the -- anybody here like to make a comment?
4 Okay. See none. Close that up and if I -- would like
5 to ask any of the commissioners, do you have any
6 questions or any comments you would like to make now
7 before we do our motion?

8 KEVIN MCKINNEY: I have a question for
9 Dir. Sherlock. Kevin McKinney, for the record.

10 Mr. Sherlock, you've been the Executive
11 Director for a year now and you were with the
12 commission or with the POST for several years prior
13 to that. Right?

14 MICHAEL SHERLOCK: That is correct, five
15 years prior to that.

16 KEVIN MCKINNEY: Have -- has this
17 commission or POST ever granted a certificate to an
18 applicant who was unable to pass the physical
19 fitness portion of the test?

20 MICHAEL SHERLOCK: No.

21 RONALD PIERINI: Anyone else like to make
22 a comment or question?

23 MIKE JENSEN: This is Mike Jensen, for the
24 record. I would just like to throw out a couple of
25 potential recommendations here to the commission on

1 this item. I think, given the information that has
2 been provided today that Mr. Moody hasn't met all of
3 the eligibility requirements for POST certification,
4 certainly one of the ways the commission could go is
5 to require him to hold off on this and require him
6 to go meet those other eligibility requirements
7 first and then come back and ask for this kind of a
8 waive later if he is able to do that.

9 Also, in the meantime, we heard some
10 testimony in closed session about limitations that
11 aren't clear in terms of his medical situation.
12 Certainly, I would hope, before the commission made
13 a decision on whether or not to give him a waiver
14 that you would have up-to-date information on
15 whether he can perform the essential functions of a
16 category 1 peace officer and we really haven't
17 received that information. I asked some questions
18 about whether he could do those job-critical tasks
19 but we don't really have any medical documentation
20 to support that so that, I would think, would be
21 something the commission might want to have before
22 making a decision on what to do.

23 And finally, if he is able to get to that
24 point potentially offering an opportunity to do the
25 job simulation testing that is provided for in the

1 validation study which, I think, the physical
2 standards were built off of.

3 RONALD PIERINI: Okay. Gary?

4 GARY SCHOFIELD: I would just like to say
5 couple of things for the record. Gary Schofield
6 again. Without a doubt, Undersheriff Moody has a
7 lengthy and distinguished career, Sir, so all that
8 being said, a couple of things that I would like us
9 to consider is the Minnesota POST and the Alaska
10 POST, I don't see anything in the record as to
11 formal documentation from them as to what exactly
12 was the certification. I mean, I'm looking at a
13 lengthy resume. It's a little hard to sort of look
14 at what I'm looking at is a POST certification, POST
15 certification, you know, when was it there at the
16 same time?

17 I do agree with what our counsel has said.
18 I'm a little disturbed as to I can't make a decision
19 without knowing county, making a decision on the
20 issue of disability and the reason for
21 accommodations because, without that final decision
22 being made, we are just making decisions based on
23 pieces of paper that are there.

24 And then, from Nye County as far as what
25 the job specifications are, that is an issue between

1 the sheriff in Nye County. Job specifications
2 change and job specifications come and go. We do
3 thousands of them in the size of our agency on a
4 routine basis based on new things that come up so
5 there's a couple of things that are troubling before
6 we make a final decision, either saying yes or no.

7 RONALD PIERINI: Okay. Anyone else who
8 would like to make a comment or have any questions?

9 Okay. We're going to look for a motion
10 and request from Nye County sheriff for the waiver,
11 whether or not they move forward or not so or
12 whatever we want to do as far as a motion so I am
13 looking for a motion if I could.

14 GARY SCHOFIELD: I'll make a motion that,
15 at this time, we hold the request by the Nye County
16 Sheriff, you know, if that's the right word. The
17 terms are down here, on a couple of things that we
18 need to have as a commission, research on the
19 Minnesota POST, research on Alaska POST, a final
20 decision in writing to us from Nye County from
21 whoever that authority is in Nye County has to what
22 they considered to be the duty status of an
23 undersheriff, that it would be brought back in front
24 of the commission if the sheriff so sees fit at that
25 time and those pieces of documents are in our

1 possession. That's my motion.

2 RONALD PIERINI: Can I have a second?

3 TROY TANNER: Troy Tanner, I second.

4 RONALD PIERINI: Okay. I would like to

5 ask any other questions or any kind of comments you

6 would like to make on that motion? Okay. All in

7 favor?

8 MULTIPLE VOICES: Aye.

9 RONALD PIERINI: Anybody opposed? So

10 carried. Thank you.

11 [DISCUSSION ABOUT THE GAME]

12 RONALD PIERINI: All right. So we're

13 going to go on to number 7 if we could. All right.

14 This is a discussion, public comment, and for

15 possible action. Request from the Southern Nevada

16 Adult Mental Health. The employee has a six-month

17 extension, passed a one-year requirement in order to

18 meet the requirements of certification for the

19 following employees.

20 I want to turn that over to Scott and, if

21 you can go ahead and give exactly which one of those

22 employees that are being questioned and also what we

23 are doing.

24 SCOTT JOHNSTON: Okay. Thank you, Mr.

25 Chairman. Scott Johnston, for the record.

1 The agency has requested 11 officers that
2 are listed here and I'll just go through the names.
3 Joel Akens, Brittany Bailey-Duan, Rebecca Breeland,
4 Russell Black. I'm probably not going to get this
5 one right -- Yucely Carvajal.

6 UNIDENTIFIED MALE: Carvajal.

7 SCOTT JOHNSTON: Robert Gomez, Corey
8 McKnight, Jerome Mitchell, Maurice Patterson,
9 Michael Powell, David Pratt, and Jeffrey Tyndall.

10 We had recently been notified that they
11 are withdrawing Mr. Gomez and Mr. Powell as they are
12 no longer employed with them and it's not an issue.

13 RONALD PIERINI: Okay. Thank you, Scott.
14 Is there anybody from the Southern Nevada Adult
15 Health?

16 DAVID JOSEPH: Yes.

17 RONALD PIERINI: Will you please come up,
18 please? And please state your name and the agency
19 and your rank. There you go.

20 DAVID JOSEPH: All right. For the record,
21 I'm David Joseph. I'm the correctional sergeant for
22 Southern Nevada Department of Health. Just a little
23 back history, I suppose, on this. We -- the
24 facility itself was designed and opened as part of a
25 federal lawsuit. The only other facility that

1 provided these services in Nevada was Legacy
2 Crossing up until now. We created this from the
3 ground up so we started accepting clients in July.
4 The actual forensics specialist positions were not
5 created until October and we didn't get anybody pass
6 the physicals and backgrounds until the end of
7 October so, at that time, we only had I want to say
8 10 people and we had up to 20 clients were inmates.
9 It needs the safety of the building. We had to use
10 Silver State Law enforcement so we had officers
11 working on the floor while attending the Academy and
12 those guys have been absolutely wonderful, by the
13 way. They worked with us tremendously. They
14 created a category 3 program specifically tailored
15 for our needs and it was amazing for them to go
16 through that and do that for us.

17 We just -- we did everything that we
18 could. We worked with the Department of Corrections
19 and we've been trying to get guys through academies
20 and basically, up to this point, if we get the
21 extension granted for these 10, my hopes is to not
22 come back in front of you asking for anything else.
23 I'm hopeful that we get these guys through and we
24 are being proactive. We are doing this as well.
25 Some of them should be attending the next Academy

1 coming up in January.

2 RONALD PIERINI: You do realize, too, if I

3 may, that you only have 18 months at the very max.

4 DAVID JOSEPH: Yes, Sir.

5 RONALD PIERINI: Okay. You understand

6 that.

7 DAVID JOSEPH: Yes.

8 RONALD PIERINI: Okay. So hopefully you

9 can get all that done. Huh?

10 DAVID JOSEPH: Yes, Sir. I'm very

11 hopeful.

12 RONALD PIERINI: All right. Scott, do you

13 want to make any other comments or any other

14 questions?

15 SCOTT JOHNSTON: Yes, Scott Johnston, for

16 the record. Just call the attention to the

17 commissioners that, on each one of these employees,

18 their hire date was either in 2015 to 2016 and the

19 six-month extension passed the one-year requirement.

20 For most of them, it puts them well into 2017 which

21 is -- the sergeant had mentioned that they are

22 scheduled to attend the programs so that they -- all

23 of these people will meet the requirements and be

24 able to perform their duties with the agency.

25 RONALD PIERINI: Okay. Good.

1 DAVID JOSEPH: Yes. I've actually had
2 permission from my administration to send 10 to the
3 next Silver State Academy that starts in January
4 and, after that I finally gained permission from
5 the OCD guys of our services.

6 RONALD PIERINI: Well, I appreciate your
7 coming here and telling us that. I appreciate that
8 very much. That's something we require.

9 DAVID JOSEPH: Thank you.

10 RONALD PIERINI: All right. We are
11 looking for a motion.

12 TROY TANNER: Troy Tanner, for the record.
13 Why don't they have to do a pretest and [INAUDIBLE
14 6:26:41] That's not required for the PT before they
15 start attending?

16 DAVID JOSEPH: We had, Sir.

17 TROY TANNER: Okay.

18 DAVID JOSEPH: Yeah, we had to get
19 everything. That's why we're -- the position was
20 created October 1 legislatively, it was funded, and
21 we didn't actually get people employed until mid-,
22 like mid-, end of October, because of the
23 requirements.

24 TROY TANNER: Okay.

25 DAVID JOSEPH: The background checks and

1 everything. We had to set all of that up so --

2 TROY TANNER: Okay.

3 RONALD PIERINI: All right. Trying again

4 for a motion or any other comment? Maybe I should

5 do that first. No. Well, okay. Do I have a

6 motion? Gary, you are good at it, buddy. Just go

7 for it.

8 GARY SCHOFIELD: I've already made enough

9 motions today.

10 MICHELE FREEMAN: I have one quick

11 question, if I may.

12 RONALD PIERINI: Yes, please.

13 MICHELE FREEMAN: Michele Freeman. So

14 overall, how many people are off of this list? I'm

15 sorry, some of these came off. Correct?

16 DAVID JOSEPH: There's two.

17 UNIDENTIFIED MALE: Two.

18 DAVID JOSEPH: Gomez and Powell. So that

19 leaves 10 remaining.

20 MICHELE FREEMAN: Okay. So 10 people were

21 looking for extensions?

22 DAVID JOSEPH: That is correct.

23 MICHELE FREEMAN: Okay.

24 KEVIN MCKINNEY: I'm Kevin McKinney. And

25 you said you'll have 10 going to -

1 DAVID JOSEPH: Yes.

2 KEVIN MCKINNEY: Silver State. Is that
3 correct?

4 DAVID JOSEPH: The next Academy, yes. I'm
5 trying to be a little bit proactive in seeking this
6 many because I know I can only do it one time and I
7 know there's extenuating circumstances that can
8 occur. One of them, I just found out the other day
9 had some medical concerns as well but if I get the
10 extension granted, that should be of concern as
11 well.

12 MICHELE FREEMAN: I'll make a motion.

13 RONALD PIERINI: Please.

14 MICHELE FREEMAN: Michele Freeman, motion
15 to extend until -- what are we -- until January.

16 DAVID JOSEPH: Six months.

17 MICHELE FREEMAN: Okay. Six months. So
18 they would go into the January Academy extending it
19 for six months.

20 DAVID JOSEPH: Yes.

21 MICHELE FREEMAN: Got it. That's my
22 motion.

23 RONALD PIERINI: Thank you. Do I have a
24 second? Thank you. Any other questions, comments?
25 All in favor?

1 MULTIPLE VOICES: Aye.

2 RONALD PIERINI: Any opposed? So carried.

3 Thank you, Sir.

4 DAVID JOSEPH: Thank you.

5 RONALD PIERINI: Okay. We go to number 9,

6 huh?

7 MULTIPLE VOICES: 8.

8 RONALD PIERINI: I'm trying to push it.

9 Okay, guys?

10 [DISCUSSION ABOUT GAME SCORE.]

11 RONALD PIERINI: Okay, number 8 is

12 discussion, public comment and for a possible

13 action, request is from Esmerelda County Sheriff's

14 Office for employee Dallas Terry for a six-month

15 extension past the one-year requirement to August

16 10, 2017 in order to meet the requirements of

17 certification.

18 KEN ELGAN: Yeah.

19 RONALD PIERINI: Sure.

20 KEN ELGAN: Ken Elgan, Sheriff, Esmerelda

21 County. Yeah. Deputy Terry is enrolled in the

22 Academy class starting in January. His year expires

23 in February, no, November. So that's why we're

24 trying to get the extension so we can make sure we

25 get him into class.

1 RONALD PIERINI: Okay, sure.

2 KEN ELGAN: And I have two deputies going
3 with him and one other for the [INAUDIBLE 6:29:30].

4 RONALD PIERINI: All right.

5 GARY SCHOFIELD: Make a motion that we
6 approve this.

7 RONALD PIERINI: May I just interrupt just
8 for a second --

9 GARY SCHOFIELD: Oh, I'm sorry.

10 RONALD PIERINI: -- please, Gary.

11 GARY SCHOFIELD: I thought you wanted a
12 motion.

13 RONALD PIERINI: Scott, looking at you.
14 Are you okay with everything?

15 SCOTT JOHNSTON: Scott has no problem.

16 RONALD PIERINI: Okay. Gary, you're up.

17 GARY SCHOFIELD: I make a motion to
18 approve.

19 TROY TANNER: Troy tanner, I second.

20 GARY SCHOFIELD: Request for extension.

21 RONALD PIERINI: Thank you. All in favor?

22 MULTIPLE VOICES: Aye.

23 RONALD PIERINI: Anybody opposed? So
24 carried. Thank you.

25 [INAUDIBLE 6:29:55]

1 RONALD PIERINI: Hey, Sheriff Furlong, we
2 put that from number 9 to number 17. I'm sorry.

3 Okay. Number 9. Discussion, public
4 comment, and for possible action. Requester is the
5 Carson City Sheriff's Office for their employee,
6 Bruce Pendron? Is that how you say that?

7 SHERIFF FURLONG: Pendragon.

8 RONALD PIERINI: Okay. For a six-month
9 extension past the one-year requirement to April 2,
10 2017 in order to meet the requirements for
11 certification.

12 SHERIFF FURLONG: Right. Deputy
13 Pendragon was hired on October, let me see here,
14 date of hire October 2, 2015 and he was in the
15 Academy and was injured and released as a result of
16 those injuries and we anticipate him to go back into
17 the Academy. He is scheduled to attend the January
18 of 2017 academy.

19 RONALD PIERINI: Thank you. Scott, are we
20 okay?

21 SCOTT JOHNSTON: We are good on that.

22 RONALD PIERINI: All right. Does anybody
23 have questions or comments?

24 UNIDENTIFIED MALE: I don't have any
25 comments or questions. I make a motion to approve

1 the six-month extension.

2 RONALD PIERINI: Thank you, Chief. Do I
3 have a second?

4 MICHELE FREEMAN: Michele Freeman, second.

5 RONALD PIERINI: Thank you, Michele. All
6 in favor?

7 MULTIPLE VOICES: Aye.

8 RONALD PIERINI: Anybody opposed? So
9 carried. Thank you. Kenny?

10 UNIDENTIFIED MALE: The next one is --

11 RONALD PIERINI: Number 10 is --

12 UNIDENTIFIED MALE: What's that? There
13 you go.

14 RONALD PIERINI: Discussion, public
15 comment, possible action, requested by Carson City
16 Sheriff's office to employee Daniel Henneberger?

17 SHERIFF FURLONG: Got it.

18 RONALD PIERINI: Got it. All right, I got
19 that right. Okay. For a six-month extension past a
20 one-year requirement on April 2, 2017 in order to
21 meet the requirements for certification.

22 SHERIFF FURLONG: Daniel Henneberger, Dep.
23 Henneberger, was hired on October 23 of 2015 as a
24 result of a grant that we did by the chief. We had
25 over -- we had more officers than we anticipated.

1 We were fortunate. We got a school resource
2 officer program grant and, as a result of that, we
3 just were not capable of meeting the prescribed
4 period of time. We are anticipating him. He is
5 scheduled for the January of 2017 POST Academy.

6 RONALD PIERINI: Thank you, Kenny. Mr.
7 Scott? Are we okay?

8 SCOTT JOHNSTON: The staff's
9 recommendation is to approve.

10 RONALD PIERINI: Okay. Looking for a
11 motion?

12 TROY TANNER: Troy Tanner, make a motion
13 to approve.

14 RONALD PIERINI: Thank you, Chief. Do I
15 have a second?

16 MICHELE FREEMAN: Michele Freeman, second.

17 RONALD PIERINI: Thank you very much. All
18 in favor?

19 MULTIPLE VOICES: Aye.

20 RONALD PIERINI: Anybody opposed? So
21 Kerry. Thank you. We've got another one.

22 UNIDENTIFIED MALE: [INAUDIBLE 6:32:20]

23 RONALD PIERINI: Discussion, Public
24 comment, and probable action. Requested by Carson
25 City Sheriff's office, for employee Jeremy Garcia

1 for a six-month extension past a one-year
2 requirement to June 11, 2017, in order to meet the
3 requirements for certification. Kenny?

4 KENNY FURLONG: Deputy Garcia was hired on
5 December 11, 2015. He was anticipated to enter into
6 the Academy on October 10. However, due to a family
7 medical emergency, we were not able to meet that
8 schedule. The emergency was verified and
9 validated. He is scheduled to attend the January
10 2017 POST Academy.

11 RONALD PIERINI: Thank you, Sir. Scott?

12 SCOTT JOHNSTON: The staff has --
13 recommends approval.

14 RONALD PIERINI: Okay. Thank you.

15 TROY TANNER: Troy Tanner makes a motion
16 to approve.

17 RONALD PIERINI: Thank you, Troy.

18 MICHELE FREEMAN: Michele Freeman, second.

19 RONALD PIERINI: Thank you. All in favor?

20 MULTIPLE VOICES: Aye.

21 RONALD PIERINI: Anybody opposed? So
22 Kerry. Thank you, Kenny.

23 MULTIPLE VOICES: Thank you.

24 RONALD PIERINI: Number 12 is -- thank
25 you. Discussion, public comment and possible action

1 requested by Metropolitan Police Department for the
2 employee of Capt. Shawn Anderson, an executive
3 certificate. So do we have anybody from Las Vegas
4 here?

5 [INAUDIBLE 6:33:34]

6 RONALD PIERINI: I think I probably
7 should. Thank you. Okay, Gary?

8 GARY SCHOFIELD: Why can't I just
9 [INAUDIBLE 6:33:34]

10 RONALD PIERINI: Maybe we should start
11 probably first, Gary, before you do if you wouldn't
12 mind, Mr. Sherlock.

13 MICHAEL SHERLOCK: Certainly. We received
14 an application for the issuance of an executive
15 certificate for Capt. Shawn Anderson of the Las
16 Vegas Metropolitan Police Department. The staff
17 reviewed that application and found that it met all
18 the requirements and recommend issuing that
19 executive certificate.

20 GARY SCHOFIELD: Gary Schofield, Las Vegas
21 Metropolitan Police Department, deputy chief of
22 professional standards division. I highly recommend
23 that Capt. Shawn Anderson be given this certificate.
24 He is doing a solid job within the department and he
25 is in charge of our office of internal oversight

1 which does a lot of the work with officer-involved
2 shootings and the DOJ so he's well deserved.

3 RONALD PIERINI: Thank you, Gary. Looking
4 for a motion.

5 TROY TANNER: Troy Tanner, I make a
6 motion. Actually, Shawn is a real good friend of
7 mine so I really want to make this motion.

8 RONALD PIERINI: Okay.

9 MICHELE FREEMAN: Michele Freeman, second.

10 RONALD PIERINI: Thank you. And Gary,
11 you're going to --

12 GARY SCHOFIELD: [INAUDIBLE 6:34:40]

13 RONALD PIERINI: Thank you. All in favor?

14 MULTIPLE VOICES: Aye.

15 RONALD PIERINI: Any opposed? So carried.
16 Thank you. We've got the certificate here. He is
17 not here so maybe Gary can get that to him.

18 GARY SCHOFIELD: I will, wonderful.

19 RONALD PIERINI: Thank you. Okay. We are
20 now going to 13. Discussion, public comment and for
21 possible action, hearing pursuant to NAC
22 289.290(1)(e) and revocation of Solomon Coleman,
23 formerly Las Vegas Metropolitan Police Department,
24 certification based on gross misdemeanor, convicted
25 of capturing an image of a private area of another

1 person. The commission will decide whether to
2 revoke Mr. Coleman's category 1 basic certificate
3 and, Mike, it is yours.

4 MIKE JENSEN: Okay. Thanks. Mike Jensen,
5 for the record. This time and place set for the
6 revocation hearing for Mr. Coleman. Just a reminder
7 that the interest where working under is 289.510
8 that provides for the commission to adopt minimum
9 standards for certification and decertification of
10 officers in the NAC 289, 290 that authorizes the
11 commission to revoke, refuse, or suspend the
12 certificate of a peace officer, in this case, based
13 on a gross misdemeanor conviction.

14 There are a number of exhibits in each of
15 your binders or electronically in front of you and
16 I'll just briefly go through those and ask that they
17 be admitted and made a part of the record in support
18 of any action that the commission may take today
19 with regard to this item.

20 Exhibit A, you will see is the amended
21 notice of intent to revoke. This is a notice that
22 was sent to Mr. Coleman informing him of the
23 commission's intent to potentially revoke his peace
24 officer's certificate based on that count that was
25 described in the agenda item, capturing an image of

1 a private area of another individual, a gross
2 misdemeanor. It was filed here in District Court in
3 Clark County. He was advised of his ability to
4 attend this particular meeting to present any
5 evidence and examine and cross-examine any witnesses
6 and. He was required of the requirement to inform
7 the commission within 15 days of the letter of his
8 intended action and it is my understanding that he
9 has not communicated with the commission with regard
10 to the intended action. The scope of the hearing
11 today is to determine whether his POST certification
12 should be revoked for a gross misdemeanor
13 conviction.

14 Exhibit D is the service document showing
15 that Mr. Coleman was served with the notice of
16 potential revocation or intent to revoke on August
17 24, 2016.

18 Exhibit C is the personnel action report
19 showing that Mr. Coleman was involuntarily separated
20 from his employment as a peace officer and that was
21 effective in December of 2011 -- of 2013. Under the
22 comment section, it states that there was an
23 involuntary separation when he was arrested on a
24 felony and three gross misdemeanor charges.

25 Exhibit D is the certified copy of his

1 category 1 basic certificate which is at issue
2 today.

3 Exhibit E is the certified copy of the
4 indictment which shows that Mr. Coleman was charged
5 with two counts of oppression under color of office,
6 a gross misdemeanor, capturing an image of a private
7 area of another in violation of 201.210 and two
8 counts of open and gross lewdness, a gross
9 misdemeanor and finally with indecent exposure, a
10 gross misdemeanor in violation of 201.220.

11 Exhibit F is a certified copy of the
12 judgment of conviction showing that Mr. Coleman was
13 convicted of Count 2 which was capturing an image
14 of the private area of another person, a gross
15 misdemeanor. It provides the factual basis and his
16 complaint was that -- in the indictment was that Mr.
17 Coleman did then and there willfully and unlawfully
18 knowingly and an intentionally capturing an image of
19 a private area of another person to wit the name has
20 been excluded, because I believe it is a juvenile,
21 without their consent and under circumstances in
22 which that person had a reasonable expectation of
23 privacy by recording videos from that individual
24 cell telephone which included images of her exposed
25 breasts and genital areas. He was sentenced to six

1 months in the Clark County Detention Center. That
2 was suspended and he was placed on probation for an
3 indeterminate period, not to exceed two years, with
4 standard terms and conditions which include things
5 that disqualify him from being able to act as a
6 peace officer like having no association with
7 someone on probation or who has been convicted of a
8 felony.

9 The evidence shows Mr. Coleman was
10 convicted of that gross misdemeanor charge that
11 arose out of his activities as a peace officer in a
12 peace officer capacity. Clearly, these are serious
13 criminal activity that's inconsistent and
14 incompatible with him being placed in a position of
15 a peace officer and violates the public's trust that
16 is placed in peace officers and, based on that
17 evidence, I would recommend that Mr. Coleman's basic
18 certificate be revoked.

19 RONALD PIERINI: Again, the exhibits are
20 also accepted and I'd like to ask is there anybody
21 in the audience for Mr. Coleman or anybody accept
22 that are there to make a topic on it or talk about
23 it? Nobody? Okay. I'm seeing none.

24 All right. Do we have any comments or any
25 kind of questions that our commissioners have? All

1 right. I'm looking for motion.

2 UNIDENTIFIED MALE: I'll make a motion.

3 RONALD PIERINI: All right. Gary, would
4 you like to say anything? I'm sorry.

5 GARY SCHOFIELD: No. I'm just
6 representing the Las Vegas Metropolitan Police
7 Department. This is Gary Schofield, Deputy Chief.
8 We would recommend highly to the Commission that
9 this certification be revoked from this individual.

10 RONALD PIERINI: Okay. Thank you, Gary.

11 KEVIN MCKINNEY: Kevin McKinney. I'll
12 make a motion that we revoke his certification at
13 this time.

14 RONALD PIERINI: Thank you, Sir.

15 UNIDENTIFIED MALE: Second.

16 RONALD PIERINI: I have a second. All in
17 favor?

18 MULTIPLE VOICES: Aye.

19 RONALD PIERINI: Okay. So approved.
20 Thank you. One more to go.

21 MIKE JENSEN??: All right. I promise.
22 It's the last one.

23 RONALD PIERINI: Okay. We are on 14.
24 This is, again, discussion, public comment, and for
25 a possible action. Hearing pursuant to NAC 289.290

1 180, again, Saverio Scarlata. How do you say that?

2 UNIDENTIFIED MALE: I don't know.

3 RONALD PIERINI: S-A-V-E-R-I-O and then S-
4 C-A-R-L-A-T-I, II, formerly of the Mineral County
5 Sheriff's Office, certification based on a
6 misdemeanor convicted of false report by a peace
7 officer, public officer, I should say. The
8 commission is -- we will decide whether or not to
9 revoke his category 2 -- 1 basic certificate. Mike?

10 MIKE JENSEN: Mr. Chairman, again, we are
11 proceeding under the same authority that we stated
12 on the last item, interest 289.510 and 289 -- NAC
13 289.290. This is again a gross misdemeanor
14 conviction. The exhibits that I would present are
15 in your binders and I would present those today and
16 ask that they be admitted and made part of the
17 record in support of any action that might be taken
18 by the commission.

19 Exhibit A is amended notice of intent,
20 again, informing Mr. Scarlata of the -- this
21 intended action. At the time and place of this
22 particular hearing, the conviction that any action
23 be based on the legal requirement that he inform the
24 commission within 15 days of his intended action
25 which I understand there has been no communication

1 with the commission on the intent to appear today
2 and the scope of the hearing, his ability to present
3 a witness and cross-examine any witnesses.

4 Exhibit B is certified copy of the
5 declaration of service showing that he was served
6 with that notice of intent on October 19, 2016. The
7 commission, therefore, has complied with the legal
8 notice requirements.

9
10 Exhibit C is the personnel action report
11 showing that Mr. Scarlata was terminated from his
12 employment as a peace officer effective August 12,
13 2014.

14 Exhibit D is Mr. Scarlata's category 1
15 basic certificate.

16 Exhibit E is a certified copy of the
17 criminal complaint charging Mr. Scarlata with
18 unlawful taking of a controlled substance, a
19 category C felony, a false report by a public
20 officer, a gross misdemeanor, and violation of a
21 temporary restraining order for protection against
22 staling and harassment, a gross estimator.

23 Exhibit F is a certified copy of the court
24 information charging Mr. Scarlata with one count of
25 false report by a public officer, a gross

1 misdemeanor, in violation of NRS 197.130. In that
2 information, it alleges that Mr. Scarlata, on or
3 between the 2nd and 6th days of August of 2014 in
4 Mineral County and while employed as a Mineral
5 County Sheriff's Deputy, did knowingly make false or
6 misleading statements in an official report or
7 statement to which -- to wit that Mr. Scarlata did
8 report to his superiors and/or investigators from
9 the Department of Public Safety that he suspected
10 that an individual by the name of Madley Holts was
11 stealing prescription drugs of an inmate from the
12 Mineral County Jail which he knew to be false
13 statements.

14 Exhibit G is a certified copy of the
15 guilty plea agreement where Mr. Scarlata has agreed
16 to plead guilty pursuant to offer to making a false
17 report to a public officer, a gross misdemeanor.

18 Exhibit H is a certified copy of the
19 judgment of conviction showing that he was, in
20 fact, convicted of the offense of making a false
21 report by a public officer, a gross misdemeanor.

22 The court then sentenced Mr. Scarlata to
23 imprisonment in the Mineral County Jail for a term
24 of 364 days which was suspended, placed again on
25 probation, as the previous case, with the usual

1 terms and conditions including not misusing
2 prescription drugs or being in any establishments
3 where alcohol is served except for employment.

4 Mr. Chairman, I would ask that exhibits A
5 through H be admitted into evidence in support of
6 any action taken today.

7 RONALD PIERINI: They are accepted.

8 MIKE JENSEN: The evidence in this case
9 shows that Mr. Scarlata was convicted of a gross
10 misdemeanor by making a false report as a public
11 officer. Again, this is a very serious activity.
12 It appears that the activity occurred in his
13 capacity as a peace officer where he appears to be
14 making an allegation against a fellow officer about
15 stealing prescription drugs, very serious
16 allegations and conduct that he has been convicted
17 for and is a clear violation of the public's trust
18 in him as a peace officer and, based on the
19 information submitted, I would recommend his POST
20 certificate be revoked.

21 RONALD PIERINI: Thank you, Mr. Jensen.
22 Anybody in the audience that would like to make a
23 comment? Okay. Seeing none, looking for motion.

24 JAMES KETSAA: Jim Ketsaa for the record.
25 I make a motion that the POST Commission revoke.

1 RONALD PIERINI: Thank you, Sir. Second?

2 TROY TANNER: Troy Tanner, second. He

3 couldn't even finish his motion you're in such a -

4 JAMES KETSAA: I haven't even made a

5 motion all night and I get cut off.

6 RONALD PIERINI: All right. We can start

7 all over.

8 UNIDENTIFIED MALE: No.

9 RONALD PIERINI: I think we're all ready

10 to go. I apologize. My hearing is limited at best

11 and that's a long ways from me. Okay. All in

12 favor?

13 MULTIPLE VOICES: Aye.

14 RONALD PIERINI: Anybody opposed? So

15 carried. Public comments. Anybody out in the

16 audience that would like to make any type of

17 comments on any items that was decided, what we

18 have done on the items? Okay. Is he standing up to

19 come up and make a comment. No? Okay. Cool. All

20 right. How about we schedule for the next meeting.

21 Do we even have any ideas on that?

22 MICHAEL SHERLOCK: Chairman,

23 traditionally, we have a meeting late in February,

24 early March, considering that we may have continuous

25 of one agenda item. We are suggesting February 23.

1 We want to -- staff wants to make sure that we can
2 get a quorum and -- for that date so we will put
3 something out in an e-mail. Again, February or
4 March is usually up North at POST.

5 RONALD PIERINI: Okay. Thank you. Of
6 course, we'll notify -- we will get notified. And
7 actually we're going to find out what kind of agenda
8 we have too. That's always an important thing.

9 UNIDENTIFIED MALE: Will there be snow on
10 the ground and stuff:

11 RONALD PIERINI: Yes.

12 MICHAEL SHERLOCK: We hope so.

13 RONALD PIERINI: Okay. Discussion
14 probably coming for adjournment. Do I have anybody
15 that wants to make a motion to adjourn?

16 MIKE JENSEN: Make a motion to adjourn.

17 MICHELE FREEMAN: Second.

18 RONALD PIERINI: All right. Thank you.

19 [MEETING IS ADJOURNED AT 6:48.]

20 [END OF AUDIO]

21

22

23

24

25

PEACE OFFICERS' STANDARDS AND TRAINING

PUBLIC MEETING

February 9, 2017

* a.m.

The Commission On Peace Officer Standards and Training
Room 2
5587 Wa Pai Shone Avenue
Carson City, Nevada

MEMBERS PRESENT:

Ronald Pierini, Sheriff - Chairman,
Douglas County Sheriffs' Office

Michele Freeman, Chief
City of LV Department of Public
Safety

Kevin McKinney, Undersheriff
Elko County Sheriff's Office

James Ketsaa, Chief
Clark County School District Police
Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Gary Schofield, Deputy Chief
Las Vegas Metropolitan Police
Department

Troy Tanner, Police Chief
Mesquite Police Department

Dan Watts, Sheriff
White Pine County Sheriff's Office

James M. Wright, Director
Department of Public Safety

STAFF PRESENT:

Michael Sherlock, Executive Director,
Commission on Peace Officers
Standards and Training

Michael Jensen, Senior Deputy
Attorney General
Department of Motor Vehicles and
Department of Public Safety

Scott Johnston, Bureau Chief,
Commission on Peace Officers
Standards and Training

1 RONALD PIERINI: All right. We're having
2 two things today. We're going to have a workshop,
3 and also a regular meeting as, of course, the time
4 right now is at 9:30 a.m. And we're here at the
5 POST Organization Standards and Training, Classroom
6 Number 2 here in Carson City, and what I'd like to
7 do if we could right off the bat call for order and
8 to roll call, and we'd like to start with you if we
9 could.

10 TROY TANNER: Troy Tanner, Mesquite.

11 JIM KETSAA: Jim Ketsaa, Clark County
12 School, please.

13 DAN WATTS: Dan Watts, White Pine County.

14 RUSS PEDERSEN: Russ Pedersen, Washoe
15 County Sheriff's Office.

16 KEVIN MCKINNEY: Kevin McKinney, Elko
17 County Sheriff's Office.

18 JIM WRIGHT: Jim Wright, DPS.

19 RON PIERINI: Ron Pierini, Douglas County.

20 MICHAEL JENSEN: Mike Jensen, Attorney
21 General's Office.

22 MICHELE FREEMAN: Michele Freeman, City of
23 Las Vegas, DPS.

24 RON PIERINI: And Gary, you're there?

25 GARY SCHOFIELD: Gary Schofield, Las Vegas

1 Metropolitan Police Department.

2 RON PIERINI: Thank you, sir.

3 MIKE SHERLOCK: Mike Sherlock from POST.

4 SCOTT JOHNSTON: Scott Johnston from POST.

5 RON PIERINI: Okay. Good. Thank you. We

6 just want to do a couple of things if we could to

7 remind the public to sign over here the roster

8 location. So if you're going to come up and give a

9 talk, we'd like to have that if you would and what

10 agency you're from. And also we want to make sure

11 that when you're up there you say what agency you do

12 represent.

13 Want to make sure that the cell phones are

14 turned down or off. We'd like that, no

15 interruptions if we could. And reminding the

16 commissioners that when you're ready to make a

17 question or not, whatever it might be, make sure you

18 way what your name is and what agency you're --

19 All right. We also want to make sure that

20 these mics are real close to each other, and

21 sometimes when we talk to each other, the one right

22 or left that could be on the agenda as listed as

23 what we were talking about which clearly wasn't

24 acceptable.

25 Okay. What we want to do now, I'd like to

1 talk to Mike if we could and to talk a little bit
2 about a workshop and what that means.

3 MICHAEL JENSEN: Sure. Mike Jensen for
4 the record. As part of the -- the rule-making
5 process, the Commission has to go through a number
6 of steps to be able to complete that process. The
7 Commission has been given authority under its
8 statutes to adopt regulations, and in order to do
9 that, one of the first steps in the -- in the
10 process is to have a workshop. There are a couple
11 of ways that a workshop moves forward. Sometimes
12 there's some proposed language already for the
13 Commission to look at and -- and to get comment from
14 interested persons on. Or it may just be a general
15 topic where the Commission is looking at potentially
16 making a change to regulations and just wants to get
17 information, have discussion about that general
18 matter. So it's the first step in the rule-making
19 process.

20 After a workshop is held and if the
21 Commission were to decide to go forward, then there
22 would be language admitted to LCB and eventually a
23 public comment hearing before that regulation could
24 be adopted. So this isn't the point where any
25 adoption is going to happen. It's just discussion.

1 RON PIERINI: Okay. Thanks Mike.
2 Any questions that the commissioners may
3 have on that? All right. How about in the public?
4 Anybody like to make comment on that? Okay. On the
5 workshop, one of the things, Mike, what we -- we're
6 a little bit concerned about is the fact that we are
7 going to do a workshop on a topic, and obviously
8 we'll have to go to part two of that later on, but
9 none of that is going to be probably completed until
10 after the Legislature is over with. But still,
11 we're moving forward on it.

12 The topic today what we're going to talk
13 about as the Commission to discuss reservation of
14 the Category 1, 2, and 3 in reserve basic training
15 topic, and then what we're going to align similar
16 topics covered by each category with Category 1
17 requirements.

18 And I'm not sure if you're doing that,
19 Scott, or Mike, you're doing it.

20 SCOTT JOHNSTON: All of us are.

21 MICHAEL SHERLOCK: Yeah. Mike Sherlock
22 for the record. I'll -- I'll try to be as succinct
23 as possible. One of the reasons we want to look at
24 this is there is some confusion in this area.

25 So how this came about is really at the

1 request of both some rural agencies and metro,
2 frankly, asking us to take a look at the training
3 categories 1, 2, and 3, maybe realign those in terms
4 of the NAC.

5 If you understand where we came from, Cat
6 3 was developed by separate committee than Cat 1 and
7 2. So what happened is although the NAC titles are
8 different because of those separate committees, much
9 of the learning objectives are the same, and so we
10 want to fix that. If you understand, Cat 2 is fully
11 integrated into Cat 1. Cat 3 is kind of out here by
12 itself not touching -- from a regulatory standpoint
13 not touching 1 or 2. Obviously there are some
14 issues with -- with some of that. But it -- right
15 now if you attended Cat 1 academy, you're also
16 getting Cat 2 training, but you're not getting any
17 Cat 3 training by statute or by NAC.

18 Obviously there are several reasons to fix
19 that. Our intent is to make Cat 1 the highest level
20 as it relates now to Cat 2, but also put Cat 3 in
21 there from a training standpoint. Cat 1 would be
22 the highest level of training, 2 the next, 3 down at
23 the bottom, you know, to fix that -- those training
24 subjects.

25 There are some wording issues that we've

1 run into. For instance, the NRS has changed the
2 wording for -- from elder abuse to older person. We
3 need to fix the NAC, and this fixes that. The NRS
4 has changed -- removed the reference to in terms of
5 collisions removed the reference to accidents and --
6 and now in the NRS it's -- it's called crash, so we
7 need to -- you know, change the titles related to
8 that and get accident and elder out and -- and fix
9 that.

10 The other big issue to keep in mind is
11 under the current regulatory scheme and the statutes
12 for that matter, our categories are simply training
13 requirements. We've had some confusion, and frankly
14 it's POST's fault also, in terms of what a Cat 1 can
15 and can't do and Cat 3 and that kind of thing.
16 There's been a kind of a belief that, you know, if
17 you're -- if you're in a rural agency and Cat 1
18 working the street, the jail staff doesn't show up
19 and you need to move the -- that Cat 1 into the
20 jail, it's okay, because they're Cat 1. That's not
21 the case currently. Even though we may have given
22 that impression, that's not how it works. Under the
23 statutes you have to have -- or, you know, under the
24 regulatory scheme now you have to have detention
25 training to work in an detention environment. So

1 realigning this and fixing that would -- would fix
2 that. Anyone who -- who is a Cat 1 would be able to
3 work in the jail without violating our current, you
4 know, current regulations if we change those.

5 And this applies not just to rurals. For
6 instance, metro has some people may be coming
7 towards the end of their career, they want to
8 transfer from the patrol side and work detention.
9 They can't do that at all without putting them
10 through their academy, and -- and there are some
11 issues with that, and that's one reason they wanted
12 to take a look at that.

13 From the Cat 2 perspective, if you look at
14 the regulations and the training requirements, Cat 2
15 gets no detention training, and from a practical
16 standpoint, it's really more important for Cat 2s.
17 We have juvenile probations -- juvenile probation
18 that falls under Cat 2, probation in general. That
19 may also be assigned to some sort of custody
20 environment, and they get no Cat 3 at all the way
21 we're set up right now, which, you know, we think is
22 a bit of a problem.

23 And finally the other issue that was
24 brought us is currently under Cat 3 there's no
25 requirement for firearms training, yet every single

1 Cat 3 academy in the state includes firearms
2 training. There was some interest in getting that
3 changed to include firearms training in Cat 3 for a
4 lot of reasons. In your strategic plan, your jail
5 personnel are part of your force multipliers. It
6 just -- it's easier for them if they -- if, you
7 know, from a basic training standpoint that they
8 have at least had firearms training from the
9 beginning, and so this would fix that.

10 The big question, of course, is if we
11 integrate Cat 3 into Cat 1 just like Cat 2, is it
12 going to require an increase in minimum hours and
13 that kind of thing for your -- for our academies
14 throughout the state. The answer to that is no for
15 a lot of reasons. One, we have no academies in the
16 state that operate at the minimum number of hours
17 anyway. The increasing hours would be meaningless
18 in terms of the regulation.

19 The other thing is we already have
20 academies, our academies, now integrating Cat 3.
21 Southern Desert has done 3/1 for years, and they
22 already do that, so it wouldn't change anything for
23 them.

24 If you understand the regulation, our hour
25 requirements are based on the entire academy, not

1 subject. And -- and the reason for that is that we
2 allow local jurisdictions to emphasize those --
3 those areas that are most important in their
4 jurisdiction, so there's no hour requirement per
5 subject, so you can absorb those fairly easily just
6 to give you an idea.

7 And the other thing is a majority of the
8 topics that are found at Cat 3, although they're
9 titled different, are the same objectives that you
10 already find in Cat 1 and 2, just minor things. So
11 for us from a practical standpoint to -- to
12 incorporate all of Cat 3 into our 1/2 was a total of
13 16 hours increase. And -- and that's on paper.
14 Frankly, we could've absorbed it without adding
15 hours. We just didn't want to hit our performance-
16 based training hours and that kind of thing, so on
17 paper it's 16 hours.

18 So basically that's what we're looking to
19 do is integrate Cat 3 just like Cat 2 into Cat 1.
20 It streamlines it. It -- it appears that was the
21 original intent except for the separate committees.
22 It fixes some issues for agencies that would like to
23 use people in different disciplines. It does not
24 take away the ability to have a Cat 2 academy or a
25 Cat 3 only academy. It doesn't change anything at

1 all. It just changes the training category and
2 subjects, trying to fix those issues. So that's
3 what that's about.

4 And I can take any questions if you have
5 any.

6 RON PIERINI: Okay. Any commissioners
7 have any questions or comments? I think -- I just
8 want to make one comment, and that is the fact is I
9 think most of us believe that if you had a Category
10 1 you did put them back in the jail it doesn't
11 matter. That was the top of all tops. So boy, I
12 was wrong on that one, so I have to say I did that
13 one time and glad we cleaned that up. So that's a
14 good idea to do that.

15 Anybody have any comments or questions?
16 Okay. How about to the public? Is there anyone
17 here who would like to make a comment on that?
18 Questions? Okay. Seeing none, we're going to move
19 on to the regular meeting if we could.

20 Okay. This is discussion and public
21 comment and also possible action approval of the
22 minutes from the November 1, 2016 regular scheduled
23 POST Commission meeting. So any of the
24 commissioners would like to have any comment on the
25 -- on the actual minutes? Do we have any changes we

1 should have? And to the public, anyone would like
2 to make comment on that if you happen to see that?
3 Okay. Hearing none, do I have a -- like to make a
4 motion?

5 RUSSELL PEDERSEN: Russ Pedersen approve.

6 RON PIERINI: Thank you. Second?

7 TROY TANNER: Troy Tanner, second.

8 RON PIERINI: Any other questions?

9 Comments? All in favor?

10 COMMISSIONERS: Aye.

11 RON PIERINI: Anybody opposed? Okay.

12 Thank you.

13 Information, Mike.

14 MICHAEL SHERLOCK: All right. I'll try to
15 zip through this. You know, as many of you know, we
16 are in budget season. I know we've talked about it
17 here at the Commission a few times. We here at POST
18 realize there is a limited pool of court assessment
19 money, and we are 100 percent funded by that court
20 assessment money, so, you know, we understand that.
21 But, you know, that being said, we are a bit
22 disappointed at this point that we, and I mean
23 training and standards, did not receive high
24 priority when you consider the national focus on
25 policing and -- and standards of presentation, but

1 beyond that, we were just hoping for more support.
2 Particularly we had provided some ideas on improving
3 our funding, other funding mechanisms, and those did
4 not past muster.

5 So that being said under the Governor's
6 recommended budget, we have no real change in our
7 budget. On paper we're actually taking about a nine
8 percent reduction over the biennium. At this point
9 we do believe that it may affect our services to
10 some extent.

11 So I'll start with basic training. We are
12 budgeted for 24 cadets twice a year. That's 48 for
13 the year. We essentially have 32 seats. We're
14 currently dealing with waiting lists to get into our
15 academy. We would anticipate to be running at full
16 capacity, that means 32, 64 for the year, not 48
17 perhaps for the entire biennium coming up, which
18 would be 64 cadets a year. That doesn't include our
19 reserve training or some of the other basic training
20 stuff that we provide.

21 But under the current budget, if that's
22 the case, we will run out of things like food
23 allowance money. We pay a partial per diem or food
24 allowance for those attending the academy. We would
25 not have enough money to -- to -- to do that at this

1 point. And when that -- if that should occur, we
2 will likely pass that along to the agencies, some of
3 those costs.

4 But again, you know, we've -- we've been
5 able to deal with that for the last couple of years.
6 We'll cross that bridge when we get there, but
7 there's no doubt that we're going to, at least for
8 the short term, have full academies. We're not
9 budgeted for full academies. That's just the
10 reality of it.

11 We've handled that. Obviously state
12 agencies don't get food allowance. We try to limit
13 it to those that are actually paying into court
14 assessment fees get that food allowance and that
15 kind of thing, so -- and we've been able to deal
16 with that, but just so everyone knows that -- that
17 is an issue for us.

18 You know, we had requested a few things.
19 The new use of force trainers, some new training
20 space monies, you know, some other equipment needs
21 that were not approved we'll deal with as time goes
22 on.

23 In terms of the basic training, we have
24 along those lines of being full all the time, I
25 created an updated policy that -- that really makes

1 our priorities known. Again, because we do have
2 more people wanting to get into the academy than we
3 have seats, we also instituted an alternate
4 enrollment option at the request of Carson, I saw
5 the sheriff here somewhere, there, Sheriff Furlong
6 made a good suggestion. We are accepting alternates
7 now.

8 Basically what that is, is we allow up to
9 four people show up ready to go for our academy.
10 Our big fear is when we have this many people
11 wanting to get into the academy and starting day one
12 with empty seats is not -- it's not something I
13 want, so we allow up to four people -- it's -- it's
14 a bit of a strain on agencies, because you don't
15 know if that person is actually going to get into
16 the academy, but they show up with their uniforms
17 and their ammo and all that whatever equipment needs
18 they have, and if we have failures, because we
19 always do, on that entrance exam, then they can
20 start right there. And it worked out. We had three
21 alternates show up at this current academy we have
22 going, and all three of them got in. So we are
23 happy about that. We had no empty seats for day
24 one. We have empty seats now; don't get me wrong.
25 But day one we didn't have any empty seats, so we'll

1 continue to do that --

2 RON PIERINI: If I -- if I could interrupt
3 you. You know what, Sheriff? I'm going to bring a
4 bunch of people to mine. We're going to take over
5 some of those spots.

6 MICHAEL SHERLOCK: It's a good thing. I
7 mean, again, you just don't want empty seats when
8 you have such a need for -- for basic training right
9 now. So we've done that.

10 Our policy kind of lays out what our
11 priorities should we have a full academy at 32, then
12 we drop into our priority policy, which obviously
13 are those that have gotten extensions from the
14 Commission are up on their one year, they're from
15 rural agencies, and we have a -- we have a -- a
16 priority list that -- that people can look at.

17 The only other I'd add in terms of basic
18 training is we aware of a BDR that, I think, the
19 Commission is aware of, the use of -- the Commission
20 supported in terms of dispatchers and some training
21 standards and being included. There is a BDR on
22 that. We don't see any fiscal impact at this point.
23 Not seeing the entire BDR, but talking to those that
24 are dealing with that, and I know if there are
25 issues that DPS has agreed to provide some help in

1 terms of tracking and all that. So we'll see what
2 happens with that one.

3 In advanced training we will continue to
4 provide those core courses that we do; supervisor,
5 management, basic instructor development, executive,
6 those things for sure. We did, again, get no help
7 in the budget in terms of expanding that. My
8 thoughts at this point are we will probably suspend
9 things like blue courage training and some of the
10 other ideas that we had, standardizing FTO and
11 leadership training. We're just not going to have
12 the funds at this point if our budget stays the way
13 it is to expand in -- in those areas or other things
14 we were considering.

15 In terms of standards, we have completed
16 our administrative manual. We're -- we're rolling
17 it up today, I think. We really think this will
18 help agencies understand POST regulations and how
19 they can demonstrate compliance to us. The manual
20 has instructions and information on everything from,
21 you know, hiring, background requirements, you know,
22 how you demonstrate compliance with backgrounds,
23 which is a big headache out there for agencies, and
24 all the way, you know, how to do PARS and basic
25 certificate applications. All those things that --

1 that are important to the agencies, and we'll get
2 that out there, be on our website, that kind of
3 thing. It's just really good resources for
4 agencies.

5 Again, in terms of the budget with
6 standards, really on that side, it could affect
7 travel, staff training, and that kind of thing
8 depending on how -- how it all falls down.

9 You know, again, I -- I think we do a good
10 job with the monies we had. We're just hopeful that
11 we could kind of expand and -- and make some other
12 improvements. That currently doesn't look like
13 we'll be able to do that.

14 One other thing from standards, it's
15 compliance season right now. We're doing okay, I
16 think, as far as compliance. One area that's a big
17 confusion that -- that -- that's come up this time,
18 and there's different things every time, but in
19 terms of firearms training, try not to look at you,
20 Director, but, you know, there -- what -- what the
21 regulations say is you must demonstrate proficiency
22 for all firearms authorized twice yearly.

23 So what we have sometimes is, you know,
24 you change -- you change guns midseason or you hire
25 someone at the end of the calendar year. You know,

1 does it really make sense for them to shoot twice on
2 December 31st? You know, from our perspective the
3 answer to that is no. You know, demonstrate
4 proficiency, you can't demonstrate proficiency twice
5 on the same day. You've already demonstrated
6 proficiency. So we understand that.

7 In terms of, you know, particular firearms
8 if -- if you're shooting a semiauto and you get
9 newer model or buy a new gun and you shoot that one,
10 you don't have to shoot the old one again and then
11 shoot the new one twice. I mean, we're okay with
12 it. We set the minimum standard. The agency
13 decides, you know, what's -- what's appropriate for
14 you in terms of training and that kind of thing. So
15 I just want to make sure that's clear.

16 Along those lines I'm thinking that
17 perhaps we should take a look at the language
18 related to yearly maintenance training and how we
19 word that. Again, I don't know that -- that every
20 gun authorized is the best wording. I -- I don't
21 know what is better, but there is some confusion out
22 there. And so we'll take a look at that and maybe
23 bring that to -- to the Commission to move forward
24 on maybe fixing some of that.

25 One final item, sometime ago the

1 Commission amended the -- amended the NAC and
2 created the ability for staff to receive voluntary -
3 - voluntary surrenders of -- of basic certificates.
4 Under that regulation, once that's accepted by our
5 staff, we are required to notify the Commission at
6 the next available meeting that we received a
7 voluntary surrender. We did have one from one
8 Andrew Casacca formerly employed by the Washoe
9 County Sheriff's Department. He voluntarily
10 surrendered his basic certificate as part of a plea
11 agreement in a -- it's a criminal court case. The
12 plea was for misconduct by a public officer. This
13 occurred and was approved by the court -- courts at
14 the end of September, but we weren't notified until
15 after the November meeting.

16 He's been entered into the National
17 Decertification Index. I won't go into the facts.
18 It was voluntary surrender, part of a plea
19 agreement. There is more information in the -- in
20 the Commission books on that if you're interested,
21 but we did accept it.

22 It is an expedited way of dealing with
23 some of these cases that, I think, saves the
24 Commission some time, so we're happy that it was
25 able to work, so --

1 That's all I have.

2 RON PIERINI: One thing it does is it
3 saves Mike a lot of time, because he has to go
4 through that, and we're going to have more, I think,
5 today.

6 Anybody have any comments or questions on
7 Mike? Thank you very much. Maybe we should ask the
8 public. Anybody have any questions on -- to Mike on
9 this particular topic? Okay. Hearing none, we're
10 going to move on to Number Three.

11 Discussion, public comment, and for
12 possible action, the Commission to discuss and take
13 possible action to continue the rule-making process
14 to revised the training subject of academies one,
15 two, and three and reserve basic training programs
16 by similar topics in each category with category 1.
17 And that's part of what we just did in the workshop.
18 So Mike, did you want to talk anything more about
19 that?

20 MICHAEL SHERLOCK: Well, no. I think -- I
21 think the information is out there. I think at this
22 point Mike would be looking for a motion to move to
23 the rule-making -- continue the rule-making process.

24 MICHAEL JENSEN: Continue -- Mike Jensen
25 for the record. This is just the opportunity for

1 the Commission to let staff know if you wanted to
2 move forward in the process making of a regulation.

3 UNIDENTIFIED MALE: Okay.

4 RON PIERINI: Looking at any comments or
5 topics you'd like to talk about on that if we could.

6 Anybody here with the commissioners? Okay.

7 Reaching out to the -- the public, if they would
8 like to make comment on that. Okay. Then we're
9 looking for a motion.

10 TROY TANNER: Troy Tanner, Mesquite. I
11 make a motion to continue the rule-making process to
12 revise the training subjects for category 1, 2, and
13 3.

14 RON PIERINI: Thank you, Troy. Do we have
15 a second?

16 JIM WRIGHT: I'll second.

17 RON PIERINI: Thank you. Okay. Any other
18 comments? Okay. All in favor?

19 COMMISSIONERS: Aye.

20 RON PIERINI: Anybody opposed?

21 GARY SCHOFIELD: Aye.

22 RON PIERINI: Thank you. All right. Gone
23 through.

24 Okay. Number Four, discussion, public
25 comment, and for possible action request from the

1 11th Judicial District Youth and Family Services for
2 the community of Nicole Mathias for a six-month
3 extension coming right up there (inaudible) past a
4 one-year requirement to November 30th, 2017 in order
5 to meet the requirements for certification, so thank
6 you.

7 CRAIG TIPPENS: Good morning. Craig
8 Tippens. I'm the chief juvenile probation officer
9 for the 11th Judicial District.

10 NICHOLE MATHIAS: Nicole Mathias, juvenile
11 probation officer for 11th Judicial District Family
12 Services.

13 RON PIERINI: Okay. Before we do that, we
14 have Scott. Do you want to make an outline of that,
15 please?

16 SCOTT JOHNSTON: No. We -- Scott Johnston
17 for the record. We received a letter, it's in your
18 commission book, making this request for the six-
19 month extension and the circumstances behind it, and
20 we've ensured that their staff is going to be
21 present to make their case before the Commission.

22 RON PIERINI: Okay. Give us an outline,
23 please.

24 NICOLE MATHIAS: Oh, okay. I attended
25 POST in July of 2016 and made it to the beginning of

1 week three, and due to a preexisting knee injury, I
2 just was unable to make it through. I have seen a
3 couple of doctors since then. They were not willing
4 to do surgery. I just have to fight through it, do
5 some rehabilitation, and try to get through in July
6 of this year.

7 RON PIERINI: Any questions, Commission?
8 Anybody in the public? Okay. So we're in pretty
9 good shape on that, right, Scott?

10 SCOTT JOHNSTON: May I make one more
11 addition to that? Scott Johnston for the record.
12 If the Commission does approve the six-month
13 extension, it would -- it would extend the one-year
14 requirement to be certified, out -- six more months
15 out to November 30th of this year, which would --
16 would allow the adequate time for attendance to the
17 academy and fulfilling all the certification
18 requirements.

19 RON PIERINI: Thank you. All right. Do I
20 have a motion?

21 KEVIN MCKINNEY: Kevin McKinney. I'll --
22 I'll move to approve the six-month extension.

23 RON PIERINI: Thank you. Do I have a
24 second?

25 RUSSELL PEDERSEN: Russ Pedersen, second.

1 RON PIERINI: All right. Any other
2 questions or comments? All in favor? Or, excuse
3 me. (Inaudible).
4 JAMES KETSAA: Question. 2017 academy,
5 will there be a seat for her?
6 MICHAEL SHERLOCK: At this point, yes.
7 UNIDENTIFIED MALE: Okay.
8 MICHAEL SHERLOCK: Again, because of the
9 extension --
10 UNIDENTIFIED MALE: Okay.
11 MICHAEL SHERLOCK: -- even if we hit --
12 Mike Sherlock for the record. If we hit the 32, our
13 maximum, then we drop into the priorities. One of
14 the -- the top priority is someone who has an
15 extension and needs to get the training before that
16 extension expires. Yes.
17 RON PIERINI: Okay. So we're okay on
18 that. So we have a motion and it was seconded. All
19 in favor?
20 COMMISSIONERS: Aye.
21 RON PIERINI: Anybody opposed?
22 GARY SCHOFIELD: Aye.
23 RON PIERINI: Okay. Thank you very much.
24 NICOLE MATHIAS: Thank you.
25 RON PIERINI: Okay. We're going to go to

1 Number Five. Discussion, public comment, and for
2 possible action, request from the Nevada Gaming
3 Control Board their employee Justin Yuhas for a six-
4 month extension past one year requirement to
5 November 2nd, 2017 in order to -- to meet the
6 requirements for certification. Scott?

7 SCOTT JOHNSTON: Scott Johnston for the
8 record. Yes, we received from the agency a letter
9 making this request for the six-month extension.
10 Their officer was scheduled in 2016 to attend the
11 academy, but sustained an injury before going, and
12 has gone through the treatment program for that and
13 should be fit for the July 2017 academy. The
14 extension would extend his time period to become
15 certified out to November 2nd of 2017, which would
16 be sufficient for obtaining the certification and
17 maintaining peace officer status.

18 RON PIERINI: Thank you, Scott. All
19 right, sir.

20 DAVE ANDREWS: Dave Andrews, deputy chief
21 with the Nevada Gaming Control Board. Mr. Yuhas is
22 stationed in our Elko office currently, and as Mr.
23 Johnston said, we hired him on May 2nd of 2016
24 anticipating he would enter the July 25th, 2016 POST
25 academy. On June 29th we ran him through the

1 physical fitness testing at the gymnasium next door
2 here, and during that testing he tripped, and when
3 he landed, he broke his little finger on his right
4 hand. It was a compound fracture. It required
5 surgery with pins in it. And then later last year
6 he actually went through a second surgery to remove
7 the pins and reassess the bone, make sure he still
8 had mobility. We were anticipating and we had him
9 scheduled in the academy that is currently occurring
10 that started on January 23rd.

11 On January 4th of 2017, he went for a
12 doctor's visit for his final release, and the doctor
13 indicated the patient is full duty, but cannot
14 attend the police academy this round. The doctor's
15 opinion was the increased physical exercise
16 activities in the POST academy could reinjure the
17 finger where he would no longer have mobility for
18 the rest of his life.

19 So we schedule him hopefully for the July
20 17th academy this year, and just last week he
21 transferred from the Reno to the Elko office, went
22 to see his doctor, again, and he received a full
23 release. So about two weeks after our academy
24 started here, he does have a full release, but he's
25 ready to go for the July 17th academy.

1 RON PIERINI: Thank you. Any questions,
2 comments Commission? How about out to the public?
3 Seeing none, do we have a motion?

4 RUSSELL PEDERSEN: Russ Pedersen move to
5 approve.

6 RON PIERINI: Thank you. Do I have a
7 second?

8 DAN WATTS: Dan Watts, second.

9 RON PIERINI: Thank you, Dan. Any other
10 questions, comments? All in favor?

11 COMMISSIONERS: Aye.

12 RON PIERINI: Anybody oppose? So carried.
13 Thank you.

14 DAVE ANDREWS: Thank you.

15 RON PIERINI: One thing I just wanted to
16 as a note is as to people came up here is that they
17 at least showed up here and gave reasons why we
18 could have that extension. I appreciate that very
19 much.

20 Okay. On Number Six is discussion, public
21 comment, and for possible action, request from the
22 Las Vegas Metro Police Department for the employee
23 of Captain Fred W. Myer for Executive Certificate.
24 So what do we have on that?

25 MICHAEL SHERLOCK: Mike Sherlock for the

1 record. POST staff received an application for
2 Executive Certificate from the Las Vegas
3 Metropolitan Police Department for Captain Fred W.
4 Myer. The POST Executive Certificate committee met
5 and found that Captain Myer meets the position,
6 training, education, and experience requirements
7 under the NAC and recommends the Commission issue
8 the Executive Certificate to Captain Myer.

9 RON PIERINI: Thank you very much. Do we
10 have any questions or comments? Gary, would you
11 like to make any discussion (inaudible)?

12 GARY SCHOFIELD: No. I'd like to make a
13 motion to accept the or grant that Executive
14 Certificate.

15 RON PIERINI: Okay. Your motion is to do
16 that. Okay. Do we have a second?

17 MICHELE FREEMAN: Michele Freeman, second.

18 RON PIERINI: Okay. You're second. Any
19 other questions or comments? How about in the
20 public? Hearing none, all in favor?

21 COMMISSIONERS: Aye.

22 RON PIERINI: Anybody opposed. So
23 carried. Thank you.

24 Number Seven we're going to talk about
25 discussion, public comment, and for possible action,

1 request from the Henderson Police Department for
2 their employee Captain Bryan Dunaway for an
3 Executive Certificate.

4 MICHAEL SHERLOCK: Again, Mike Sherlock,
5 for the record. POST staff received an application
6 for an Executive Certificate from the City of
7 Henderson Police Department for Captain Bryan K.
8 Dunaway. Again, the POST Executive Certificate
9 committee met and found that Captain Dunaway meets
10 the position, training, education, and experience
11 requirements under the NAC, and recommends the
12 Commission issue the Executive Certificate to
13 Captain Dunaway.

14 RON PIERINI: Okay. Thank you. Do we
15 have anybody from Henderson want to talk about that?
16 I don't think so. Okay. Any comments or questions
17 from our Commission? Looking for a motion.

18 TROY TANNER: Troy Tanner will make a
19 motion to approve Captain Bryan Dunaway for his
20 Executive Certificate.

21 RON PIERINI: Thank you, Troy. Do I have
22 a second?

23 JAMES KETSAA: Jim Ketsaa, second.

24 RON PIERINI: James, thank you. Any other
25 questions on that? All in favor?

1 COMMISSIONERS: Aye.

2 RON PIERINI: Okay. So carried. Thank
3 you.

4 Okay. Number Eight, discussion, public
5 comment, and for possible action, hearing pursuant
6 to NAC 289.290(1)(g). Okay. Kaleo Gedge formerly
7 of the Nevada Department of Corrections and this is
8 certification for two felony convictions of
9 furnishing a controlled substance to a state
10 prisoner and transport for a controlled substance.
11 The Commission will either decide to revoke this
12 person's category 3 basic certificate, but Mike,
13 this is all yours.

14 MICHAEL JENSEN: All right. Thank you,
15 Mr. Chairman. Mike Jensen for the record. As we've
16 done in the past, this is one of our hearings for
17 possible revocation of POST certification. Just as
18 a background, NRS 289.510 provides the Commission
19 with authority to adopt minimum standards for
20 certification and decertification of officers.
21 Under that authority the Commission adopted are
22 regulation in 289.290, which establishes the causes
23 for which the Commission would revoke, refuse, or
24 suspend a certificate of a peace officer.

25 With regard to this particular case,

1 Section (1)(g) is the relevant provision which
2 authorizes revocation for a felony conviction. In
3 the packet you have a number of exhibits that would
4 be -- that I'll just briefly go through, it is a
5 pretty straight forward case, I think, that I would
6 ask to be admitted after we've gone through those
7 and be made part of the record for any action the
8 Commission may take today.

9 Exhibit A is the Notice of Intent to
10 Revoke, which by our regulation and open meeting law
11 we're required to provide to the individual. It was
12 provided to Mr. Gedge. It was personally served on
13 him. It basically, as you can see, sets out his
14 rights in this particular case. It identifies the
15 convictions that the Commission would be taking an
16 action based on and his opportunity, although he
17 doesn't really have -- he's incarcerated right now,
18 doesn't really have a opportunity, but I understand
19 he hasn't asked to appear or made any request of the
20 Commission to appear today. The scope of the
21 hearing is whether or not he should -- his
22 certificate should be revoked for the -- the felony
23 conviction.

24 Exhibit B is our proof that he was served
25 with that particular notice giving him that

1 information.

2 Exhibit C it shows -- Exhibit B shows he
3 was served on January 19th, 2017, which is within
4 the legal requirements to take action today.

5 Exhibit C is the personnel action report
6 showing Mr. Gedge was separated from employment as a
7 peace officer effective November 23rd of 2016, is
8 the date that I've got on his -- his Personnel
9 Action Report.

10 Exhibit D is the POST certificate that the
11 Commission would be taking action if it does today
12 to revoke.

13 The next documents are the criminal
14 documents evidencing the conviction that took place
15 in this case. Exhibit E is the certified copy of
16 the information that shows the two charges, which is
17 -- the Chairman has already set out in the agenda
18 item are count one, furnishing a controlled
19 substance to a state prisoner, and count two,
20 transport of controlled substance both of which are
21 -- are felonies.

22 It outlines under that information the
23 basic facts of what occurred, really general facts,
24 but it states that Mr. Gedge did -- did unlawfully,
25 feloniously furnish, attempt to furnish to a state

1 prisoner confined in an institution of the
2 Department of Corrections a controlled substance.
3 That on or about on September 5th, 2016, he
4 transported or furnished or attempted to furnish
5 methamphetamine to prisoners confined at the High
6 Desert State Prison.

7 The next document, Exhibit F, is the
8 guilty plea agreement where Mr. Gedge agreed to
9 plead guilty to both of those counts.

10 And finally the last exhibit is the -- is
11 the judgment of conviction showing that there was a
12 conviction entered by the court on both counts, both
13 furnishing a controlled substance to a state
14 prisoner and transport of controlled substance both
15 felony convictions. It shows here that he was
16 sentenced on those two counts to incarceration
17 Nevada Department of Corrections for a minimum of --
18 a maximum of 48 months, a minimum of 18 months. And
19 those two were to run concurrent.

20 I think that's a pretty straightforward
21 case. An individual who was employed as a peace
22 officer in corrections who brought controlled
23 substance into a correctional facility certainly is
24 a serious criminal offense. It's inconsistent with
25 and certainly incompatible with a person who's

1 placed in the position of a peace officer, and a
2 clear violation of the trust that's placed in those
3 peace officers. Also because he has a felony
4 conviction that disqualifies him from being a peace
5 officer in the state of Nevada, and based on that
6 evidence, Mr. Chairman, I'd ask that that be
7 admitted into the record, and we'd recommend that
8 Mr. Gedge's Basic Certificate be revoked.

9 RON PIERINI: Thank you. Exhibits are
10 approved. Okay. Do we have any questions or
11 comments from the Commission? Okay. How about out
12 in the audience? Okay. Do I have a motion?

13 RUSSELL PEDERSEN: Russ Pedersen move to
14 revoke Mr. Gedge's certificate.

15 RON PIERINI: Thank you. Do I have a
16 second?

17 JIM WRIGHT: Jim Wright, second. Jim
18 Wright, second.

19 RON PIERINI: Okay, Jim. Thank you. Any
20 other comments or questions? All in favor.

21 COMMISSIONERS: Aye.

22 RON PIERINI: Any opposed? So carried.
23 Thank you. Thanks, Mike. (Inaudible). Appreciate
24 it.

25 Okay. Number Nine, discussion, public

1 comment, and for possible action, request from the
2 Carson Reno City Sheriff's Office for their employee
3 Karlyn Jones for a six-month extension past one year
4 requirement to August 19th, 2017, in order to meet
5 the requirements of certification. Kenny.

6 KEN FURLONG: Good morning, all. This is
7 a request for an extension for Deputy -- Deputy
8 Sheriff Karlyn Jones. She was scheduled to attend a
9 POST Academy coming up on her one year probation
10 mark. Unfortunately the weather outside she was
11 involved in a automobile accident in between Carson,
12 and we know that she was going home from duty and
13 pretty severely broke her femur. So while we do
14 have her anticipated, and I use the word
15 anticipated, for the July academy, we will need
16 approved extension for her certification processes.

17 RON PIERINI: Okay.

18 SCOTT JOHNSTON: Scott Johnston for the
19 record. If the Commission does approve the request
20 that Sheriff Furlong is making, this would provide
21 an extension out to November 19th, 2017, which would
22 be adequate time for the attendance at the academy
23 and fulfilling the requirements for certification.
24 Staff has -- staff would recommend approval on this.

25 RON PIERINI: So you're okay with that?

1 SCOTT JOHNSTON: Yes, sir.

2 RON PIERINI: All right, Scott. Thank

3 you. Any comments or questions from the Commission?

4 Move to the public. Looking for a motion.

5 DAN WATTS: Dan Watts, I make a motion

6 that we approve the extension for Deputy Jones.

7 RON PIERINI: Thanks, Dan. Second?

8 MICHELE FREEMAN: Michele Freeman, second

9 the motion.

10 RON PIERINI: Thank you, Michele. Any

11 other questions or comments? Okay. All in favor?

12 COMMISSIONERS: Aye.

13 RON PIERINI: Any opposed? So carried.

14 KEN FURLONG: Thank you.

15 RON PIERINI: Thank you. Okay. Now we go

16 to for public comment. Does anybody out in the --

17 in the -- in the public area here would like to make

18 a comment on something that we have not agendized?

19 Okay. Seeing none, we're going to go to scheduling.

20 MICHAEL SHERLOCK: Mike Sherlock for the

21 record. We -- looking at the calendar, we're going

22 to suggest the next meeting for May 4th. We're

23 hoping at 8:30 here in Carson City. Just so

24 everyone knows, that is the date of the peace

25 officer memorial ceremony. That begins at 12 noon.

1 In addition, the sheriffs and chiefs meeting is on
2 May 3rd. Our -- our thoughts are most of the
3 commissioners, you know, likely will be up here the
4 day before anyway.

5 In addition to that, the -- the agenda may
6 include the continuation of a waiver request. You
7 know, I want to make sure that we do not run late.
8 I want everyone to make sure, you know, get to the
9 memorial on time. That's why we're -- we're kind of
10 thinking maybe 8:30 for a start time. We'll leave
11 that to the Commission.

12 That's what we look at.

13 RON PIERINI: But to understand that on
14 the 4th at 8:30, what do we do later on that day?

15 MICHAEL SHERLOCK: At 12 noon is the
16 memorial.

17 RON PIERINI: Yeah. So that would work
18 probably for everybody I would think, huh? Okay.
19 Good. Thank you.

20 I don't know we -- we always talk about
21 having a public comment and for possible action, I'm
22 not sure we need to do that (inaudible) get final
23 things done. Do we have quite an outline more
24 topics that we're going to probably have on that day
25 or is it pretty small?

1 MICHAEL SHERLOCK: Well, you know how --
2 Mike Sherlock for the record. Right now I think
3 that that one item may be fairly time consuming --
4 RON PIERINI: Oh.
5 MICHAEL SHERLOCK: -- so I'm hoping to
6 keep the agenda light, so we can address that one
7 topic and -- and make sure that everybody gets to
8 the memorial on time.
9 RON PIERINI: Well, then we would go ahead
10 and get a possible action for a motion on that if we
11 could (inaudible).
12 TROY TANNER: I just have a quick comment.
13 Troy Tanner from Mesquite. Will you make sure too
14 that you sent it to Bob from Chiefs and Sheriffs.
15 On this meeting he didn't know about it. And he'll
16 send it out to our membership too. Just so we all
17 stay on the same page, because we all make other
18 meetings, so I know it came up, so not a big deal,
19 but maybe you could send him one.
20 MICHAEL SHERLOCK: Sure.
21 TROY TANNER: That would be great.
22 RON PIERINI: Okay. All right. So do I
23 have a motion? Okay. I'll make a motion for
24 approval of May 4th at 8:30 a.m. for our next
25 meeting. Do I have a second?

1 JAMES WRIGHT: Jim Wright, I'll second.

2 RON PIERINI: Thank you, Jim. All in
3 favor?

4 COMMISSIONERS: Aye.

5 RON PIERINI: Thank you. Okay. Finally
6 this is the biggest thing. It's, you know,
7 discussion, public comment, and for possible action
8 for adjournment. Does anybody want to make that?
9 Thank you, Dan. Do I have a second? Thank you.

10 (MEETING ADJOURNED AT * a.m.)

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I certify that the foregoing is a true and accurate transcript of the electronic audio recording from the meeting in the above-entitled matter.

<u> /s/ Kimberly Padgett </u>	<u> 2/14/2017 </u>
Kimberly Padgett	DATE
TrustPoint Reporting	

PEACE OFFICERS' STANDARDS AND TRAINING

PUBLIC MEETING

May 4th, 2017

8:30 a.m.

The Commission On Peace Officer Standards
and Training

Room 2

5587 Wa Pai Shone Avenue
Carson City, Nevada

1 MEMBERS PRESENT:

2 Ronald Pierini Sheriff - Chairman,
3 Douglas County Sheriffs' Office

4 Michele Freeman, Chief
5 City of Las Vegas Department of
6 Public Safety

7 Kevin McKinney, Undersheriff
8 Elko County Sheriff's Office

9 James Ketsaa, Chief
10 Clark County School District Police
11 Department

12 Russell Pedersen, Chief Deputy
13 Washoe County Sheriff's Office

14 Gary Schofield, Deputy Chief
15 Las Vegas Metropolitan Police
16 Department

17 Troy Tanner, Police Chief
18 Mesquite Police Department

19 Dan Watts, Sheriff
20 White Pine County Sheriff's Office

21 James M. Wright, Director
22 Department of Public Safety

23

24 STAFF PRESENT:

25 Michael Sherlock, Executive Director,
Commissions on Peace Officers
Standards and Training

Michael Jensen, Senior Deputy
Attorney General
Department of Motor Vehicles and
Department of Public Safety

Scott Johnston, Bureau Chief,
Commission on Peace Officers
Standards and Training

25

1 RON PIERINI: Today is May 4th, 2017.
2 It's about 8:30 in the morning. And we're
3 having our agenda items and also workshop. So
4 what we would like to do is to go forward with
5 this and to go with the call of order, which
6 I'm doing now.

7 What I want to do right now is get
8 started with the roll call. So if we could,
9 Chief, we'll start with you.

10 TROY TANNER: Troy Tanner, Mesquite.

11 RON PIERINI: Ron Pierini, Douglas
12 County.

13 KEVIN MCKINNEY: Kevin McKinney, Elko
14 County.

15 RUSS PEDERSEN: Russ Pedersen, Washoe
16 County Sheriff's Office.

17 MICHELE FREEMAN: Michele Freeman, City
18 of Las Vegas, Department of Public Safety.

19 JIM WRIGHT: Jim Wright, DPS.

20 GARY SCHOFIELD: Gary Schofield, Las
21 Vegas Metropolitan Police Department.

22 DAN WATTS: Dan Watts, White Pine County
23 Sheriff's Office.

24 MIKE JENSEN: Mike Jensen, Attorney
25 General's office.

1 MIKE SHERLOCK: Mike Sherlock, from POST.

2 SCOTT JOHNSTON: Scott Johnston, from POST.

3 RON PIERINI: And we also have one on the
4 phone. Chief, are you there?

5 JIM KETSAA: Yes, good morning.

6 Jim Ketsaa, Clark County School Police, on the
7 phone.

8 RON PIERINI: Good. Thank you very much.
9 One of the things that we want to do is remind
10 the public, if anybody in here hasn't signed up
11 to the right of me, should do so. We'd
12 also like to have your name, and also what
13 agency you belong to if you come up to this
14 table.

15 I want to make sure that all of the
16 commissioners have their cell phones turned
17 off or at least where I can't hear anything,
18 that would be great.

19 I want to also make sure that you're
20 saying a topic here, that you say your name.
21 Make sure that's very clear so we can get that
22 for the record. Whatever you say here to the
23 person next to you, could be also on the
24 agenda for maybe saying things that maybe we
25 shouldn't have said.

1 Also, we want to make sure that
2 anybody here that has their cell phones, to
3 make sure that gets turned off.

4 So one of the things we want to do
5 right now is do the workshop. And one of the
6 things, Mike, we always talk a little bit
7 about what the workshop is all about, and how
8 come we're doing this today.

9 MIKE JENSEN: Sure. I'm happy to give a
10 Readers Digest version of what we're doing.
11 This is a workshop that's part of the
12 rule-making process under Chapter 233 of the
13 NRS.

14 This is the first step in
15 rule-making, and it can serve a couple of
16 purposes that allows for the commission to
17 talk with and discuss with other subject matter
18 experts or interested persons about potential
19 regulations that the commission is looking at
20 or at some point adopting.

21 Sometimes there will be actual
22 language that's being considered by the
23 commission and other times it's just general
24 topics that you're discussing in conjunction
25 with a potential regulation.

1 This part of the process doesn't
2 involve taking any action of adopting a
3 regulation, it's just for discussion and
4 comment purposes.

5 RON PIERINI: Thank you, Mike. I
6 appreciate that.

7 One of the things we always want to
8 do is to have some input from each one of our
9 commissioners or out from the public. We'll
10 certainly ask the public if they would like to
11 do just that in a few minutes.

12 The purpose of this workshop is to
13 solicit comments, and we talked about that.
14 Mike just mentioned that. But I want to start
15 with the Topic A. And we can do this under
16 NAC 289.230.

17 The Commission will discuss
18 revisions to the requirement for maintaining a
19 basic certificate under 289.230 5(a). It
20 would clarify the term "firearm" to include
21 wording of the firearm type in Section 7. Add
22 a new subsection (d) that when an officer is
23 hired, rehired, or reinstated on or after July
24 1 of the reporting year, they must satisfy the
25 requirements of paragraphs (b) and (e)

1 inclusively, of subsection 5 and show
2 proficiency in the use of each firearm type he
3 or she is authorized to use before resuming
4 his or her duties as a peace officer.

5 So Mike, are you going to talk about
6 it or Scott?

7 MIKE SHERLOCK: Sure, I can try to
8 explain this. In terms of workshop A here, we
9 are simply looking to clean up the language in
10 289.230 which deals with the requirements to
11 maintain a certificate. That is a yearly
12 maintenance, and demonstration of proficiency
13 found in the NAC.

14 As some of you may recall, we have
15 had some confusion in terms of the firearms
16 proficiency requirement. Under the current
17 regs, a certificate holder must demonstrate
18 proficiency with every firearm authorized
19 biannually.

20 So the confusion was if -- I don't
21 know -- if you -- you go out and qualify with
22 a Glock 19, the next day you buy the exact
23 same gun. Some have interpreted that as you
24 have to come right back out and shoot that
25 Glock 19 again, which really is not the intent

1 of that particular regulation. We simply want
2 to change the wording to firearm types so
3 agencies can interpret that as, you know, a
4 consistent platform, if you know how to use
5 that and you are proficient in that weapon
6 type, you're good to go.

7 It does allow flexibility for
8 agencies. They can -- if you want to qualify
9 every other day, that's fine. And every
10 other -- every gun, this doesn't prohibit
11 that, but it does allow some of that
12 flexibility and makes it more clear.

13 The other areas were shotguns.
14 Where, you know, an officer is authorized to
15 use any shotgun in the arsenal, right? Every
16 car has a shotgun. Some interpreted that that
17 they either had to be specifically assigned a
18 shotgun or shoot every shotgun that they
19 have -- you know. It just doesn't make sense.

20 So we want to -- really want to
21 clean that up, and that's how we do that with
22 that in terms of firearms.

23 The second issue in that regulation
24 was where an agency is hiring like a lateral
25 or they have someone that's off on

1 administrative leave for most of the year, and
2 I don't know, they come back in December.
3 Well, under the current regs, agencies are
4 forcing them to shoot twice. To do the
5 biannual, you know, twice, two shoots, for the
6 year, which again goes against the intent of
7 that regulation. The intent was demonstrate
8 proficiency in the first half of the year, and
9 demonstrate proficiency in the second half.

10 And if you think about it from a
11 logical point, you know, if the guy comes
12 back -- the officer returns in December, you
13 have him shoot in the morning, they
14 demonstrate proficiency, you can't demonstrate
15 proficiency again. You've already
16 demonstrated proficiency, and essentially you
17 have them shoot again in the afternoon to get
18 the two for the year, just didn't make sense.

19 So basically what we do is clean up
20 the language here. If the officer is
21 returning to the full-time status, or a new
22 hire, and it's -- the return date is after
23 July 1st, they only have to do one shoot and
24 they've satisfied the maintenance requirement
25 for the year and they've demonstrated

1 proficiency.

2 That is the intent of the
3 regulation. You can have them shoot as many
4 times as you want. We're just saying for that
5 maintenance portion of it, that's specifically
6 what we're trying to clean up with this reg
7 change.

8 I can answer any questions.

9 RON PIERINI: Thank you, Mike.
10 Commissioners, anything? It kind of goes
11 along with one thing for the CCW. If you
12 recall from when we did that permit process,
13 it changed all of Nevada. And was very -- it
14 was up to the sheriff whether it was -- to go
15 forward with that. And then obviously the
16 Legislature changed that. We all had all of
17 those items that we had to go through.

18 One of the things they used to do on
19 the CCW was if you used this particular gun of
20 a -- for instance a Glock 17, that's okay, but
21 you can't go to a Glock 19 until you go
22 through the process with an instructor.

23 And you had to have that listed
24 actually on the form itself. So that's what
25 this is kind of about is that we don't want to

1 do that. This is a good way to do it. We had
2 some agencies, as Mike had mentioned, saying
3 that we don't understand that, as well. So
4 this is an easy way to address this, and
5 probably the right thing to do. That's my
6 comment.

7 Does anybody from the commissioners
8 would like to have a comment?

9 MICHELE FREEMAN: I have a question. So
10 for clarity purposes, I just want to make sure
11 I'm understanding correctly. So we're looking
12 at like from January 1 to June 30th is one
13 qual, and we're looking from July 1 to the end
14 of the year, December 31st, is what the intent
15 is for the qualifications. It can't be one in
16 January and one in June?

17 MIKE SHERLOCK: Mike Sherlock for the
18 record. I would say the intent, simply by the
19 term biannual, is any time during that first
20 six months and then any time in the second six
21 months.

22 Now, for us, you know, I'm not going
23 to say we're going to worry about whether it's
24 June 30th, you know, August 1st, but, you
25 know, essentially that's what we would hope

1 agencies strive for.

2 And let's be honest, most agencies
3 qualify more than twice a year, I think anyway
4 to a certain extent, it's usually not an
5 issue.

6 The issue that occurs is where
7 you're hiring someone who is a lateral from
8 another agency or they've been on admin leave
9 or medical leave and they're returning and
10 there's been, you know, some issues with
11 compliance where they come back in December
12 and only have one shoot in our system.

13 This kind of cleans that up. We're
14 not going to make the person shoot twice
15 because there's no value in that in terms of
16 proficiency. Again, we're not speaking --
17 this is about maintaining your certificate. I
18 would encourage everybody to talk to their
19 legal in terms of, you know, whether specific
20 guns have to be shot and that kind of thing,
21 but in terms of compliance with certification,
22 that's what we're talking about.

23 RON PIERINI: Thank you. Any questions?
24 How about the public? Would anybody like to
25 make comments? Questions?

1 Okay. We'll go on to B, if we
2 could.

3 And this is under NAC 289.310. The
4 Commission is to discuss requirements for
5 course certification where a provider of a
6 training located outside of the state of
7 Nevada, the change would require the provider
8 to have the programs that are certified to the
9 International Directors of Law Enforcement
10 Standards and Training National Certification
11 Program. So Mike?

12 MIKE SHERLOCK: Okay. Mike Sherlock for
13 the record. In workshop B what we're looking
14 to really do is kind of clean up our
15 regulation dealing with advance training.
16 This is not basic training, this is
17 certification of advance training courses.

18 First we want to kind of clean up
19 some of the confusion that's in the language,
20 as far as what documentation POST needs to
21 certify a class. And so you see that what
22 we're -- we require certain things for a
23 course to be certified; the lesson plans and
24 that kind of thing. Some of the language was
25 confusing. We simply are trying to clean that

1 up.

2 The second thing we're trying to do
3 here is to distinguish between in-state
4 providers of training. Whether -- and really
5 you're looking at private vendors in these
6 cases, but -- and distinguish them from
7 providers who are based outside of the state.

8 In this proposal there are no
9 changes for in-state providers at all. But
10 for out-of-state providers we're looking to
11 simply require that they be nationally
12 certified. The reason we'd like to do this --
13 and there's a program called National
14 Certification for Law Enforcement courses that
15 almost every vendor is well aware of.

16 A majority of states now accept NCP
17 for POST units. Several states have already
18 changed their regulation to require NCP for
19 out-of-state vendors. And we'd like to do the
20 same thing.

21 For us it's pretty simply: We spend
22 a lot of staff time on law enforcement
23 trainers who are seeking to be certified in
24 Nevada. It's a feather in their cap, I don't
25 know.

1 The problem is we spend a lot of
2 time on it, and they never present the classes
3 in Nevada. No Nevada officers attend. It
4 gets frustrating. They do it for their own --
5 to boost their reputation and that kind of
6 thing.

7 The second reason we'd like to do
8 this is: Some of the really large training
9 providers that provide training for Nevada
10 officers all are moving towards national
11 certification, the National Certification
12 Program.

13 So things like -- that we don't
14 currently accept because they don't apply for
15 certification here in Nevada; Northwestern,
16 FBI, NA, those kind of things, if we're able
17 to get this regulation changed, we'll be able
18 to automatically accept those training hours
19 for Nevada officers without forcing
20 Northwestern to submit all of these documents
21 to us.

22 And so I think that's an advantage
23 for us. You know, with NCP is copyrighted as
24 part of IADLEST. They have a 10-year contract
25 with Envisage that maintains those records.

1 They are not going away, which was part of my
2 concern, they're here forever.

3 They have the capability of tracking
4 and maintaining training records for every
5 officer in the country. The advantage of that
6 is for an officer, those training records are
7 portable. So they'll be able to go from one
8 agency to the other and prove their training
9 and that kind of thing. But for us, it's just
10 an easier way of vetting these out-of-state
11 vendors. The criteria for getting a course
12 certified through NCP is a much higher
13 standard than ours anyway, so we're not losing
14 anything there, we're actually gaining
15 something.

16 And everyone is moving to it, to be
17 honest with you anyway. It's just a way for
18 us to move those into our state, that kind of
19 thing.

20 So that's what we're trying to do in
21 terms of the advance training with this
22 workshop.

23 RON PIERINI: Thanks, Mike. Any
24 questions from commissioners? How about the
25 public?

1 RUSS PEDERSEN: (Inaudible). Two
2 questions. Russ Pedersen for the record.
3 One, I've never certified. Is it a fairly
4 simple process; 30 days, 60 days, 90 days for
5 an outside vendor to certify that they're
6 class --

7 MIKE SHERLOCK: Excuse me. Mike Sherlock
8 for the record. Are you speaking through us
9 or through NCP?

10 RUSS PEDERSEN: I'm more asking if you
11 know what that process is. I mean, is any
12 outside vendors -- because we get outside
13 vendors that, you know, call us up and we ask
14 them, you know, what's your certification, et
15 cetera, et cetera.

16 So obviously we'll have to point
17 them and say, if you are not -- and that's a
18 class we're interested in, and we certainly
19 want to get credit for our folks, you know,
20 we'll point them in this direction.

21 Do you know if that -- offhand?

22 MIKE SHERLOCK: I do. Mike Sherlock
23 again for the record. What currently happens
24 right now, I think we've done perhaps too good
25 a job on this, so if they call Beth, for

1 example, and they're an out-of-state -- or
2 they're a vendor of police training, what
3 happens now is your training center will point
4 them towards us.

5 Now, there is no guarantee that they
6 are actually going to come to the training
7 center, and that's what happens with us. So
8 we have staff that has to -- by the regulation
9 there are certain documents that have to be
10 provided to us. So we have to review that.
11 It's a whole process. Right now we strive to
12 do that within 30 days, we don't always
13 accomplish that.

14 But again, the frustrating part is
15 they're being forced to us, and yet they end
16 up never putting the class on when we certify
17 them.

18 RUSS PEDERSEN: So Russ Pedersen again,
19 my apologies. I didn't ask my question right.
20 But as far as the national, once the company
21 contacts the nationals -- International
22 Director of Law Enforcement, how long does it
23 take from their end to get that certification;
24 do you have any clue?

25 MIKE SHERLOCK: Mike Sherlock for the

1 record. Yeah, their turnaround they strive
2 for is 30 days, also, just like us. Now,
3 there is a cost. But in my opinion that's a
4 good way of vetting some of these providers,
5 so if they're truly interested in quality law
6 enforcement training, they pay the fee. And
7 it's \$1,200.

8 RUSS PEDERSEN: Okay.

9 MIKE SHERLOCK: But it's an advantage to
10 us because we know the hoops that they've
11 jumped through. We've worked out with NCPS a
12 system where -- because there is some issues
13 just so everyone knows that -- NCP will also
14 certify basic training, we will not. So right
15 now what we're looking at with NCP is, they
16 are going to provide a list monthly to us.
17 It's not a big list, not a lot of time for us
18 anyway, and those that meet our advance
19 training criteria will automatically be
20 certified by us and be given a Nevada number,
21 which the vendor then must provide to Nevada
22 officers who attend.

23 So the system is already in place,
24 they are all automated, and they are ready to
25 go.

1 RUSS PEDERSEN: And then the second
2 question -- again, Russ Pedersen -- is: Do
3 you anticipate -- unless I missed it. I don't
4 see a starting date, you know, effective date
5 that says -- so do you anticipate those past
6 courses will get certified and then now you're
7 going to give them to law enforcement officers
8 and say, that's certified, it's the same
9 course, are you guys going to give them credit
10 now?

11 So I don't know if -- do you
12 anticipate that or should there be an
13 effective date starting from this date forward
14 that only applies, or if people are going to
15 push and say, hey, let's proactively do that?

16 MIKE SHERLOCK: Mike Sherlock for the
17 record. We did think about this. In looking
18 at our records at this point, I don't see a
19 big problem with it. Frankly, right now with
20 NCP, only the very large, well known providers
21 are certified.

22 So certainly for us -- let's say
23 Northwestern gets theirs done -- and we don't
24 have them in our system anyway, so officers
25 will be able to get credit for that once they

1 are certified without a problem. So that is
2 the advantage there.

3 Outside vendors that we currently
4 have in our system that are not NCP are
5 dropping off anyway. You know, for us if
6 they're not -- no Nevada officer attends for
7 two years that drops off our radar
8 theoretically is removed from our system. So
9 we don't see a big issue with that in terms of
10 numbers or anything like that. I think we'll
11 be fine.

12 RUSS PEDERSEN: Okay. Thank you.

13 RON PIERINI: Good questions, thank you.
14 Anyone else have any questions?

15 DAN WATTS: Dan Watts for the record. So
16 this will be really cost effective also for
17 your staff and save a lot of time and everything,
18 correct?

19 MIKE SHERLOCK: Mike Sherlock for the
20 record. Yeah, absolutely. I mean, you know
21 again, for us it's frustrating these vendors
22 want to get certified just to have that on
23 their website that Nevada POST certified them,
24 and yet they're not coming to Nevada, you
25 know, so. And again, we're not the only

1 state. There's many states that in some form
2 really regulate out-of-state vendors.

3 And states are now -- Michigan just
4 did it, I think Minnesota is in the process of
5 writing a regulation almost exactly like ours.
6 If you're an out-of-state vendor, you just
7 simply have to show NCP and we're good to go.

8 RON PIERINI: Okay. Anybody else? Open
9 to the public. Okay. Good.

10 Going to the next part, we're
11 actually going to have that scheduled meeting.
12 One of the things I didn't mention -- and
13 Scott was to -- August 30th, make sure this
14 is out to the public and we're to give this
15 information to certain locations within the
16 state of Nevada that we're having this
17 meeting.

18 SCOTT JOHNSTON: Scott Johnston for the
19 record. When noticing of this workshop in the
20 upcoming commission meeting that we're going
21 to get into in a few minutes, was posted at
22 the POST Administrative Office in Carson City;
23 Nevada State Capitol in Carson City; Blasdel
24 State Building in Carson City; Nevada State
25 Library and Archives in Carson City; Grant

1 Sawyer Building in Las Vegas; Carson City
2 Sheriff's Office; White Pine County Sheriff's
3 Office; POST website at post.nv.gov; at the
4 State posting website at notice.nv.gov; and it
5 was e-mailed to all law enforcement agency
6 point of contacts that we have listed in our
7 database all in conformance with NRS
8 241.020(4).

9 RON PIERINI: Thank you, Scott.
10 Okay, let's go with number 1, if I can. We
11 can start with discussion and public comment
12 for possible action.

13 Approval of the minutes from the
14 February 9th, 2017 regularly scheduled POST
15 commission meeting.

16 And the commissioners and everybody,
17 I'm sure has taken the time to look at that.
18 Is there any kind of errors that you saw or
19 you want to add to it? Or any kind of
20 confusion?

21 All right. I'm not sure that
22 anybody from the public read that. If there
23 is, you're welcome to come up. Seeing that so
24 what we want to go for an agenda item.
25 Were there --

1 RUSS PEDERSEN: Russ Pedersen, move to
2 approve.

3 GARY SCHOFIELD: Gary Schofield, second.

4 RON PIERINI: Any other questions or
5 comments?

6 All in favor?

7 MULTIPLE SPEAKERS: Aye.

8 RON PIERINI: Okay. Thank you very much.
9 Number 2 is information and Mike Sherlock.

10 MIKE SHERLOCK: Mike Sherlock for the
11 record. I hear the memorial is not until 1:00
12 so I have plenty of time, right?

13 RON PIERINI: Right.

14 MIKE SHERLOCK: Because you know I love
15 to talk (laughter).

16 No, I -- just a quick update on
17 what's going on with POST staff here.

18 First, as most of you know,
19 Rick Radecki recently passed away. Rick was
20 an administrative assistant here at POST. He
21 had quickly become, I don't know, the voice of
22 POST. He was often the point of contact and
23 was a person the agencies contacted and sought
24 out for a whole variety of issues.

25 We at first want to thank everyone

1 for the kind words and the condolences we
2 received from throughout Nevada. Rick is also
3 known for singing the National Anthem at our
4 graduation. This month his daughter,
5 Michaela, is actually going to sing the
6 National Anthem in honor of her dad, so those
7 who will be at the graduation will get to hear
8 it.

9 Rick will truly be missed here at
10 POST.

11 So just a quick update. From the
12 training division we have new performance
13 objectives that were just published --
14 actually we have had a little glitch when they
15 first went out, the file got corrupted but
16 they are back on our website, so I really want
17 to thank the agencies that assisted in looking
18 at those subjects and those objectives.

19 You know at POST we really do
20 strive -- despite some of the rhetoric we hear
21 out there -- you know, to not create any sort
22 of mandates or training in a vacuum. We
23 really rely on agencies to help us on -- and
24 it's sometimes difficult simply to get the
25 experts that we need to contribute and

1 participate. Everybody is busy, we get that,
2 but that said throughout this process -- and
3 just recently we had a range training
4 workgroup show up. I really want to thank
5 who -- who have come up several times, in
6 particular Metro, Henderson PD, Nye county was
7 here, Washoe County, Reno PD, the Department
8 of Corrections -- all sent people up here, and
9 we'll be going down there in July in another
10 meeting related to this, but -- Douglas
11 County, everybody sent -- a lot of people sent
12 people and we really, truly appreciate that.
13 That's -- we just end up with a better product
14 if everybody will get their input in.

15 Our staff just completed a total
16 revamp and update of our basic instructor
17 development program. We have a couple --
18 we're really happy with it, by the way -- we
19 have a couple of classes coming up here in the
20 near future, both of those are full. And we
21 have a waiting list for more classes already
22 on that, so we're pretty happy with that.

23 One area that we really -- in terms
24 of training that we're trying to expand, with
25 or without a budget, is our advance training.

1 And particularly specialized unit training.
2 We're currently in development of a basic
3 detective course. We try to keep it at one
4 week is our goal now, because we know Nevada
5 gets nervous about two weeks so we're trying
6 to keep it at one week. Again, we have a lot
7 of agencies helping with that. We'll be
8 calling it the Core Course in terms of
9 investigations, and then we'll expand from
10 there.

11 We'd like to do sexual assault basic
12 training, homicide basic training classes,
13 that kind of thing. So we're working on
14 those. And again, we appreciate the help
15 we're getting from agencies across the state
16 on those.

17 Finally we do have an academy
18 graduation on May 18th, the 18th of this
19 month. Everyone is invited. We are proud to
20 announce Chief Pedersen, one of our
21 commissioners, will be the keynote speaker at
22 that graduation on the 18th. Those that can
23 attend, we'd love to see you there.

24 On the standards side of things
25 we're obviously still waiting for the NAC

1 updates that the Commission approved last
2 meeting to return from LCB. As you know,
3 they're in legislative session, we won't see
4 those for a while.

5 Again we have another quick workshop
6 today. We continue to look at our regulations
7 to make sure they fit our needs, fit Nevada's
8 needs, they're understandable, that kind of
9 thing, so we'll continue to review those as
10 time goes on.

11 We are looking at ways to reach out
12 to agencies in specific areas. One of the
13 areas of constant concern for us is the
14 one-year rule in terms of certification.

15 The question for POST becomes: What
16 do we do where we're aware of an individual
17 that has not met the one-year requirement and
18 they're still working? Our response has been
19 we simply send out letters to those agencies
20 advising them, you know, as we get close to
21 allow them to either come to the Commission
22 and ask for an extension, or frankly,
23 terminate that person. There is not a lot of
24 options when it comes to that one-year
25 requirement. So we're just trying to be

1 consistent on that. And I think we'll
2 continue what we're doing with the letters and
3 notifying agencies they're coming up on that
4 one-year time.

5 What people fail to understand is
6 that under the statutes, once the one year
7 hits, the person in the peace officer position
8 is prohibited from exercising peace officer
9 powers. Clearly it puts an agency in a
10 position of liability. We want to do what we
11 can to help the agencies to understand that.

12 That being said, we are seeing a
13 better trend, we're seeing agencies that are
14 frankly, not putting people on the street that
15 haven't at least been through the academy and
16 met the basic requirements, which we like.
17 But we're just trying to reach out on that.

18 And the other area is reciprocity.
19 There is a lot of confusion in what
20 reciprocity is. We're looking at ways to
21 again continue educating agencies.
22 Reciprocity is not about training. That's the
23 biggest confusion. Reciprocity is about
24 experience. We will honor another state's
25 certified officer based on that experience,

1 not on training.

2 So the one thing I'll say on some of
3 these things is we have completed our
4 administrative manual. This information is
5 readily available on our website, and we
6 encourage agencies to get on there and look it
7 up. It's there and easy to check,
8 particularly with reciprocity and that kind of
9 thing. We just simply want agencies to
10 understand those rules so we don't get caught
11 in the middle when they try to get someone
12 certified that is not eligible for
13 reciprocity.

14 On the administrative side of things
15 we continue to deal with the public record
16 requests. Mostly dealing with bad actors,
17 officer revocations, that kind of thing. I do
18 believe we will start to see that calm down in
19 today's climate. That may be wishful thinking
20 but we get a lot of those.

21 Along those lines we may look to the
22 Commission at a future date to consider an
23 update on NACs related to suspensions and
24 revocations. One area of concern for me is --
25 and recently we've had some issues of

1 state-wide interest related to certified
2 officers and alleged illegal activity.

3 And usually what happens is a
4 certified officer is arrested, for example,
5 for heroin purchasing or homicide. And the
6 media will contact us with information
7 requests, inquiring as to what action has been
8 taken on that certificate. And the problem
9 for me is -- is our answer, because of our
10 current regulation is -- their certificate is
11 in good standing.

12 It just places POST, I think, in a
13 bad light. Where they know the guy has been
14 arrested and charged with murder for instance,
15 and yet we're saying the certificate is in
16 good standing. And again I'm just, you know
17 maybe at a future date we may ask the
18 Commission to look at -- and believe me, I do
19 not want to take any of the powers of the
20 Commission, but there may be some limited
21 parameters working with Mike Jensen on the
22 ability to suspend, pending the next
23 commission meeting, where we have very
24 specific set of facts. It's just something
25 I've thought -- we've been thinking about with

1 the media inquires as to these officers that
2 have been arrested for some pretty heinous
3 crimes and their certificate is still good
4 until that next commission meeting, sometimes
5 longer than that based on circumstances. So
6 what it is that -- that just has come up from
7 our standpoint, but it's something to think
8 about.

9 Finally in terms of legislation,
10 there are a few bills of concern out there.
11 We've made our position known, for what's it's
12 worth. Were not real hopeful that our
13 position is given much weight on some of these
14 bills, but we'll leave it at that at this
15 point, the session is still -- obviously
16 they're still in session, the Legislature.

17 In terms of our budget, we close our
18 budget next week. I will say at this point
19 despite some of the meetings and posturing, as
20 it stands our budget is -- there's no change,
21 in fact it's a slight decrease in our budget
22 compared to this biennium at this point. That
23 said, we'll continue to do the best we can
24 with what we have, and we continue to look at
25 creative ways of providing more and we'll

1 continue to do that. That's POST.

2 RON PIERINI: Okay. Thanks Mike. Any
3 questions for the Commission?

4 RUSS PETERSEN: Just more
5 comments. The first one coming up on one
6 year, I would like to commend you and your
7 staff. I think you guys have really held that
8 standard. And I think this commission, at
9 least in my experience, is more than
10 reasonable on that extension or at least that
11 first extension if they come forward and they
12 talk to us. So I appreciate, and I think we
13 have -- do have a need to continue with that
14 standard and not change from that, because
15 unfortunately some people will take advantage
16 of any loophole they can. So kudos to you and
17 your staff.

18 And the second one is: I do --
19 you've piqued my interest. I would like to be
20 part of that discussion if the Chairman will
21 allow me or even from an agency standpoint
22 about looking at giving you guys a little more
23 authority or some type of ability to suspend a
24 POST on an arrest or on something that is
25 that -- sometimes we're locked in with

1 contracts and some other things, and I think
2 from a POST standpoint you're that check and
3 balance, that independent review, and I think
4 that's important that you guys have that
5 authority, so I'd like to be part of that
6 discussion.

7 I think we should all be encouraged
8 to -- especially in our times. It will kind
9 of help the public use, so I appreciate it.

10 RON PIERINI: I think one of the things,
11 too is over the last several years, we've
12 given more authority to the executive
13 director, and I think it's been a real plus.
14 I think they know what's going on better than
15 any of us, naturally.

16 And I think we agree, we certainly
17 think you've done a great job and even with
18 Dick Clark, he -- he was given more authority
19 and it seems like it's a better system.

20 I'm certainly in favor of that. My
21 only question I have for you is this: We only
22 have two academies per year. Is that causing
23 some of the problems where we're going to have
24 to extend that all of the time for six more
25 months because there is no more.

1 (inaudible) -- to be able to go to. Is that
2 possible?

3 MIKE SHERLOCK: Mike Sherlock for the
4 record. Well, from a budget standpoint, no
5 more academies are possible for us, I can tell
6 you that. But I think that we're okay from
7 that stand -- I think that implementing the,
8 kind of, the standby for agencies to make sure
9 that we don't have empty seats.

10 I don't see a major issue with it.
11 What we suggest -- we try to track these new
12 hires and give agencies as much notice as we
13 can and remind them that, you know, if you get
14 in front of the Commission prior to the
15 expiration of the year, it's much easier for
16 the Commission to find good cause for one, and
17 it gives us that chance to get them in
18 there -- get them into the academy.

19 So to your question as far as is the
20 reason the year is expiring is we can't get
21 them into the academy? I don't think so. I
22 think we'd like to educate agencies more about
23 hire dates and when they hire.

24 We're in a discussion with an agency
25 right now where, you know, what do they do

1 with the person leading up to the academy? I
2 don't know why you don't do a conditional job
3 offer -- or a job offer with the start date of
4 one day before the academy, or the academy
5 date, and try to do a better plan -- a better
6 job of planning in terms of hiring. We're
7 working with agencies from that perspective
8 where they can do their orientation leading up
9 to it, whatever it may be.

10 So I don't think it's that our
11 academies are full, I think it's a different
12 issue.

13 RON PIERINI: Well, one of the problems,
14 though, Mike is this: Trying to get new
15 employees is a very difficult process for I
16 think everybody in this room.

17 When we have the ability to say,
18 yeah, I'm ready to go, and the sheriff's
19 departments around Nevada has a better -- an
20 easier way than they do with chief of police
21 areas, okay?

22 That is a sense, yeah, you want to
23 come to work, put you in the jail? You can do
24 your Category III there. We can move and find
25 out exactly what our organization is. We

1 don't want to let go of them, that's what I'm
2 trying to say.

3 MIKE SHERLOCK: Sure.

4 RON PIERINI: So the next one comes to me,
5 it's going to be three months from now, geez
6 Dan Watts is open right now, I'm going there.

7 And they're going to do that to us,
8 so that's why we have that kind of problem, so
9 I just give that for --

10 MIKE SHERLOCK: Mike Sherlock here. We
11 do understand -- we're looking at it from an
12 academy perspective. We understand that.

13 RON PIERINI: I only have one more
14 question, and then I'll be quiet. If you have
15 more than two people in your agency that needs
16 to go to that academy, let's say for example
17 because all of the turnover that most of us
18 have gone through. There may be four people
19 that want to do it. And all of a sudden if
20 you go over 32, if I recall, or 30 something,
21 do you have a policy here to say that first
22 come, first serve or is it the most you can
23 have is two until we can add it on?

24 MIKE SHERLOCK: I'd have to go back --
25 Mike Sherlock for the record. I have to go

1 back and read the policy exactly how we have
2 it right now. But there is. It is first and
3 foremost are the rurals, because that's who we
4 serve, that's our priority. And so I think we
5 have it -- I don't know if Scott knows -- but
6 I think we would allow three, but you can
7 put -- what we're suggesting, which has worked
8 very well for us, if you hire four and we say
9 you can only have three, we do have
10 alternates.

11 So you -- as you know, day one we
12 lose people every single time. And so this
13 last time we had some agencies that went over
14 their -- you know, it was full, they got their
15 three spots, but they had more. They sent
16 their fourth one as an alternate and other
17 people got in. So that's what we're seeing
18 right now is -- in most cases everybody is
19 getting all of their people in when they want
20 them in based on that alternate, and sending
21 them here and that kind of thing.

22 But there is a priority list. It's
23 on our website. We've strengthened that rule.
24 We need the information 30 days out. And in
25 the past we've had people reserve spots, you

1 know, kind of the good ole boy theory and they
2 weren't sending their people, the person's not
3 ready.

4 So what we require now 30 days out
5 is at least a name and some of the
6 documentation, so we're fairly comfortable
7 that that person is going to show up.

8 And then by priority. Rurals and,
9 you know, goes all the way down the list to
10 tribal.

11 RON PIERINI: I think one other question
12 that maybe you're going to be asked is -- and
13 that is the fact that you have two people are
14 coming, just say that. The second day that
15 he's in the academy he -- or the third day --
16 he falls over and his leg breaks or something
17 else, or he decides, I don't like this or
18 whatever it might be.

19 Then I immediately want to pick up
20 the phone and I have number three, let me give
21 him to you, then that doesn't work because
22 what they do is -- if what I'm hearing from
23 you is the first day you got to be there.

24 Can you -- is there a time period,
25 after three days you can't let nobody else in

1 there, how does that --

2 MIKE SHERLOCK: Well, there -- Mike
3 Sherlock for the record. There is lot of
4 things that play into that. That is the
5 problem. Day one is our entrance, physical
6 fitness test. Based on our scheduling, it's
7 very difficult for us to get -- to change
8 that. So if you sent someone new, now we have
9 to slide in a separate physical fitness test
10 specifically for that person, which means now
11 that person is missing some of the instruction
12 that's required as part of the -- and again
13 we're getting a lot stuff crammed into that.

14 The other issue though with that --
15 well, there's a variety of them, but for us
16 you have to have uniforms. And usually what
17 we're hearing is, you know, they're scrambling
18 to try to get uniforms so this person is not
19 really integrated into this class at all for
20 sometimes two or three weeks at a time while
21 they wait for the uniforms.

22 And it just puts so much pressure on
23 our academy it's just not conducive to the
24 continuity of that particular class and that
25 kind of thing. I mean, we've done it where

1 it's not a disruption but it's -- I can tell
2 you it's extremely difficult.

3 The reason we're running these
4 alternates now, if someone gets injured like
5 you're talking about, it's usually not going
6 to be on day two, it's going to be on day one,
7 which it allows that alternate to quickly get
8 into the academy and we keep those seats full.

9 Once you get past day one, maybe day
10 two a little bit, it's very difficult for us.
11 We just can't do it.

12 RON PIERINI: And I have to mention as I
13 was doing everything I could to get him to go
14 my way. (laughter) because I did have
15 somebody -- (laughter).

16 I just don't want you to be as
17 embarrassed as I was, okay.

18 MIKE SHERLOCK: Mike Sherlock for the
19 record. And just so you know, Chairman -- I
20 think my nickname here is Monty Hall, because
21 of those things.

22 You know, we try -- we have rules
23 for a reason, and we try to -- we try to stay
24 within those for the integrity of the
25 academy, if nothing else.

1 RON PIERINI: You do a good job. And I
2 think it's going very well --

3 MIKE SHERLOCK: Thank you.

4 RON PIERINI: And you're doing a real
5 good job of it as the director and we're real
6 proud of you.

7 Okay. We're going to go on now to
8 Number 3. This is the discussion, public
9 comment, and for possible action. This is a
10 discussion possibly take action to continue
11 the rule-making process.

12 I want to start with A first, if we
13 could. And that is reservation of NAC 289.230
14 subsection 5(a) which clarifies the term
15 "firearm" to include wording for the firearm
16 type.

17 Section 7(d) which is when an
18 officer is hired, rehired, or reinstated, on
19 or after July 1 of the reporting year, they
20 must satisfy the requirements of paragraphs
21 (b) and (e) inclusively, of subsection 5 and
22 show proficiency in the use of each firearm
23 type he or she is authorized to use before
24 resuming his or her duties as a peace officer.

25 So Mike, you're up again.

1 MIKE SHERLOCK: Mike Sherlock for the
2 record. We're simply trying to clean up that
3 yearly maintenance training as you heard in
4 the workshop. I think it's a fairly minor
5 change to that regulation, and I'd be happy to
6 answer any questions that came up since the
7 workshop.

8 RON PIERINI: Thank you. Questions?

9 MIKE JENSEN: For the record, just to
10 clarify on this one -- this is just an action
11 that continues the rule-making process. It
12 wouldn't be any adoption or anything like
13 that?

14 RON PIERINI: No.

15 MIKE JENSEN: Okay.

16 RON PIERINI: So does anybody have
17 questions or comments? We've been through it
18 a couple of times, we're okay I think. If
19 (inaudible) if anybody here like to go ahead.

20 I think -- isn't it true, Mike, we
21 probably ought to do a possible action on that
22 Number A?

23 MIKE JENSEN: That would make sense.

24 RON PIERINI: All right. I think we
25 should do that. So may I have somebody here

1 to --

2 TROY TANNER: Troy Tanner, I make a
3 motion to move forward on the rule-making
4 process.

5 RON PIERINI: We don't need to say it
6 again, do we?

7 TROY TANNER: I don't think so.

8 RON PIERINI: Thank you, chief. Do we
9 have a second?

10 MICHELE FREEMAN: Michelle Freeman, I'll
11 second.

12 RON PIERINI: Thank you very much. Any
13 other comments, questions? All in favor?

14 MULTIPLE SPEAKERS: Aye.

15 RON PIERINI: Anybody opposed? Okay. So
16 carried, thank you.

17 We're going to go to B now. That's
18 NAC 289.310 subsections 1 through 9,
19 requirements for certification by a provider
20 of training located outside the state of
21 Nevada.

22 This change would require the
23 provider to have their programs certified by
24 the International Directors of Law Enforcement
25 Standards and Training, National Certification

1 Program.

2 Mike?

3 MIKE SHERLOCK: Mike Sherlock for the
4 record. Again, if you have questions after
5 the workshop, I can answer those. To support
6 Mike Jensen, I would say we would recommend
7 that the Commission move forward under the
8 rule-making process to clarify the language in
9 289.310, which deals with advanced training
10 certification.

11 RON PIERINI: Okay. Any questions?
12 Anything from the public? Looking for a
13 motion.

14 KEVIN MCKINNEY: Kevin McKinney, I move
15 we go forward with this.

16 RON PIERINI: Thank you, Kevin. Do I
17 have a second?

18 DAN WATTS: Dan Watts, I second it.

19 RON PIERINI: Any other questions? Okay,
20 all in favor?

21 MULTIPLE SPEAKERS: Aye.

22 RON PIERINI: We got yours over there,
23 too.

24 All right. Number 4. This is
25 dealing with discussion, public comment, and

1 for possible action. Request from the
2 Mesquite Police Department for their employee,
3 Captain Joseph Chesley -- and I've got that
4 certificate right here, that's good -- for an
5 executive certificate. So I guess, Mike,
6 you're on that, too.

7 MIKE SHERLOCK: Mike Sherlock for the
8 record. I'm going to defer to Scott. He's
9 got the facts on that.

10 SCOTT JOHNSTON: Scott Johnston for the
11 record. We received an application from
12 Mesquite Police Department requesting the
13 executive certificate for Captain Chesley.

14 He has met the certification
15 requirements; basic, intermediate, advanced,
16 supervisor and management certificate, and
17 he's met the training requirements for the
18 certificate. He holds a position in the
19 agency, meeting the position of an upper
20 management command level responsibilities.

21 And he's fulfilled all of the
22 requirements of the executive certificate.
23 The POST review committee that reviews all
24 executive certificates before we bring them
25 before the Commission has reviewed this

1 application and it's that committee's
2 recommendation for approval.

3 RON PIERINI: Thanks Scott. Chief, would
4 you like to say anything?

5 TROY TANNER: No, I was just reading it.
6 I haven't seen it in a while, we've been busy
7 (laughter). I forgot I even signed that one.

8 MIKE SHERLOCK: I'll brief you.

9 TROY TANNER: No. He's one of my two
10 management guys. I have a deputy chief and
11 the captain, so that's all we have in the
12 administration of my department, so from
13 chief, to deputy chief, to captain, that's
14 about it. (inaudible) a sergeant -- he's done
15 a great job. Thank you.

16 RON PIERINI: Is Joseph here?

17 TROY TANNER: No, he's not.

18 RON PIERINI: Does anybody have questions
19 or -- all right. How about the public? All
20 right. Looking for a motion.

21 JIM WRIGHT: Move to approve.

22 RON PIERINI: Thank you, James.

23 GARY SCHOFIELD: Second.

24 RON PIERINI: Gary, I got to give it to
25 Gary there. All in favor?

1 MULTIPLE SPEAKERS: Aye.

2 RON PIERINI: Anybody opposed? So
3 carried. All right. Then we've got that
4 certificate here and I guess Scott, what we
5 can do is give this to Chief here.

6 SCOTT JOHNSTON: Sure.

7 RON PIERINI: Thank you.

8 TROY TANNER: Thank you.

9 RON PIERINI: Number 5. Hearing pursuant
10 to NAC 289.290(1)(g)(h) on the revocation of
11 Andrew Denning, formally of the Nye County
12 Sheriff's Office, certified based on a plea of
13 no contest to a misdemeanor and a guilty plea
14 agreement to a felony. And what we need to do
15 is talk about the Basic Certificate. Mike
16 Jensen?

17 MIKE JENSEN: Thank you, Mr. Chairman.
18 This is the time and place scheduled. We've
19 done a few of these in the past, but I'll just
20 reiterate the authority of the Commission
21 working under this morning. Under NRS
22 289.510, the Commission is given the authority
23 to adopt regulations that establish minimum
24 standards for certification and
25 decertification of peace officers.

1 Pursuant to that authority, the POST
2 commission has established a cause to revoke
3 or refuse or suspend the certificate of a
4 peace officer. This morning on this
5 particular item the sections that apply are
6 section (1)(h)(g) which provides that the
7 certificate may be revoked for a misdemeanor
8 conviction, at the request of an agency, can
9 mandate the revocation for a felony
10 conviction.

11 I would point out to the Commission
12 that this is a little unusual in the sense
13 that this individual has not been certified by
14 the Commission yet, so there is no Basic
15 Certificate that you're -- would be revoking.

16 The staff as asked that I move
17 forward on this particular item because of the
18 seriousness of the offenses to have the
19 Commission take action to basically refuse his
20 eligibility to be POST certified so that they
21 can get that into the system and make sure
22 that he can't be hired here or elsewhere as a
23 peace officer.

24 So that is a little bit of wrinkle
25 on this particular hearing. You will see in

1 your packets the certificates that I want to
2 go through really quickly this morning. It
3 would be admitted in support of any action
4 taken by the Commission. The first is Exhibit
5 A, which is just our normal Notice of Intent
6 to revoke or take action.

7 Where the Commission is informed
8 Mr. Denning of his rights with regard to this
9 particular hearing. The basis for the hearing
10 is the convictions that are being relied upon.
11 His right to appear and cross-examine
12 witnesses. And the requirement that he inform
13 the Commission if he intends to appear, and
14 the scope of the hearing.

15 It's my understanding that
16 Mr. Denning has not indicated to the
17 Commission that he intends to appear this
18 morning; is that correct?

19 SCOTT JOHNSTON: That's correct.

20 MIKE JENSEN: The second exhibit is
21 Exhibit B, which shows he has been served with
22 that -- personally served with that Notice on
23 March 21st of this year. Showing that the
24 Commission has complied with all the Notice
25 requirements, both your statutes and 33(b).

1 Certificate -- Exhibit D is a
2 certified copy of the criminal complaint.
3 There are two different charging documents in
4 this particular case because there was a
5 misdemeanor that went through the misdemeanor
6 process, and then there was a felony that went
7 through that felony process in a different
8 court, and that's why you've got two charging
9 documents.

10 The first charging document is the
11 criminal complaint showing Mr. Denning was
12 charged with three criminal counts of assault
13 with a deadly weapon, a felony; child abuse or
14 neglect, a gross misdemeanor; and kidnapping,
15 a felony offense.

16 Exhibit E is the certified copy of
17 the criminal complaint where Mr. Denning was
18 charged with a misdemeanor count of domestic
19 battery in violation of NRS 241 and 245
20 committed on or about March 27th, 2015.

21 Exhibit F is his plea of waiver --
22 his plea agreement, or waiver of plea on the
23 domestic violence charge in which he agreed to
24 plead guilty to that charge set out in the
25 criminal complaint.

1 Exhibit G is the judgment of
2 conviction showing that he was convicted of
3 domestic battery, a misdemeanor with a fine
4 and a jail sentence, which was time served,
5 and an additional jail sentence that was
6 suspended contingent on completing all of the
7 requirements of his court imposed conditions.

8 Exhibit H is a certified copy of the
9 information. This on a criminal charge of
10 assault with a deadly weapon, a felony. Again
11 committed on or about March 27th, 2015.

12 It appears that the actions in this
13 particular case were actions taken against his
14 spouse, and in pointing a firearm at her in
15 the course of a confrontation and argument
16 with his wife.

17 Exhibit I is the guilty plea
18 agreement where he has agreed to enter a
19 guilty plea to plead to assault with a deadly
20 weapon, not a felony.

21 And Exhibit J shows that he was
22 convicted of assault with a deadly weapon and
23 sentenced to the Department of Corrections
24 with that sentence being suspended and him
25 being placed on a number of conditions,

1 probation as you see there on the judgment of
2 conviction, many of which are clearly
3 inconsistent with acting as a peace officer.

4 So based on the evidence in those
5 documents and these particular convictions,
6 it's the recommendation that Mr. Denning's
7 peace officer eligibility be revoked. And he
8 certainly has been involved in conduct that's
9 inconsistent with actions and activities of a
10 peace officer.

11 So I would ask that those exhibits
12 be admitted, Mr. Chairman, as part of any
13 action that you would take related to this
14 commission.

15 RON PIERINI: Thank you. I appreciate
16 that and I do approve that. I'm going to ask
17 the commissioners, any questions? Any
18 comments?

19 KEVIN MCKINNEY: I have a quick question.
20 Kevin McKinney for the record. Well, since
21 this is kind of a unique situation, will he be
22 placed in the desertification database?

23 SCOTT JOHNSTON: Scott Johnston for the
24 record. Yes, he will.

25 KEVIN MCKINNEY: Okay.

1 RUSS PEDERSEN: Russ Pedersen, are we
2 revoking or are we refusing under 289, for
3 clarification? Since he doesn't have a
4 certificate yet, are we refusing or sorry --

5 MIKE JENSEN: That's a good question.
6 I've gone through that as well. We know the
7 Commission, I don't think, has done this very
8 often. I can't think of the last time we've
9 done this. But I think the authority to do it
10 would be under refuse as opposed to revoke
11 because there is nothing to revoke at this
12 point so we're refusing not an actual
13 application, I don't think he's applied for a
14 peace officer certification, so you're
15 basically refusing his eligibility to be a
16 peace officer.

17 RUSS PEDERSEN: But for motion -- Russ
18 Pedersen -- but for motion purposes, it's --
19 we're going to say refused?

20 SCOTT JOHNSTON: I would say that would be
21 most appropriate.

22 RON PIERINI: Okay. Public? Any
23 comments? On his behalf is there anybody
24 here? Okay.

25 Russ, would you like to do a motion?

1 RUSS PEDERSEN: I'll give it a shot. I
2 move to refuse any future certificate -- I
3 guess applications that he may, I guess
4 attempt. And sorry about that. I'm botching
5 that.

6 How about just move to refuse a
7 peace officer POST certificate; is that
8 better? Will that work?

9 RON PIERINI: That's pretty good. Do I
10 have a second?

11 GARY SCHOFIELD: Gary Schofield --

12 RON PIERINI: Go ahead. Thank you.
13 Which one we got? Thank you. Any other
14 comments, questions or information?

15 All in favor?

16 MULTIPLE SPEAKERS: Aye.

17 RON PIERINI: All right. Thank you.
18 We're going to move with Number 6. This one
19 is discussion, public comment, and for calls
20 for action. Hearing pursuant to NAC
21 289.290(1)(e) on the revocation of Kenneth
22 Head, formerly of the Nevada Department of
23 Corrections, certification on a guilty plea, a
24 gross misdemeanor.

25 The Commission will decide whether

1 to revoke Mr. Head's Category III, Basic
2 Certificate.

3 Mr. Jensen.

4 MIKE JENSEN: Thank you, Mr. Chairman.
5 This one is a little bit easier because there
6 is an actual certificate that we're dealing
7 with here. This is the time and place
8 scheduled for the hearing for potential
9 revocation of Mr. Head's Category III POST
10 certification.

11 I won't reiterate the authority
12 under which you're moving except to the extent
13 to say that this is a revocation that would be
14 for a gross misdemeanor under 289.290 Section
15 (1)(h).

16 The exhibits that you have in front
17 of you -- or should have in front of you --
18 I'll just go through briefly and would ask at
19 the end be admitted as part of any action that
20 the Commission takes. They are essentially
21 the same as the last hearing.

22 Exhibit A is your Notice of Intent
23 to decertify Mr. Head with all of the
24 information about his rights in connection
25 within this hearing today, informing him of

1 his right to be present, and present evidence,
2 and cross-examine witnesses. And the legal
3 requirement to inform the Commission if he
4 intended to be present today. And it's my
5 understanding that Mr. Head has not indicated
6 any intent to be present; is that correct?

7 SCOTT JOHNSTON: Scott Johnston for the
8 record. Yes, that is correct.

9 MIKE JENSEN: Exhibit B is the Sheriff's
10 Return from the sheriff -- I think in the
11 state of Washington. The state of Washington
12 who served Mr. Head personally with the Notice
13 of Intent to Revoke on April 3rd, 2017,
14 showing that the Commission has complied with
15 all of the legal requirements for notice under
16 232(b) and through regulations.

17 Exhibit C is the personnel action
18 report showing Mr. Head's employment was
19 terminated as a peace officer here in the
20 state of Nevada.

21 Exhibit D is his POST Category III
22 POST certification. Exhibit E is the charging
23 document and there's a series, it looks like,
24 of three charging documents the last of which
25 is the one that he pled guilty to.

1 He was originally charged as shown
2 in Exhibit E with 13 counts, and then
3 indictments of three different charges.
4 Multiple counts in those three different
5 charges. The first was sexual assault on a
6 minor under 14 years of age, a felony;
7 lewdness with a child under the age of 14, a
8 felony; and child abuse, neglect or
9 endangerment, a category B felony.

10 The amended Complaint, which is
11 Exhibit F, is essentially the same charges as
12 Exhibit E, so I won't go through those.

13 Exhibit D is the thing that he
14 agreed to plead guilty to pursuant to Alford.
15 It is for -- and the second amended indictment
16 is for open or gross lewdness, a gross
17 misdemeanor. Indicating that on or between
18 January 1st, 2003 and September 1st 2010, he
19 willfully and unlawfully touched an
20 individual, who I believe is a minor child,
21 we've crossed out the name of that individual
22 on the charging document.

23 Exhibit H is the guilty plea
24 agreement, where he's agreeing to plead guilty
25 to that gross misdemeanor groping, and gross

1 lewdness. And Exhibit I is the judgment of
2 conviction showing that he was convicted of
3 open or gross lewdness for those actions
4 identified in the second amended indictment.
5 He was sentenced in that case to time served.

6 Again, Mr. Chairman, I would
7 indicate that the evidence in this case I
8 think shows pretty clearly conduct that is a
9 very serious nature. It is inconsistent with
10 a person who is acting as a peace officer.

11 His conditions are also inconsistent
12 with that. And we would recommend to staff
13 that his POST certification be revoked and
14 those Exhibits A through I be admitted in
15 support of any action that the Commission will
16 take.

17 RON PIERINI: Thank you, Mr. Jensen.
18 Approval of admission of exhibits. All right.
19 So do we have any questions from the
20 Commission?

21 JIM WRIGHT: Question for the record.
22 Jim Wright: Mike, with this service out of
23 Washington, is that where he's located now?

24 MIKE JENSEN: That's my understanding.
25 He's living in the state of Washington now.

1 JIM WRIGHT: Because I noticed he's got
2 some P & P conditions here and I was wondering
3 about the issue if he's not here.

4 UNIDENTIFIED SPEAKER: He transferred.

5 MIKE JENSEN: (inaudible) interstate. I
6 notice in his judgment of conviction, which is
7 Exhibit I, it looks like he was sentenced
8 to -- credit for time served. So I'm not sure
9 if he was placed on probation or not under
10 that judgment.

11 UNIDENTIFIED SPEAKER: Okay.

12 MIKE JENSEN: And it doesn't say the
13 number of days that he served. So it's vague
14 on what he actually -- what the actual
15 sentence was because it just says credit for
16 time served.

17 RON PIERINI: Okay. Anybody else have
18 any comments or questions? To the public?
19 For a motion.

20 MICHELE FREEMAN: Michelle Freeman, I
21 move to revoke.

22 RON PIERINI: Great. Second?

23 RUSS PEDERSEN: Russ Pedersen, I second.

24 RON PIERINI: Any other questions?
25 Comments? All in favor?

1 MULTIPLE SPEAKERS: Aye.

2 RON PIERINI: Any opposed to? Okay.

3 We're going to go to Number 7 under public
4 comment. I just want to mention a couple of
5 things, one of which is: Gary Schofield is
6 is now retired; is that correct?

7 UNIDENTIFIED SPEAKER: (Inaudible). Yes.

8 RON PIERINI: And he has been allowed to
9 be here as one of our commissioners, which I'm
10 really happy with.

11 UNIDENTIFIED SPEAKER: The sheriff has
12 asked me to continue this position.

13 RON PIERINI: You've done a great job for
14 us and I'm glad to see you're going to
15 continue it. Thank you.

16 The second thing is dealing with the
17 public comment as Mr. Jensen does such a great
18 job dealing with the situations where we have
19 people with misdemeanors, gross misdemeanors,
20 felonies, and all of that. He puts all of
21 that together and does a great job for us.
22 And I don't know if we ever say that enough to
23 you.

24 MIKE JENSEN: You don't have to say that,
25 but I appreciate you saying it.

1 RON PIERINI: You do a great job, and it
2 takes a long time to gather all of that and
3 you put a lot of effort into it, and I know
4 that.

5 All right. Anybody else or any kind
6 of comments? Okay. We'll go on then. When
7 is our next meeting? I think we know that.

8 MIKE SHERLOCK: Mike Sherlock for the
9 record. We did get in touch with Bob Roshak
10 with Sheriffs and Chiefs and it looks like
11 we're good for Thursday the 27th of July at
12 1:00 p.m out in Ely.

13 RON PIERINI: Well, it says in here with
14 possible actions, we've got to have a motion,
15 so does anybody want to make that?

16 We're going to do it on the 27th?
17 Can I have somebody do a motion right now?

18 DAN WATTS: I will.

19 RON PIERINI: You're good for that,
20 because that's your spot. All right. And
21 Gary did a second, thank you (laughter). All
22 in favor?

23 MULTIPLE SPEAKERS: Aye.

24 RON PIERINI: Anybody opposed? Okay.
25 How about adjournment? Does anybody want to

1 do that motion?

2 TROY TANNER: Troy Tanner, I make a
3 motion for adjournment.

4 RON PIERINI: Second?

5 GARY SCHOFIELD: I second.

6 RON PIERINI: All in favor?

7 MULTIPLE SPEAKERS: Aye.

8 RON PIERINI: All right. Thank you.

9 - - -

10 (Hearing concluded at 9:34:50 a.m.)

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1 CERTIFICATE

2 I, Kelli R. Billingsley, do hereby
3 certify:

4 That the foregoing is a true and accurate
5 transcript of the electronic audio recording from
6 the meeting in the above-entitled manner.

7

8

Kelli R. Billingsley,
9 May 25, 2017

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In the Matter of:

Meeting

July 27, 2017



3200 COBB GALLERIA PARKWAY
SUITE 200
ATLANTA, GA 30339

1 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
2 REGULARLY SCHEDULED MEETING

3
4 Prospector Hotel and Casino
5 Ghost Train Room
6 1501 E. Aultman
7 Ely, Nevada

8
9 Thursday, July 27, 2017
10 1:01 p.m.

11

12

13 COMMISSIONERS:

14 RON PIERINI, SHERIFF, Chairman, Douglas County

15 TROY TANNER, CHIEF, Mesquite Police

16 DAN WATTS, SHERIFF, White Pine County

17 KEVIN McKINNEY, UNDERSHERIFF, Elko County

18 MIKE JENSEN, Senior Deputy Attorney General

19 MIKE SHERLOCK, Executive Director, POST

20 SCOTT JOHNSTON, Division Chief, POST

21 GARY SCHOFIELD, DEPUTY CHIEF, Las Vegas Metropolitan
22 Police (Telephonic)

23 JAMES R. KETSAA, CHIEF, Clark County School Police
24 (Telephonic)

25

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1	E X H I B I T S				
2	NUMBER	DESCRIPTION	MARKED FOR ID	RECEIVED	
3	A	Notice of Intent to Suspend	22	27	
4	B	Certificate of Service	23	27	
5	C	Personnel Action Report	24	27	
6	D	Post Certification	24	27	

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1 P R O C E E D I N G S

2 (1:01 p.m.)

3 SHERIFF PIERINI: Okay. Today is July 27th,
4 2017, at 1 p.m. And we're here in the Prospector
5 Hotel and Casino in Ely, Nevada.

6 And, Scott, why don't you go ahead and start
7 off, if you would, please? And let's go ahead and
8 talk about the posting of the public meeting agendas.

9 CHIEF JOHNSTON: Thank you. Scott Johnston
10 for the record. The notice for this meeting was
11 posted at the POST Administrative Offices in Carson
12 City; Nevada State Capitol, Carson City; Blasdel State
13 Building, Carson City; Nevada State Library and
14 Archives in Carson City; Grant Sawyer Building in Las
15 Vegas; Carson City Sheriff's Office; and White Pine
16 County Sheriff's Office; and at post.nv.gov on our
17 website and the state legislative site of
18 notice.nv.gov. And it was emailed electronically to
19 all the agency point of contacts that we maintain in
20 our database.

21 SHERIFF PIERINI: Thank you, Scott.
22 Appreciate that. Just for record, we want to make
23 sure to all our Commissioners that please turn your
24 phones off if you could, please. And if you're going
25 to make an agenda item that you want to talk about, or

1 whatever it may be, be sure and name your name and
2 what agency you're from. And don't ever forget, if
3 you're talking to the one to your right, it could be
4 recording.

5 All right. Why don't we start off with the
6 call to order, and also -- excuse me, with the roll
7 call? We could start over there. How about --

8 CHIEF TANNER: Me.

9 SHERIFF PIERINI: You want to start with
10 you?

11 CHIEF TANNER: Oh. I thought you said --
12 the way you were looking at me. Yeah.

13 SHERIFF PIERINI: Go ahead. Go ahead.

14 CHIEF TANNER: Troy Tanner, Mesquite.

15 SHERIFF WATTS: Dan Watts, White Pine
16 County.

17 SHERIFF PIERINI: Ron Pierini, Douglas
18 County.

19 UNDERSHERIFF MCKINNEY: Kevin McKinney, Elko
20 County.

21 MR. JENSEN: Mike Jensen, Attorney General's
22 Office.

23 MR. SHERLOCK: Mike Sherlock from POST.

24 CHIEF JOHNSTON: Scott Johnston from POST.

25 SHERIFF PIERINI: Okay, thank you. And

1 James, are you on the phone? Testing. Are you there?

2 CHIEF TANNER: James, are you there?

3 MR. SHERLOCK: Is that one on?

4 CHIEF TANNER: Hey, James, are you there?

5 Hello, are you there?

6 MR. SHERLOCK: Hey, Chief.

7 CHIEF TANNER: It's all static.

8 MR. SHERLOCK: All right. Well, we can
9 switch to Chief Schofield that's on the line now.

10 CHIEF TANNER: The line, one on?

11 SHERIFF PIERINI: He is on the line?

12 MR. SHERLOCK: Yeah.

13 SHERIFF PIERINI: Is Gary there?

14 MR. SHERLOCK: Yeah.

15 SHERIFF PIERINI: Okay, good.

16 CHIEF TANNER: I hung up too, so.

17 MR. SHERLOCK: Okay. Chief, I just put you
18 on speakerphone. We lost Chief Ketsaa, so let me get
19 you over here to a speaker.

20 DEPUTY CHIEF SCHOFIELD: All right.

21 MR. SHERLOCK: Okay. We'll give that a try.
22 Can you hear us?

23 DEPUTY CHIEF SCHOFIELD: I can hear you.

24 MR. SHERLOCK: Okay.

25 SHERIFF PIERINI: Thank you, Gary. This is

1 Ron Pierini. I'm glad you are on the phone with us.
2 Thank you so much. So we want to also note that
3 Russell Pedersen, he's from Washoe County, is not
4 here. Michele Freeman is not here.

5 Gary, again, thank you for being here for
6 us. And then Jim Wright is not here also. Having a
7 little bit of a problem with James Ketsaa. We don't
8 know if he'll come back on the phone or not, but at
9 least we --

10 CHIEF JOHNSTON: Are you still there?

11 SHERIFF PIERINI: -- have our five, correct?

12 MR. SHERLOCK: We do.

13 SHERIFF PIERINI: All right. Good.

14 CHIEF JOHNSTON: Okay. Do you want to give
15 it another try? We got you here.

16 SHERIFF PIERINI: Just for a sec here.

17 CHIEF JOHNSTON: Okay. You want to give it
18 another try since I got you on the line? Okay. Okay,
19 we have Commissioner Ketsaa on the line.

20 SHERIFF PIERINI: Okay. Good.

21 CHIEF JOHNSTON: We're just taking order.

22 SHERIFF PIERINI: All right, James, are you
23 there? James?

24 CHIEF JOHNSTON: James? Are you there?

25 CHIEF KETSAA: Hello?

1 SHERIFF PIERINI: Hi, James. This is Ron
2 Pierini. Are you there?

3 CHIEF JOHNSTON: Are you there, James?

4 CHIEF KETSAA: Yes.

5 CHIEF JOHNSTON: Okay. Speak loud in your
6 microphone.

7 SHERIFF PIERINI: Can you hear me okay now?

8 MR. SHERLOCK: Do you want to put it over
9 here?

10 CHIEF TANNER: Yeah, let's just put it right
11 by him. Otherwise you aren't going to hear him good
12 anyway.

13 SHERIFF PIERINI: All right. Here we are.
14 James, are you there?

15 CHIEF JOHNSTON: Might as well grab the
16 other one, too.

17 SHERIFF PIERINI: James, are you there?

18 CHIEF KETSAA: Yeah. Yes, I'm here.

19 SHERIFF PIERINI: Okay, great. Thank you.
20 We'll count you on there, and that means we have six,
21 and we're -- certainly got the numbers correct now.

22 MR. SHERLOCK: Microphone to work.

23 SHERIFF PIERINI: All right. We're going to
24 start with now the discussion and public comment and
25 possible action, approval for the minutes of the May

1 4th, 2017 regularly scheduled POST Commission meeting.
2 Has everybody here on the commission that are here
3 today, have you had time to read that, and is there
4 any changes or things that you'd like to talk about
5 with that particular record?

6 Okay. I think everything probably is okay,
7 so I need somebody to make an agenda item. Go
8 forward.

9 UNDERSHERIFF MCKINNEY: I make a motion we
10 approve the minutes.

11 CHIEF TANNER: Troy Tanner. I'll make a
12 motion to approve.

13 SHERIFF PIERINI: Okay. Thank you, Chief,
14 and --

15 UNDERSHERIFF MCKINNEY: I'll second.

16 SHERIFF PIERINI: Thank you there. Okay.
17 Anybody have any more discussion? All in favor?

18 (Ayes.)

19 SHERIFF PIERINI: Any opposed? So carried.
20 Thank you so much. Thank you.

21 All right. Now's the time for our Executive
22 Director, right?

23 MR. SHERLOCK: I'll try to be real short.
24 Real quick, just what's going on at POST in terms of
25 training, we did complete the -- we received, in our

1 last budget cycle, a shoot house. It's not a live-
2 fire shoot house, but it's a Simunition shoot house.
3 We did complete that. We're pretty happy with it. It
4 has movable walls; we can expand it.

5 It allows us to really bump up some of our
6 performance-based training. And we will make that
7 available to agencies that want to come over and use a
8 shoot house. It has windows and walls, and you can
9 move it around. It really came out good. We're
10 pretty happy with it.

11 We start an academy on Monday, on the
12 training side. We did lose four, which is always
13 frustrating, due to the PT, but it's typical.

14 In Standards, I know we talked a little bit
15 about the dispatcher bill that passed. It did require
16 POST to take dispatchers under their umbrella,
17 effective July 1st. Clearly, it's going to take us
18 time to develop the regulation on that, and we'll
19 probably be doing a workshop in October to develop the
20 regulation for that new NRS.

21 And, again, I think it's a good thing. It's
22 a voluntary program, but it does move dispatchers
23 under the umbrella of POST, which I think is a good
24 thing.

25 On the administrative side, we've filled one

1 vacancy. Our long-time facility manager Doyle Smith
2 retired last week, so we have an open there. And we
3 do have another admin position that's open at this
4 time. And we'll continue to recruit for that.

5 It is a concern and has been my concern for
6 a while. About 70 percent of our staff have both age
7 and years and could retire tomorrow. So from a
8 recruitment standpoint, we're trying to keep that in
9 mind, and we're doing that. So that's all we have at
10 POST right now.

11 SHERIFF PIERINI: Okay. Thank you. Do
12 anybody have -- Commissioners have any questions?

13 SHERIFF WATTS: I have one comment. I would
14 like to commend him. I had somebody in the academy
15 last time, he actually came into my office because he
16 said he heard before how, basically how easy POST was
17 and there wasn't much to it.

18 And when he came back, he said he was very
19 impressed with the academy, and he's -- of course, he
20 was in the military, and said it was very well
21 structured and felt that he learned quite a bit while
22 he was there. And he was very impressed with it, and
23 I wanted to pass that on. Thank you.

24 MR. SHERLOCK: Thank you. Thanks, Sheriff.
25 Appreciate that. We do.

1 SHERIFF PIERINI: All right. Good. Thanks.
2 Anyone else like to make a comment? Questions? How
3 about in the audience; would anybody like to say
4 anything?

5 Okay. In talking about that, and which I
6 should have mentioned before, if you're going to make
7 a comment, or if you want to say something later in
8 the public part of it, please make your name on that
9 list over there before you leave, or right now would
10 be nice. And Ron, have you done that yet?

11 SHERIFF UNGER: I'm sorry.

12 SHERIFF PIERINI: Okay. Would you please?
13 Whenever you get time. Whenever you get time. It's
14 okay. We know you.

15 SHERIFF UNGER: I will do that.

16 SHERIFF PIERINI: All right. So it's all
17 right.

18 Okay. We're going to go to number 5 if we
19 can now. And that's discussion, public comment, and
20 for possible action, a request from Lander County
21 Sheriff's Office for their employee Spencer Roberts,
22 for a six-month extension past the one-year
23 requirement, to April 3rd, 2018, in order to meet the
24 requirements for certification.

25 And, Scott, would you want to talk about

1 that?

2 CHIEF JOHNSTON: If Sheriff Unger's here to
3 present, I would defer to him.

4 SHERIFF PIERINI: Okay. Thank you.

5 Ron, please? If you'd mind sitting in front
6 of the mic, that would be -- or move it. Whatever you
7 like.

8 SHERIFF UNGER: Okay?

9 SHERIFF PIERINI: Yes. All we need to know
10 is why.

11 SHERIFF UNGER: Okay. Well, Sheriff Ron
12 Unger, Lander County Sheriff's Department. And I'm
13 here today to ask for an extension for Spencer Robert.
14 He's a detention deputy of mine. He was hired on 10/3
15 of '16, so we had him scheduled for 7/24/17 academy.
16 But due to staff shortage, I was unable to -- I
17 couldn't run my detention staff without him. I was
18 down to three people at that point in time.

19 So I did pull him out of the academy when I
20 knew I was going to be short-staffed, but I'm
21 requesting a six-month extension. And I believe we
22 tried to enroll him already in the next academy, which
23 will be April 3rd. Am I correct? So we will do that.

24 SHERIFF PIERINI: May I ask a question, Ron?
25 How many weeks or days that he was in the academy then

1 you had to pull him out?

2 SHERIFF UNGER: No. He was not.

3 SHERIFF PIERINI: He was not?

4 SHERIFF UNGER: He was scheduled to go to
5 this academy starting 7/24.

6 SHERIFF PIERINI: Okay. All right.

7 SHERIFF UNGER: So he was a -- he was
8 scheduled to go there. He was signed up and
9 everything, but I had to pull him out prior to him
10 going.

11 SHERIFF PIERINI: All right. Do we have any
12 more questions here from any of our Commissioners?

13 Scott?

14 SHERIFF WATTS: And you foresee you've got a
15 full staff, like, next six months?

16 SHERIFF UNGER: Yes, sir. What I had, I did
17 have one gentleman that was in the military, so he was
18 gone for a year. He returned last week. I also had
19 another employee that was on a two- or three-week
20 vacation at that point in time that -- and then I had
21 one of them that left on me, so went and transferred
22 to Highway Patrol or went to Highway Patrol, so it
23 kept me short.

24 SHERIFF WATTS: Okay.

25 SHERIFF UNGER: But now I'm back up to where

1 it's looking good, so --

2 CHIEF JOHNSTON: Scott Johnston for the
3 record. I'd just like to build on what the sheriff
4 had talked about a little bit. An extension would, if
5 the Commission so wishes to do that, would extend that
6 time frame out to April 3rd of 2018.

7 And the fact is, around the end of January,
8 first part of February is when we would be starting an
9 academy. So he would still maintain his peace officer
10 authority up until the time that he enters into the
11 academy. And then when he graduates, it's a moot
12 point at that point.

13 SHERIFF PIERINI: Right. Okay, good.

14 CHIEF JOHNSTON: So staff would have no
15 objections to the approval.

16 SHERIFF PIERINI: Okay. Thank you. Anybody
17 else from the public like to make a comment on that
18 other than the sheriff? Okay. Seeing none, any other
19 questions or comments from our Commissioners? How
20 about looking for a motion?

21 UNDERSHERIFF MCKINNEY: Kevin McKinney.
22 I'll move we approve the six-month extension.

23 SHERIFF PIERINI: Okay, Kevin. Thank you.
24 Do I have a second?

25 SHERIFF WATTS: Dan Watts. Second.

1 SHERIFF PIERINI: Dan Watts, second. Any
2 other discussion? All in favor?

3 (Ayes.)

4 SHERIFF PIERINI: Anybody opposed? Good.
5 Thank you very much.

6 SHERIFF UNGER: Thank you very much. I
7 appreciate it.

8 SHERIFF PIERINI: Hey, listen. Just on a
9 side note of that, all of us are suffering, big times,
10 with open spots. And it's just, it's very difficult
11 to keep your organization going. So there's not --
12 you're not by yourself, is what I'm saying.

13 SHERIFF UNGER: No. And just to add to
14 that, we did -- I had -- we tested, day before
15 yesterday, four of them that we had, which was the
16 only four we had apply, and all four of them did not
17 make it through the physical agility. And the ones
18 that did make the run was unable to make the sit-up,
19 push-ups. So it is getting tough out there.

20 SHERIFF PIERINI: It is. Yes.

21 SHERIFF UNGER: It is for us in the rurals,
22 but we'll deal with it.

23 SHERIFF PIERINI: Absolutely, Ron.

24 SHERIFF UNGER: Okay.

25 SHERIFF PIERINI: Thank you, sir.

1 SHERIFF UNGER: And thank you very much,
2 gentlemen.

3 MR. SHERLOCK: Thank you.

4 SHERIFF PIERINI: We're going to talk about
5 number 6, though we're going to remove it as a request
6 of Mineral County Sheriff's Office, so we don't have
7 to deal with that. Number 6 is now taken away. We're
8 going to go to number 7.

9 Discussion, public comment and for possible
10 action, request from the Washoe County Sheriff's
11 Office for their employee Chief Deputy Thomas Green
12 for his Executive Certificate. And I would think that
13 is you, Mike. Or is it Scott?

14 CHIEF JOHNSTON: I'll take it.

15 SHERIFF PIERINI: Okay, Scott. Thank you.

16 CHIEF JOHNSTON: Scott Johnston for the
17 record. Thomas Green with the Washoe County Sheriff's
18 Office has met the time requirements for the Executive
19 Certificate. He's worked a minimum of six years or
20 more in an executive level position, supervising two
21 or more managerial personnel. And he's met all the
22 education and the training requirements to fulfill
23 this -- to qualify for this certificate, and staff
24 would recommend approval.

25 SHERIFF PIERINI: Thank you, Scott.

1 Appreciate that. Anybody in the -- any of the
2 Commissioners would like to make any comments or
3 questions on this? How about public comment? Seeing
4 none, looking for a motion.

5 SHERIFF WATTS: Dan Watts. I'd make the
6 motion that we approve Chief Deputy Thomas Green for
7 his Executive Certificate.

8 SHERIFF PIERINI: Thank you, Dan.

9 CHIEF TANNER: Troy Tanner, second.

10 SHERIFF PIERINI: Tanner, second it. Any
11 other questions or comments? All in favor?

12 (Ayes.)

13 SHERIFF PIERINI: Okay. Anybody opposed?
14 All right. So carried.

15 Going to number 8. This is a discussion,
16 public comment, and for possible action, request from
17 the Las Vegas Metro Police Department for their
18 employee Assistant Sheriff Thomas A. Roberts for an
19 Executive Certificate.

20 Scott?

21 CHIEF JOHNSTON: Thank you. Scott Johnston
22 for the record.

23 Assistant Sheriff Roberts's application for
24 the Executive Certificate, he's met all of the prior
25 certificate requirements. He's met the certification

1 requirements, the training requirements. And in his
2 agency, he's actually the rank of -- assistant sheriff
3 is actually the equivalent of an undersheriff or
4 chief. They have several different names that they
5 use for that level. And we would have no objections
6 to approving this.

7 SHERIFF PIERINI: Okay, Scott. Thank you
8 very much. Do the Commissioners have any questions?

9 Okay. I'm looking out to the public
10 comment. Is there anyone out here who would like to
11 make a comment on this particular item?

12 Looking for a motion.

13 SHERIFF WATTS: Dan Watts. I make a motion
14 that we approve the Executive Certificate for Tom
15 Roberts.

16 SHERIFF PIERINI: Thank you, Dan.

17 UNDERSHERIFF MCKINNEY: Kevin McKinney,
18 second.

19 SHERIFF PIERINI: Okay, Kevin. Thank you
20 for a second.

21 Any other discussion? All in favor?

22 (Ayes.)

23 SHERIFF PIERINI: Anybody opposed? So
24 carried. Thank you.

25 Okay. We're going to a request for a Las

1 Vegas Metro Police Department for their employee of
2 Captain Jack R. Owen for an Executive Certificate.

3 Scott?

4 CHIEF JOHNSTON: Thank you. Scott Johnston
5 for the record.

6 Captain Owens has all of the prerequisite
7 certificates issued to him for this certificate. He's
8 got the years of service and meets the requirements of
9 his role in managing two or more managers. And the
10 organizational chart, he's about number 3 in the
11 higher echelon coming through Metro. And we would
12 have no objections to approving this.

13 SHERIFF PIERINI: Thank you, Scott.

14 Commissioners, any questions?

15 DEPUTY CHIEF SCHOFIELD: No.

16 SHERIFF PIERINI: Comments? Everybody okay
17 on that?

18 Okay. Looking to public comment?

19 Seeing none, looking for a motion.

20 CHIEF TANNER: Troy Tanner. Make a motion
21 to approve.

22 SHERIFF PIERINI: Thank you, Chief.

23 Do I have a second?

24 SHERIFF WATTS: Dan Watts, second.

25 SHERIFF PIERINI: Dan Watts, thank you.

1 Any other questions, comments? All in
2 favor?

3 (Ayes.)

4 SHERIFF PIERINI: Okay. Anybody opposed?
5 So carried. Thank you. Moving to number 10.

6 Discussion, public comment, and for possible
7 action, this is a hearing pursuant to NAC
8 289.290(1)(g) to suspend Robert Reasoner, formerly of
9 the Nevada Transportation Authority, certification
10 based on a criminal complaint to a Category C felony.
11 The Commission will decide whether or not to suspend
12 Mr. Reasoner's Category II Basic Certificate.

13 So, Mike, I guess, Jensen, that's your deal
14 now. Right?

15 MR. JENSEN: All right.

16 SHERIFF PIERINI: All right, sir.

17 MR. JENSEN: There's only one on the agenda.
18 That's the good news.

19 SHERIFF PIERINI: Yeah. Usually you have
20 about six, so we're good. All right. Go ahead.

21 MR. JENSEN: This is the time and place
22 that's been set for the hearing to consider the
23 possible suspension of Mr. Reasoner's POST
24 certification.

25 Just real quickly, for the record, the

1 authority that this hearing's being held under today
2 is NRS Chapter 289.510, which provides for the
3 Commission to be able to adopt regulations that
4 establish the minimum standards for certification and
5 decertification of officers, and pursuant to that
6 authority, NAC 289.290, that establishes the causes
7 for the Commission to revoke, refuse, or suspend the
8 certificate of a peace officer.

9 This afternoon, we're working under Section
10 (1)(g), that provides a certificate may be suspended
11 upon indictment or filing of a criminal complaint for
12 a felony. So this is a little bit different than a
13 lot of them that we do because there is no conviction
14 yet in this case. This is just being -- would just be
15 action based on the filing of a criminal complaint.

16 The exhibits that are being presented -- and
17 this morning, I'd ask that they be admitted and made
18 part of the record to support any action that the
19 Commission may take this morning. And to just real
20 quickly go through those exhibits for the Commission,
21 the first is the notice of intent to suspend, which is
22 Exhibit A.

23 (Exhibit A marked for identification.)

24 MR. JENSEN: That exhibit, you'll see,
25 notifies Mr. Reasoner of the Commission's intent to

1 suspend his certificate. It tells him the charge that
2 that would be based on. It tells him the time, place,
3 and the location and time of this particular hearing,
4 and gives him an opportunity to notify the Commission
5 within 15 days of this hearing if he intends to
6 contest it.

7 It's my understanding that Mr. Reasoner has
8 not sent a letter requesting to appear this morning on
9 behalf of this particular item.

10 MR. SHERLOCK: Mike Sherlock for the record.
11 That's correct. We have not heard from him.

12 MR. JENSEN: The scope of the hearing this
13 morning is just whether or not his POST certificate
14 should be suspended for a felony charge. Exhibit B
15 shows that the notice was served on Mr. Reasoner on
16 June the 7th, that he was personally served with this
17 particular notice.

18 (Exhibit B marked for identification.)]

19 MR. JENSEN: And that shows that the
20 Commission has complied with both the requirements of
21 your regulations as well as the Open Meeting Law
22 requirements to take action like this, this morning.

23 Exhibit C is the personnel action report
24 showing that Mr. Reasoner's employment as a peace
25 officer was terminated effective February 23rd of '17

1 and that the agency informed the Commission that there
2 was a reason for that termination that could also lead
3 to the revocation of his certification. And that's
4 indicated on that form.

5 (Exhibit C marked for identification.)

6 MR. JENSEN: Exhibit D is the POST
7 certification for Mr. Reasoner.

8 (Exhibit D marked for identification.)

9 MR. JENSEN: It's a Category -- I think he's
10 a Category 2, if I'm correct.

11 CHIEF JOHNSTON: That's correct.

12 MR. JENSEN: He holds a Category II Basic
13 Certificate. The only court document to consider this
14 morning, because the type of action that's being taken
15 is the criminal complaint, which is a certified copy
16 of the criminal complaint, which alleges that
17 Mr. Reasoner violated the -- conspiracy to violate the
18 Uniform Controlled Substance Act, which is a Category
19 C felony.

20 The facts alleged are that he conspired with
21 Rebecca Reasoner to purchase heroin, a Schedule 1
22 controlled substance, in Carson City. And certainly
23 that falls under your regulations in terms of a charge
24 for a felony. And Mr. Reasoner would qualify to have
25 his certificate suspended.

1 I believe he's still working his way through
2 the criminal justice system at this point, the last I
3 heard, so we may not have a conviction yet. So this
4 morning, like I say, it would just be a suspension
5 pending the outcome of his criminal case. So if there
6 were a motion made, that would be the proper way to
7 refer to that, as a suspension pending the outcome of
8 his criminal case.

9 The evidence in this particular case shows
10 that Mr. Reasoner has been charged with a serious drug
11 offense. It certainly is the type of conduct that's
12 serious enough that would justify and disqualify
13 Mr. Reasoner from being a peace officer, pending the
14 outcome of his criminal case, and the recommendation
15 would be that the Commission suspend his POST
16 certification.

17 SHERIFF PIERINI: Thank you, sir.

18 All right. I'd like to, first of all,
19 before -- is just ask anybody in the audience there,
20 if Robert Reasoner, is there anybody representing that
21 person here?

22 Okay. Seeing none, then I'd have questions
23 from the Commissioners. Would you like to make any
24 comments or --

25 UNDERSHERIFF MCKINNEY: Kevin McKinney. I

1 have a question for Mr. Jensen.

2 This suspension, if -- well, it's actually a
3 two-part question. If he's acquitted of these
4 charges, is it upon him to file for the suspension to
5 be released? Or is it -- or will it automatically be
6 if he's acquitted?

7 And then the second part of my question is
8 if he is convicted, do we have to do a second hearing
9 regarding the revocation?

10 MR. JENSEN: Okay. Mike Jensen for the
11 record.

12 Yeah. In terms of the first question, we've
13 actually had this happen once before where an
14 individual had his POST certification -- I think he
15 was in Carson City -- had it suspended. And there was
16 an action required by him to come back to the
17 Commission and at least make a request.

18 He didn't have to come back before the
19 Commission because the action was just pending the
20 outcome of his criminal case. And once he was
21 acquitted, there was no basis to continue to suspend
22 him.

23 So I think it was an administrative action
24 took place at that point, which once they were
25 notified and confirmed -- once they, being POST staff,

1 were notified and confirmed that there had been an
2 acquittal.

3 If there is a conviction, the due process
4 would require that he be brought back before the
5 Commission. And at that point, it would be a
6 revocation action as opposed to a suspension action.
7 We would notice it, similar to the way we did today,
8 and have another hearing.

9 UNDERSHERIFF MCKINNEY: Okay. Thank you.

10 SHERIFF PIERINI: It hasn't happened too
11 often, but once in a while we have --

12 MR. JENSEN: Very, very rarely has happened.

13 SHERIFF PIERINI: Mr. Jensen, I also want to
14 make sure that exhibits is approved and admitted on my
15 behalf.

16 (Exhibits A through D received in evidence.)

17 SHERIFF PIERINI: So okay. What are we
18 looking for? Anybody else from the Commissioners
19 would like to make any more comments?

20 Okay. How about making a motion, if we
21 could?

22 UNDERSHERIFF MCKINNEY: Kevin McKinney. I
23 make a motion that we approve the suspension, pending
24 criminal adjudication on this.

25 SHERIFF PIERINI: Good. Okay. Do I have a

1 second?

2 SHERIFF WATTS: Dan Watts, second.

3 SHERIFF PIERINI: Thank you, Dan.

4 Anybody else like to make a comment? All in
5 favor?

6 (Ayes.)

7 SHERIFF PIERINI: All right. Anybody
8 opposed?

9 CHIEF KETSAA: Aye.

10 SHERIFF PIERINI: Okay. So carried. Thank
11 you.

12 Okay. Under public comments, anybody out in
13 the audience have any comments they'd like to make
14 that we have, different, as far as the agendas that we
15 have already talked about and dealt with? Is there
16 anybody that'd like to make any comments? We only
17 have one guy.

18 Would you like to make a comment?

19 UNIDENTIFIED SPEAKER: Sorry about the flip flop.
20 How embarrassing.

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 SHERIFF PIERINI: Thank you very much.

23 Okay. Seeing none, we'll move on to this. We're
24 going to find out about the next meeting.

25 Mr. Sherlock?

1 MR. SHERLOCK: Mike Sherlock for the record.
2 We continue to work with Bob Rosheck (ph.) on that.
3 It will be either October 16th or October 17th during
4 the Nevada Sheriffs' and Chiefs' yearly convention
5 there at South Point in Las Vegas. Bob just hasn't
6 been able to secure the room.

7 And so we'll work on that, and we'll get
8 that out to the Commissioners as soon as I have a hard
9 date on that, but it'll be either the 16th or the
10 17th, likely at 4:30 in the afternoon. And we'll get
11 that out as soon as we can.

12 SHERIFF PIERINI: Can you tell me, Mike, is
13 that a Monday or a Tuesday?

14 MR. SHERLOCK: The 16th is a Monday.

15 SHERIFF PIERINI: Okay.

16 MR. SHERLOCK: And the 17th, Tuesday. So
17 it's Monday/Tuesday.

18 SHERIFF PIERINI: Thank you. Well, there's
19 not any possible action on this one since we don't
20 have the dates 100 percent.

21 UNIDENTIFIED SPEAKER: What was the date on
22 that?

23 SHERIFF PIERINI: So we'll go on to number
24 13, and that is, does anybody want to have an
25 adjournment? Anybody? I know it was the fastest

1 ever, but I can tell you, we need a motion here.

2 CHIEF TANNER: Troy Tanner. I'll make a
3 motion to adjourn.

4 SHERIFF PIERINI: Thank you, Chief. Do I
5 have a second?

6 SHERIFF WATTS: Dan Watts, second.

7 SHERIFF PIERINI: Okay. I'm going to wait
8 just for a minute, because I have a comment, if I
9 could, and I should have done this just a second ago.

10 James Ketsaa, are you still on the phone?

11 CHIEF KETSAA: Yes.

12 SHERIFF PIERINI: Good. Thank you. And how
13 about you, Gary? Are you on there in Hawaii?

14 DEPUTY CHIEF SCHOFIELD: Yes, I am.

15 SHERIFF PIERINI: I just wanted to make sure
16 on the record they have gone through the whole
17 process. They've listened to it. Thank you very much
18 for doing that for us to make sure that we had the
19 numbers. Okay.

20 All right. All in favor?

21 (Ayes.)

22 SHERIFF PIERINI: Anybody opposed? Okay.
23 Thank you so much, guys.

24 MR. SHERLOCK: Somebody roll Chief
25 Schofield over.

1 UNIDENTIFIED SPEAKER: See you, Gary.

2 MR. SHERLOCK: I don't want him to
3 get sunburned out there.

4 DEPUTY CHIEF SCHOFIELD: I got to go back
5 out to the beach.

6 SHERIFF PIERINI: I'm sure you do. All
7 right, Gary. Thank you so much. Have fun.

8 (Whereupon, 1:28 p.m., the meeting in the
9 above-entitled matter was concluded.)

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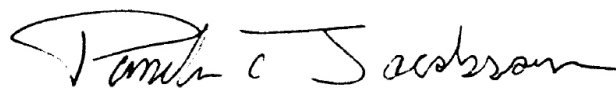
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CERTIFICATION

This is to certify that the attached proceedings were held according to the record, and that this is the complete, true, and accurate transcript which has been compared to the audio recording and transcribed to the best of my skill and ability.



Pamela Jacobson

Transcriber

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