

STATE OF NEVADA

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on November 17, 2022, commencing at 9:00 a.m. at the Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S. Napa Room A&B, Las Vegas, NV 89193.

COMMISSIONERS:

- Jason Soto, Chairman
- Tyler Trouten
- Rob Straube
- Russell Niel
- Kevin McKinney
- George Togliatti
- Tim Shea
- Jamie Prosser
- Mike Allen
- Tiffany Young

STAFF:

- Kathy Floyd, POST
- Nathan Hastings, Attorney General's Office
- Mike Sherlock, POST

TRANSCRIBED BY: Transcriber Name

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misdemeanor conviction. Possible action may include the
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- 7. Commission to elect Commission Chairman to assume the
position in January 2023. NRS 289.510 requires the
chairman be elected by a majority vote of the
Commission. 35
- 8. The Commission to decide whether to begin the rule
making process to revise NAC 289.110(4)(b) to update or
make changes as it relates to marijuana convictions from
other controlled substance offenses. Currently the
regulation states: NAC289.110(4) A person may not be

1 appointed to perform the duties of a peace officer if he
2 or she has:

3 (b) been convicted of an offense involving moral
4 turpitude or the unlawful use, sale or possession of a
5 controlled substance. 40

6 9. The Commission to decide whether to begin the rule
7 making process to revise NAC 290.200(8) to clarify the
8 requirements to maintain a category I Basic Certificate.
9 Discussion on proposed changes may include but is not
10 limited to updating the requirement to NAC 289.200(8) to
11 remove "full-time peace officer" to maintain the
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18 PROCEEDINGS

19 SOTO: -- Meeting to order. Post-commission meeting
20 is called to order for November 17th, 2022. For the record,
21 the time is 0900 hours. I'm gonna turn this over to Kathy
22 Floyd for information on the legal postings and open meeting
23 compliance.

24 FLOYD: The meeting agenda has been posted in
25 compliance with the NRS 241.020. The agenda was physically

1 posted at the Post Administration Building and the Nevada
2 State Library in Carson City, and electronically posted at
3 post.nv.gov, the State of Nevada website at notice.nv.gov, the
4 legislative website, at leg.state.nv.gov, and emailed to all
5 single point of contacts and agency administrators on the POST
6 list serve.

7 SOTO: Thank you very much. We're gonna move on to
8 Item Number 2: Roll Call. I'll start with myself, Reno Police
9 Chief Jason Soto, and then we'll start to my right and move on
10 down.

11 FLOYD: Kathy Floyd, POST.

12 SHERLOCK: Mike Sherlock from the POST.

13 HASTINGS: Nathan Hastings, Attorney General's office.

14 TROUTEN: Ty Trouten, Elko PD.

15 STRAUBE: Rob Straube, Assistant Chief City of Las Vegas
16 Department of Public Safety.

17 NIEL: Russell Niel, State Gaming Control Board.

18 MCKINNEY: Kevin McKinney, Carlin Police Department.

19 TOGLIATTI: George Togliatti, Director, Department of
20 Public Safety.

21 SHEA: Tim Shea, Boulder City Police.

22 PROSSER: Jamie Prosser, LVMPD.

23 ALLEN: Mike Allen, Humboldt County Sheriff's Office.

24 SOTO: All right. Do we have anybody on speaker?

25 SHERLOCK: Tiffany, are you there? Tiffany Young?

1 YOUNG: Yes, Tiffany Young, Commissioner.

2 SOTO: Thank you. All right, thank you very much.

3 Moving on, we're gonna go to Item Number 3: Discussion, Public
4 Comment, and For Possible Action. Approval of minutes from
5 the September 21st, 2022, regularly scheduled POST Commission
6 meeting and workshop. Do we have any public comment on that?
7 Seeing as though there's none, any comments from any of our
8 commissioners? Okay, seeing as though there's none, I'm
9 looking for a motion to approve the minutes.

10 PROSSER: Jamie Prosser approves the minutes.

11 SOTO: (inaudible motion, can I get a second?

12 NIEL: Russell Neil, second.

13 SOTO: Motion to second. All those in favor say aye.

14 MEMBERS: Aye.

15 SOTO: Any opposed? Motion carries unanimously. Item
16 Number 4: Information Executive Director Report. I'm gonna
17 turn this over to Mike Sherlock from POST.

18 SHERLOCK: Thank you, Mike Sherlock from POST. I'll just
19 be brief trying to get through this, not quite too much about
20 budget. We did secure a loan of ARPA funds that we have to
21 pay back, but it helps us with our cash flow as, you might
22 notice, Commissioner Young is not here, we have had no cash in
23 terms of that budget account, and so it's been a problem of
24 working on fixing our cash flow problem, our authorization is
25 not the real issue. Along the lines of new things, we were

1 served with some litigation out of Nye County, the AG's Office
2 and myself, were working on a response to that, and we'll give
3 more information as we get closer on that one. The Governor's
4 Finance Office has completed a audit of POST, we're just
5 waiting for the final. We should have those, and we can
6 comment on that after November 30th. You may remember last
7 meeting, there was a motion to create a working group dealing
8 with recruitment and what POST can do. We put that out, we've
9 only had three people that have shown interest so far,
10 although I did have some people this week contact me
11 personally with some interest, so we'll keep working on that
12 and get it back out there and try to get some involvement.
13 Just in an interest to time of simply say, we just completed
14 another academy last week, we're getting ready to start
15 another one. We've increased availability of topics of
16 advanced training, and those can be found on our website,
17 including our newly elected Sheriff's New Chief's training,
18 which will be the first week of December. I just wanted to
19 touch on, I know the commissioners have been receiving emails
20 from a citizen complaining about one of the POST certified
21 academies, and it just takes us to a broader issue, that's
22 some things that have been on our radar in terms of academies
23 and how many academies. Nevada has thirty POST certified
24 academies, and, you know when I look at California, California
25 has forty-one academies, and so when you do the math, you

1 know, California has more peace officers than we have
2 population. So, staff may bring some ideas to the commission
3 on, on how to clean up that particular NAC as it relates to
4 academies. As far as the complaints go, you know, we get
5 these complaints on and off. Generally it is from profit
6 focused academies that we really don't deal with very often,
7 but that's where the complaints come from and in this case,
8 it's not much we can do on it. They are in compliance with
9 the POST regulations, and that academy is not operating
10 currently, but the whole regulations related to academy may
11 need to be looked at. And I think finally I have just a
12 couple final comments. We have two commissioners that are
13 retiring, and let me just say that both of these have years of
14 knowledge and experience and truly will be missed on this
15 commission, least from staffs standpoint. Both are great
16 friends of POST and peace officers training and, we're gonna
17 miss that knowledge and experience that they have. So, the
18 first one we'll go with, yeah, Sheriff Allen, and I'll walk
19 down here, Sheriff, wherever, way down there. So, we have a
20 little gift for Sheriff, and what this says is "Sheriff Mike
21 Allen, Commissioner, May 2018 through December 2022, in
22 recognition of your dedication, uh, to raising professional
23 standards for Nevada Law Enforcement and your unwavering
24 commitment to the POST Commission."

25 ALLEN: Thank you.

1 SHERLOCK: (inaudible).

2 ALLEN: Thank you.

3 SHERLOCK: Commission, thank you. We have one more. I
4 don't know why everybody's leaving at the same time. So, the
5 next one is Chief Soto. Chief Soto been with us for a while,
6 just a great friend of POST. This one says, "Chief Jason
7 Soto, Chairman, May 2018 to December 2022 in recognition of
8 your dedication and commitment to Nevada Law Enforcement and
9 the POST Commission and appreciation of your extraordinary
10 service to your profession." Thanks, Chief.

11 SOTO: That is wonderful. And in light of budget,
12 it's even more wonderful. Thank you very much.

13 SHERLOCK: We just took up a collection to be honest.

14 SHEA: Can I ask a question about the academies?

15 SHERLOCK: Sure.

16 SHEA: Is that allowed? So, we have thirty academies
17 right now in the state of Nevada. Could we get a list of who
18 these are and how current they are and the last time they
19 actually had a class? Cause for example, apparently the city
20 I'm in now at one point, did put on an academy. I have no
21 idea how many years ago that was, but if they're still listed
22 as being able to have academy, that in fact is not true
23 because none of the people that did that, for the most part, I
24 don't think we're even there anymore. And we've done nothing
25 to upkeep anything to put on an academy. And if we have a

1 whole host of agencies in the state in the same realm, then we
2 really don't have thirty, we might have eight.

3 SHERLOCK: No, Mike Sherlock for the record. So, by
4 regulation any class including academies if they're inactive
5 for twenty-four months, they're no longer an academy. So,
6 that thirty are all of them that have had at least one class
7 within the last twenty-four months. And it's a somewhat
8 biased, uh, comparison, it's not apples to apples with
9 California, because we have category three here which makes up
10 some of that thirty. But and then we have, you know, know
11 agencies and colleges that have one, two, and three academies,
12 uh, within the same program, and for us that's three academies
13 that they separate them out. But no, it is only academies
14 that have operated within the last twenty-four months. That's
15 all I have.

16 SOTO: Thank you very much. Does anybody (inaudible)?
17 Okay, Item Number 5: Discussion, Public comment, and For
18 Possible Action. A request from the Humboldt County Sheriff's
19 Office for an executive certificate for their employee Captain
20 Chris Lininger (phonetic). Let's go to Mike Sherlock for a
21 little more information on this.

22 SHERLOCK: Mr. Mike Sherlock for the record. So, staff
23 has reviewed the executive certificate application for Captain
24 Lininger and finds he meets the requirements of that
25 certificate, and staff would recommend that the commission

1 issue the executive certificate to Captain Lininger.

2 SOTO: All right. Do we have any public comment on
3 this? Any comment from the Commission? All right, I'm
4 looking for a motion to issue the executive certificate to
5 Humboldt County Sheriff Captain Chris Lininger.

6 MCKINNEY: Kevin McKinney, I'll make a motion to approve
7 Chris Lininger's executive certificate.

8 SOTO: I have a motion. Can I get a second?

9 TROUTEN: Ty Trouten, second.

10 SOTO: Motion to second, all those in favor say aye.

11 MEMBERS: Aye.

12 SOTO: Opposed? Motion carries unanimously. Item
13 Number 6: Discussion, Public Comment, and For Possible Action,
14 requests from Steven Lopez Jr. (phonetic), formally of the
15 Walker River Tribal Police Department, related to
16 reinstatement of his category one basic certificate per
17 NAC289.290 subsection 12. Mr. Lopez was revoked effective
18 August 2nd, 2011 for a misdemeanor conviction. Possible
19 action may include the commission determining whether to
20 reinstate the applicant's eligibility to seek certification.
21 I'm gonna turn it over to Mr. Sherlock again for background on
22 this item.

23 SHERLOCK: Thank you, Mike Sherlock for the record. So,
24 just some quick background and history to our knowledge and
25 research, we've not had this particular issue before the

1 Commission ever. So, it is new to us, but under the NAC, a
2 person who has been revoked may petition the Commission for
3 reinstatement after sixty months have lapsed. This NAC
4 requires POST staff to notice the agency who is involved in
5 that revocation or was the employer at the time of the
6 revocation. That agency is the Walker River Tribal Police
7 Department, and we have in fact noticed them. I'm not sure,
8 thought they were gonna be here today, I'm not sure if they
9 are, or maybe on the hallway. And I believe Mr. Lopez is
10 here, so Chairman, I would suggest that he'd be allowed to
11 come up and state his case, and I think Mr. Hastings then
12 will.

13 SOTO: Okay, so if we have Mr. Lopez, will you please
14 come up? You can go ahead and give us a brief on where we're
15 at and why you're here.

16 LOPEZ: Good morning Commission, thank you for having
17 me. This stems from a \$25 receipt for fuel that I had
18 submitted for reimbursement in error, the Chief of Police at
19 the time and I did not get along. So, instead of looking at
20 an honest mistake as for what it was, he turned it into a
21 criminal issue, actually had me taken into custody, even
22 booked into jail, and I was convicted of the misdemeanor of
23 the petty offense of obtaining money under false pretenses.
24 So, to that, my employment was terminated and I had to pack up
25 and move back to California and start my life over again.

1 SOTO: Okay. Can you explain the twenty-five, can you
2 explain that process for me since I don't understand that
3 process --

4 LOPEZ: Yes, sir.

5 SOTO: -- from your agency.

6 LOPEZ: I (inaudible) an email to Mr. Sherlock with
7 some documents explaining the entire thing. On the
8 reservation, we have our own fuel tank to fill up our units.
9 Those units are take home cars. On the reservation, we don't
10 have the luxury of having a fully manned department, so a lot
11 of us were on 24-hour call outs, so we would take our cars
12 home. There are times where the fuel was either empty or it
13 wasn't functioning properly, it was prone to breakdowns. So,
14 we had a redundant fuel charge account at the nearby smoke
15 shop, so we can use their fuel pumps there. So, there's been
16 times where we've had to take our cars to the smoke shop and
17 purchase fuel with our own debit cards and submit the receipts
18 to tribal finance as a work-related expense, and we were
19 reimbursed for it. So, after about a couple of months of
20 having receipts in my wallet, I had gone through them and
21 discovered the one smoke shop and just automatically figured,
22 "Huh, I forgot to turn this in." So in error, I turned it in
23 thinking it was for a work related expense, and I received my
24 reimbursement for it, not a big deal until Chief started
25 looking into it at a later time and started questioning me

1 about it. So, this whole thing just kind of snowballed into,
2 "Well, I don't think you're being honest, I think you
3 submitted a personal receipt and passed it off as a work
4 expense," which was a problem.

5 SOTO: Okay.

6 LOPEZ: The receipt was in the amount of \$25. So, like
7 I said, I'm being asked about a situation months later that I
8 had done months prior and had no immediate recollection of
9 what that receipt was actually for, but it appeared to me that
10 it was a work-related expense, so in good faith, I turned it
11 in, expecting a reimbursement for it.

12 SOTO: Okay. Thank you for that, Mr. Lopez.

13 LOPEZ: Basically, it was an honest mistake that got
14 turned into a big deal.

15 SOTO: Okay. Thank you for that, Mr. Lopez.

16 LOPEZ: Yes, sir.

17 SOTO: Um, if we heard from Mr. Lopez, do we have any
18 public comment on this? All right, I'm gonna turn it over to
19 Commission. Do we have any comment from the Director or any
20 of our Commissioners?

21 PROSSER: Jamie --

22 YOUNG: Hi, this is Commissioner Young, can you all
23 hear me?

24 SOTO: Yes.

25 SHEA: We can hear you.

1 YOUNG: I have a couple of questions, part of them are
2 around jurisdiction. So, we know that our tribal entities are
3 sovereign nations, and I'm reading through the lack of
4 jurisdiction part of this document. And so, if the Tribe did
5 not have jurisdiction over the arrest, do we as a POST
6 Commission have jurisdiction over this decision?

7 HASTINGS: So this is Nathan Hastings with the Attorney
8 General's Office.

9 YOUNG: Yes --

10 HASTINGS: Those, sorry, just gathering my thoughts here.
11 I think those are two separate issues. The second issue,
12 whether the POST Commission has jurisdiction over this matter,
13 I think would be completely unrelated to Mr. Lopez's position
14 and arguments about the underlying jurisdiction of the
15 prosecutor in his criminal case. So, but the second issue you
16 bring up, I think implies or raises the question about whether
17 certification to be employed by a Tribal law enforcement
18 entity is a certification that can come from POST --

19 YOUNG: Mm-hm.

20 HASTINGS: -- that's a much broader and potentially more
21 complicated legal question than I'm prepared to just answer
22 off the top of my head in this meeting. So, the short answer
23 is, I don't know, but that would be something that --

24 YOUNG: We should find out.

25 HASTINGS: -- that would be a question that would need

1 more legal research.

2 YOUNG: Okay.

3 HASTINGS: Yeah.

4 YOUNG: So, then can we then make a decision if we do
5 not have the answer to that question?

6 HASTINGS: Well, let me ask staff and maybe any of the
7 other members of the Commission, perhaps a discussion of past
8 practice and how certification has worked for officers
9 employed by Tribal law enforcement entities, what's been the
10 practice, how's that operated in the past, and what is your
11 understanding as staff for the commission of how certification
12 through POST works for tribal law enforcement?

13 SHERLOCK: Yeah, but so, Mike Sherlock for the record, so
14 a couple things, for Tribal officers their ability to be
15 certified by POST is created through MOUs or contracts with
16 each Tribe. There are state statutes that mandate Tribal
17 officers to be POST certified if they exercise peace officer
18 powers outside of Indian country, and their ability to enter
19 into MOUs or agreements with counties is based on whether or
20 not they're certified by POST. So, POST certifies Tribal
21 officers if they meet our minimum standards, and we have that
22 agreement with the Tribe, and we do in this case. As with all
23 the Tribes, I think right now we do have agreements with, they
24 actually send people to our academy and that type of thing, so
25 we do have MOUs with each Tribe to allow us to serve by them.

1 I know in terms of criminal enforcement, just from our
2 perspective, if they're non-natives who commit a crime on
3 Indian country, in the Indian country, that county that
4 surrounds that has jurisdiction to move forward with the
5 criminal violation, even though it occurred in Indian country
6 to our knowledge, we've seen that before. Anyway, so if that
7 helps.

8 HASTINGS: So, this is Nathan Hastings again. So, I was
9 not familiar with the MOU underlying situation in this context
10 specifically, but with that explanation, I'm satisfied for
11 purposes of this discussion that POST pursuant to statutory
12 authority to enter into agreements with the Tribes has
13 authority to issue certificates for law enforcement officers
14 that will be (inaudible) appointed to Tribal agencies. Having
15 said that, though, I think another issue to keep in mind is
16 that the authority of the Commission to issue certificates,
17 is, and maybe as I say this, Mr. Sherlock, you may need to
18 clarify this as well, but the certificate is a certificate
19 that provides for the ability to seek appointment in any law
20 enforcement agency in the state, it's not a tribal certificate
21 versus a nontribal certificate, it's just a certificate. And
22 the MOU allows for that jurisdiction with issuing certificates
23 for officers who will end up being appointed with Tribal law
24 enforcement, but it's just a certificate. In other words,
25 what Mr. Lopez is seeking is a certificate, not a Tribal

1 certificate. Is that accurate?

2 SHERLOCK: Yes, that is correct, Mike Sherlock.

3 HASTINGS: So, based on the discussion, based on the way
4 that the MOUs work, based on the broader jurisdiction of the
5 Commission to issue certificates, I think I feel comfortable
6 that the Commission may move forward as agendized for this
7 item in the context of these jurisdictional questions. And
8 then, definitely don't want to cut the Commissioner short, but
9 just, Chair, I do have some things on the general legal
10 implications to put before the Commission as well, before you
11 would like call for a vote or anything.

12 SOTO: Okay, perfect, thank you. Did that answer your
13 question, Commissioner Young? You still with me?

14 YOUNG: Yes, that would be fine.

15 SOTO: Okay. And did you have anything else?

16 YOUNG: No, I just need a clarification on that. Thank
17 you.

18 SOTO: Okay. I'll turn it over to our commission if
19 our commission has any questions while we have Mr. Lopez with
20 us.

21 PROSSER: Jamie Prosser, I have a question. Mr. Lopez,
22 as I was reading through all the documents you presented, I
23 too was kind of shocked over you losing your position due to
24 \$25. However, in both the letter you wrote to the executive
25 director of Clark in 2011, as well as to Sherlock this year

1 you quoted the same thing, and I just would like you to speak
2 to your integrity. The statement you made is, "If I'm going
3 to throw away my career that I worked so hard to achieve, rest
4 assured it is not going to be over a lousy \$25." And
5 personally having worked so hard for this career, I'm not
6 willing to throw it away for anything. So, could you please
7 speak to that statement and your true character?

8 LOPEZ: Yes, ma'am. That was basically a general
9 statement that made out of emotion at the time. I am a man of
10 integrity, I have not been arrested or disciplined for any
11 dishonesty in my entire career until then. So, the point I
12 was trying to make was, if I'm gonna do something stupid and
13 I'm not, but if I'm going to, hypothetically, it's not gonna
14 be over something this minor or trivial that was what I was
15 trying to convey. I wasn't trying to convey, well, hey, I'm a
16 dishonest guy and if I'm gonna do so, I'm gonna make it work
17 my while, that's not what I was trying to say. What I was
18 trying to basically say is, I'm not gonna do something to
19 cause a career that I worked so hard for over something this
20 trivial. That's the message I was trying to get across. Here
21 I am twelve years after the fact because my department has
22 decided to let this thing go and invite me to come back and
23 start working for them again, to basically pick up where I
24 left off. The department is hurting for officers right now
25 and they need some help. And I've been asked if I could get

1 it past the commission and get grants in my ability to be
2 certified again. They are inviting me to come back and
3 basically pick up where I left off at a job that I shouldn't
4 have lost in the first place.

5 SOTO: Anybody else from the Commission have any
6 questions or any comments that they'd like to have answered?

7 ALLEN: Mr. Chair, Mike Allen. And who was the chief
8 back at that time?

9 LOPEZ: Jeff Rivera (phonetic).

10 ALLEN: And who is now?

11 LOPEZ: They are Chiefless right now, actually. Roman
12 Sanchez (phonetic), who's been interim chief in and out, he's,
13 uh, the highest rank, I think he's a sergeant there now. And
14 he's actually the one who's pulled to bring me back.

15 ALLEN: Okay. And did you just plead out or did you
16 challenge this in court?

17 LOPEZ: I challenged it and I fought tooth and nail to
18 maintain my innocence of this, and because I didn't have
19 adequate representation, I was given a public defender that
20 just, he didn't appear like he really cared to be there at the
21 time, so, I really wasn't given an opportunity to truly fight
22 for myself. So, but I did fight tooth and nail.

23 ALLEN: Okay. And I have another statement. You know,
24 not too long ago, our agency experienced something similar.
25 And when you get right down to it, it was probably a product

1 that was worth fifteen to \$20 in our agency. I just had a
2 hard time allowing that person to continue employment with me,
3 knowing that he went into another agency and took something
4 that wasn't his. And it made me as an administrator, very
5 uncomfortable. Can I trust this guy anymore?

6 LOPEZ: Sure, sure. Correctly, so, and that would be
7 the case with me if my intent was to steal, but it was simply
8 an honest mistake, and I am right there with you as far as
9 dishonesty, and I think it could amount to a dollar 50, and I
10 wouldn't care. Dishonesty is dishonesty, period. The issue
11 here is I wasn't dishonest about anything, I was accused of
12 being dishonest because of a simple mistake, an error of
13 judgment. He should have smacked my hands, said, "Hey, don't
14 do this again. Be mindful of what your receipts are for and
15 stay on top of your submissions." So, I should have been
16 admonished on that.

17 ALLEN: And then, so then the next thing that I started
18 thinking about on ours is what kind of a Brady issue is this?
19 And I spoke to our prosecutor, our prosecutor said it would
20 feel compelled to let legal defense counsel within my area he
21 feels like he would have to let them know before any case
22 would go forward on there. And I think that that would be
23 another consideration that I think the Commission would, or
24 does that fall back on the district attorney's office, the
25 prosecutors? That would be the ones that have to notify them

1 on this.

2 HASTINGS: Chair, can I ask a question?

3 SOTO: Yeah, go ahead.

4 HASTINGS: The materials Mr. Lopez has make reference to
5 the conviction, but we don't have a document that I would
6 normally recognize as a judgment of conviction. There's
7 another document that's called a sentence something or other,
8 but, if the filing of the, like, an amended information or
9 criminal complaint is dated the same day as what I understand
10 the conviction to be, it maybe all happen on the same day, and
11 it's a little unclear to me what kind of trial it was. Was it
12 a bench trial --

13 LOPEZ: It was --

14 HASTINGS: -- before a Judge?

15 LOPEZ: -- yes, sir, it was a bench trial. My family
16 and I had to drive out to the Court from California to appear
17 like nearly a year after my arrest. And so, they convicted
18 me. And for convenience sake the judge was like, "Do you
19 wanna go ahead, just move into sentencing now or do you want
20 to schedule sentencing?" I told him, "I'm here now, let's get
21 this done." So, I was sentenced on the same day of the
22 conviction.

23 HASTINGS: Okay. Thank you, that was my question.

24 (inaudible) If you want.

25 SOTO: Let me see. Do we have any other comment or

1 questions from our Commission?

2 SHEA: Well yeah. It's sort hard for me hear my ears
3 are plugged up, but this is kind of a dilemma for me. We have
4 a court of competent jurisdiction who has made a criminal
5 ruling. We're not an appeal process for a court. If a court
6 says, you're convicted of this or is our appeal processes, but
7 that's not us. But in essence, when I read this letter, I
8 request a review my conviction, we're not an appellate court.
9 We can't review, the fact is you were convicted in a court of
10 competent jurisdiction, and there is no appeal. I'm not
11 comfortable to turn around saying, "You know what, I disagree
12 with the court. I think they screwed this up. I think the
13 court made a mistake." I don't think the POST commission, we
14 were asked to look at this in our last session from another
15 state, a court in Oregon, where a judge made a ruling and say,
16 "Well, take a look what the court did. We think they were,
17 see if they were wrong in what they did." I don't think it's
18 our purview to review a court action and say, "Ah, the judge
19 was wrong." The other thing is my former department has a
20 desire of reinstating me, but I don't see anything from the
21 department saying, "Will you please consider this because we
22 have reviewed our processes and we think we made a mistake."
23 And there may be a process in place to have this conviction
24 overturned or expunged, I'm not sure what the term would be,
25 but the fact is, the conviction still stands. So, those are

1 my only comments as I'm sitting here, am I supposed to
2 disregard if a conviction occurred, act like an appellate
3 judge and say, "Judge, you made a mistake and the prosecutor
4 made a mistake and the trial was an error and there was no
5 actual proper conviction," you know, whether they had
6 jurisdiction or not. If they did not, and this was appealed,
7 then it was thrown out, then it wouldn't exist, but it does
8 exist, and I don't know if it's within our purview, and that's
9 an example of, I guess I'd have to ask our Attorney General's
10 office, "How could we disregard a conviction that stands and
11 say it didn't occur or that it was flawed?" And again, we
12 have nothing from the agency saying, "We made a mistake and
13 this was wrong, and it shouldn't have happened, and we like
14 you to consider this," and even if they did, can we disregard
15 the fact that it's a conviction? And the department at the
16 time and the head of the department at the time asked for this
17 action to happen, and the POST Commission at the time acted
18 under the law. That's where I have a dilemma.

19 SOTO: Thank you for that, Commissioner Shea. Anybody
20 else have anything that they wanted to add to this?

21 NIEL: Russ Niel, State Gaming Control Board. It's
22 kind of an interesting factor that this agency who was the
23 victim of your activity, they're asking you back. They
24 recruit you or did you reach out to them?

25 LOPEZ: I've been in contact with Roman Sanchez over

1 the years, and just out of him and I talking back and forth
2 from time to time, he's like, "Hey, come back, you know, we'd
3 love to have you back." It was a different chief at a
4 different time, twelve years ago, that's all gone. And my
5 purpose wasn't to come here and appeal my arrest conviction,
6 it was to simply see if it's something you guys can work with
7 to consider me for recertification. I'm not sure what
8 communications you have with the Walker River PD, I'm not sure
9 what you guys have discussed, I don't know why he's not here
10 today, but here I am.

11 NIEL: Mr. Sherlock, weren't we supposed to have some
12 representation from the Tribe?

13 SHERLOCK: No. Mike Sherlock for record. So, under the
14 NAC, we simply have to notice them. I did in fact talk to the
15 chief at Walker River. I thought they would be here, but they
16 weren't, Mr. Sanchez did indicate that he would support
17 reinstatement of the privilege just without going into any
18 detail.

19 SOTO: The current chief of the Tribe.

20 SHERLOCK: Yes.

21 SOTO: Okay.

22 SHERLOCK: That --

23 SOTO: So, I think this is appropriate now that we
24 bring our attorney into this, because my question would be,
25 cause in reading 289.290, as, a Commission, we can review and

1 reinstate, but what does that mean and I'm sure that's
2 probably where you're gonna get at in terms of the conviction
3 and what our POST standards are.

4 HASTINGS: So, thank you. They're actually, this is
5 Nathan Hastings for the record, there are two issues, well at
6 least two issues. One of them is that there's, I don't wanna
7 say a conflict, but the language of provisions, different
8 provisions with the NAC has to be read to try to avoid
9 conflict and read them together and says to how logically does
10 this process work? So yes, subsection twelve talks about
11 reinstatement, but the reality is that under other provisions
12 that are more specific, and specifically under 289.200,
13 paragraph eight, there's what's known as the five year rule
14 where you would not actually be talking about reinstatement of
15 the certificate. Theoretically, you'd be talking about
16 reinstatement of the eligibility to seek a certificate by
17 doing the certification steps that are required for any
18 applicant who is more than five years past the time that they
19 had had a previous certificate be revoked or expire. So,
20 that's a technicality that doesn't have to do with the
21 conviction, it's a technicality that has to do with,
22 theoretically, what is the Commission looking at today. So,
23 you'll notice that in the Agenda Item, it doesn't say that the
24 the Commission determining whether to reinstate the
25 certificate, it says the Commission determining whether to

1 reinstate the applicant's eligibility to seek certification
2 which would include the entire process. So, that's one thing
3 I wanted to just point out for clarification of, not a
4 conflict, but just something that theoretically could be
5 cleaned up in the regs. But, the language isn't quite as
6 precise in 290, paragraph twelve, as to what actually would be
7 happening after five years. Okay, now, having said that, the
8 next issue has to do with NAC 289.110, paragraph 4D, which is
9 the eligibility for a person to be appointed, another words
10 hired, to perform the duties of a peace officer. So, under
11 NAC 289.1104D, a person may not be appointed to perform the
12 duties of a peace officer if he or she has, and under D it
13 lists several items, but I'm just gonna hit the bullet points
14 of the ones that are relevant here, been terminated for
15 substantiated misconduct involving dishonesty and has not been
16 reinstated as a result of a judicial action or any available
17 appeal. So, this goes to what Commissioner Shea was
18 discussing. And within the section it says, for purposes of
19 this paragraph, dishonesty includes untruthfulness, deception,
20 misrepresentation, falsification, dishonesty by admission or
21 omission, and the conviction of obtaining money under false
22 pretenses facially qualifies as falsification false pretenses.
23 So, the decision before the Commission becomes taking those
24 two issues into account, again, not re-certification or
25 reinstatement of a certificate but reinstatement of

1 eligibility to seek a certificate, does the Commission deem it
2 appropriate to do that where the applicant would not be
3 eligible to be appointed to perform the duties of a peace
4 officer? So theoretically, you could reinstate his
5 eligibility to seek certification, but he would not be
6 eligible to be appointed under the circumstances because there
7 had not been an appeal or another reinstatement of, I'm sorry,
8 let me reword that. As Commissioner Shea pointed out, there
9 is substantiated misconduct, whether, you know, and this
10 Commission does not have authority to overrule a court and
11 it's not been overturned by an appeal. And so appointment and
12 certification are two separate issues, but would the
13 commission be certifying, not certifying, reinstating the
14 eligibility of someone to certify towards an employment that
15 under the governing rule can't happen under the current
16 circumstances? So, and if anyone wants to ask me to clarify
17 something about that, I'm happy to try, but it's appointment
18 versus eligibility to seek the certification. In other words,
19 would it be to a pointless end?

20 SOTO: Okay, thank you for that.

21 YOUNG: Hi, this is Commissioner Young, and hope you
22 all can hear me. So, if I understand you correctly, if this
23 Commission grants permission for this applicant to seek
24 eligibility, it would defeat the purpose because they would
25 not necessarily be able to move past that point after that.

1 HASTINGS: Correct. Under this current circumstances, Mr.
2 Lopez is not eligible to be appointed to perform the duties of
3 a police officer.

4 YOUNG: Okay, thank you.

5 SOTO: So, I have a couple thoughts on this. And I,
6 you know, it's certainly unusual in its form, but I actually
7 appreciate the fact that we have Mr. Lopez here before us
8 today, and I don't know, I guess the part that I struggle with
9 as the POST chair is that when they had this initial
10 investigation, we weren't talking about a series of receipts.
11 We weren't talking about him filling up his gas tank over a
12 course of a period of time, this was a one time \$25 receipt
13 and he was fired and terminated for it. But the the piece
14 that I struggle with is the judicial piece after the fact, and
15 I don't know, I would think at this point, and I don't know
16 the answer to this, if he has any type of recourse on that,
17 because I, you know, I know that mistakes happen and I've got,
18 over the course of my career, I've had a thousand employees.
19 And, you know, when I fired people for termination, when it
20 came to embezzlement or things of that nature, it didn't look
21 quite like this, so that's the part I struggle with, but I
22 also understand that as a Commission, it's not gonna do us any
23 good to allow him to go after his POST certificate if he can't
24 use it. So, that is my question, is what type of or is there
25 any recourse that Mr. Lopez could have available to him, or

1 are we just wasting our time?

2 HASTINGS: Nathan Hastings, I legally and ethically cannot
3 and will not give Mr. Lopez legal advice about --

4 SOTO: Yeah.

5 HASTINGS: -- what recourse he may have related to this
6 conviction. There may or may not be appellate, not appellate
7 cause I'm sure this isn't legal advice, but I'm sure any time
8 for appeal is long passed. But as far as expungement or other
9 kind of pardon or things of that nature, there may be things
10 that could be done, but as much as I may like to, I legally
11 and ethically am unable to give you legal advice --

12 SOTO: No, I appreciate and understand that, that's
13 not what I'm looking for. I guess what I'm trying to
14 understand is, and maybe the Commission can help me out on
15 this, or maybe not, I mean, if there's nothing available to
16 him I don't want to waste Mr. Lopez's time. I don't know, I'm
17 just trying to think through it out loud. Anything else from
18 the Commission?

19 MCKINNEY: Kevin McKinney, for the record, if I may?

20 SOTO: Yes.

21 MCKINNEY: In reading NAC 289.110, the conviction itself
22 doesn't seem to be an exclusion for being eligible, it's the
23 determination side. It seems to me that if Mr. Lopez were to
24 obtain some sort of rescinding action from the Tribe, he may
25 be eligible, because this appears in subsection D, it's not

1 related to the conviction, it's just the termination from a
2 civil procedure --

3 SOTO: Okay.

4 HASTINGS: This is Nathan Hastings --

5 MCKINNEY: -- f I'm reading it correctly.

6 HASTINGS: -- this is Nathan Hastings for the record, the
7 language says terminated for substantiated misconduct
8 involving, and then the key part, I think to your point, is
9 and has not been reinstated as a result of a judicial action
10 or any available appeal or remedy relating to the resignation
11 or termination, including without limitation, any civil
12 service appeal, direct administrative appeal, or collective
13 bargaining remedy. I would not feel comfortable, I think
14 stating on the record right now, a legal advice or legal
15 opinion on what, if anything, the Tribal law enforcement
16 entity could do that would fall under this section because
17 that's not something I've evaluated. But theoretically, the
18 Commission could continue this matter to an next meeting and
19 we could research that and see if besides a judicial action --

20 UNIDENTIFIED: (Inaudible) --

21 HASTINGS: -- if there's an employment level that would
22 satisfy this language.

23 UNIDENTIFIED: Sorry.

24 SOTO: Yeah, you know, it just crossed my mind that
25 we've had cases that are not of course exact to this, but I

1 have had cases where we have had revocations --

2 SHEA: I'm sorry, it's really difficult, too many
3 years at the range, too many sirens and too many turbine
4 blades. I can't (inaudible) --

5 SOTO: I'll speak up.

6 SHEA: Yeah, thanks.

7 SOTO: We have had revocations here at POST in the
8 past where we have had an individual who had brought forward
9 documentation and or representation legal representation to
10 help us as a commission understand that side of it a little
11 bit better. And I don't know, that might be a path forward if
12 we're looking for a path forward. You know, I respect this
13 Commission's thought process and as we're working through it,
14 I just felt compelled to kinda look at it holistically and
15 see, you know, exactly what it is that we were talking about.
16 He was, you know, terminated for that cause, and we don't have
17 any documentation, as far as I'm aware of up to this point
18 asking for his return to the agency, I suppose is the way I --

19 SHEA: Well --

20 SOTO: -- would put it.

21 SHEA: -- if I could, if I believe what I heard from
22 the attorney general, even if we said, "yeah, we would
23 reinstate it," we really can't reinstate it cause it's over
24 five years, so the POST cannot be reinstated cause it's beyond
25 the five year limit. So, what we really be saying is that if

1 this came before us again in the future, because he went
2 through an academy, can he be certified or not certified would
3 be the only question, isn't that really what we're talking
4 about? Cause we can't reinstate somebody past five years.

5 SOTO: Correct.

6 SHEA: So, there's really nothing that we could decide
7 now, because there's nothing to be brought before us that we
8 can make a decision on it can be applied.

9 HASTINGS: Sorry, Nathan Hastings for the record, let me
10 clarify. The question today is to determine whether Mr. Lopez
11 would be eligible to seek certification again, by going
12 through the process.

13 SHEA: Yeah.

14 HASTINGS: But, what I was referring to was that at the
15 end of that, under the circumstances and information that the
16 Commission has before it, he would not be eligible to be
17 appointed for employment. And what I was saying about if we
18 were to research and analyze this and find that some sort of
19 reinstatement process by the employer who had done the
20 termination might allow for eligibility, again, I would point
21 out that that doesn't impact the Brady issue. So, there's a
22 Brady issue regardless, because what would do away with a
23 Brady issue would be a court reversing of a conviction, which
24 would not be what would be happening here with some kind of
25 employer level reinstatement. So even if an employer level

1 reinstatement was found to allow for his eligibility to be
2 appointed, again, you'd still have a Brady issue. And again,
3 please don't consider that I'm not directing the commission
4 what it should do, I'm just giving you advice on the I'm
5 reading the law.

6 SOTO: Okay. Thank you for that, Mr. Hastings.

7 Anybody else have any comment or --

8 NIEL: I just have one question, Mr. Chairman --

9 SOTO: Sure.

10 NIEL: -- maybe Mike Sherlock can answer this. Russ
11 Niel for the record, what's the precedence? Do we have a
12 precedence on the?

13 SHERLOCK: Mike Sherlock for record. We have not found
14 any prior petition to reinstate a revoked certificate.

15 NIEL: So, this would be the first time?

16 SHERLOCK: Yes --

17 NIEL: As far as we know?

18 SHERLOCK: Yes, this would be the first time if the
19 Commission were to do that.

20 TOGLIATTI: Chair, George Togliatti for the record. I
21 just keep coming back to the fact of it's premature for us to
22 be even looking at this. Cause I'd feel more comfortable if
23 the Tribe formally made a presentation for one, just for
24 starters, and then I'm not sure, it's almost like, we're not
25 reinstating, we're looking at the possibility of reinstating,

1 and once we start getting to what ifs, I think it's premature
2 for this Commission to be looking at it.

3 SHERLOCK: Mike Sherlock, for the record. I would agree,
4 Commissioner. From staff's perspective, we look at two
5 different things one's the hiring standards and one is the
6 certification standards, and I would say that before you today
7 is whether or not to reinstate the privilege, the basic
8 certificate is a revocable privilege, and so I would agree
9 with that to the extent, I think when we get into 110, it's
10 just trying to give you some of the realities of that
11 particular decision.

12 SOTO: Okay, I think that clarifies it then. So,
13 think we're looking at the Commission and it says it's pretty
14 clear, and as I read it, is Commission determining whether to
15 reinstate the applicant's eligibility to seek certification.
16 And again, I think a lot of good points have been brought up
17 by all of our commissioners here, and I think Mr. Lopez has
18 sufficiently answered questions. Anything else from our
19 Commission before I put it up for a motion? Okay. So, I
20 guess what I'm gonna be looking for right now would be a
21 motion to approve or deny the reinstatement of Mr. Lopez's
22 eligibility to be certified.

23 TROUTEN: Ty Trouten, for the record, I would make a
24 motion to deny his eligibility to seek certification in the
25 state of Nevada.

1 SOTO: So, I have a motion to deny the reinstatement
2 of Mr. Lopez's eligibility. Do I have a second on that?

3 ALLEN: Mike Allen, I'll second.

4 SOTO: A second motion and a second. All those in
5 favor say aye.

6 MEMBERS: Aye.

7 SOTO: All those opposed? Okay, a motion carries
8 unanimously. Thank you for being here today, Mr. Lopez.

9 LOPEZ: Thank you for your time.

10 SOTO: Item Number 7: Discussion, Public Comment, and
11 For Possible Action, Commission to elect chairperson to assume
12 the position in January 2023. NRS 289.510 requires the
13 chairman to be elected by a majority vote. And I turn this
14 over to Mr. Sherlock for some background on this.

15 SHERLOCK: Thank you, Mr. Chairman, Mike Sherlock, for the
16 record. Just real quick with retirement, the Chairman, Chief
17 Soto, we will be in need of a new chairperson. The statute
18 does require simply a majority vote, you know, both in a
19 selfish and frankly practical interest, staff pressured Chief
20 Trouten to throw his hat in. This is not really a labor-
21 intensive position, I think Chief Soto would agree, or really
22 enviable in any way, but we do on occasion need wet signatures
23 or other physical meeting needs of the staff and the Chairman
24 on occasion. Staff generally just look for someone local for
25 those reasons. Chief Trouten, you know, came to mind because

1 he is at our facility and our campus quite often, teaches for
2 us, has cadets in our academy, and is accessible, so that's
3 why we threw him under the bus. But again, this is clearly a
4 simple majority vote. In terms of the duties, the statute
5 identifies only one duty for the Chairman, and that is to call
6 meetings, so I'll leave that up to you, Mr. Chair.

7 SOTO: Okay. All right, well then, I guess I'm
8 looking for a motion to approve Chief Trouten as the next
9 Chairman.

10 PROSSER: Jamie Proser, I have a question.

11 SOTO: Sure.

12 PROSSER: It was brought to my attention recently that
13 the chief of police from Mesquite was also a chair at one
14 point. Is that correct?

15 SHERLOCK: Yes, he was, Mike Sherlock, for the record, he
16 was.

17 PROSSER: Okay, I'm not discounting Ty's being the chair
18 by any means, there's a lot of pressure that someone from the
19 south could not be a Chair because of the wet signatures and
20 the need to be present, yet you're very clear that the only
21 thing that they're required to do is call meetings. So, I
22 just wanted some clarification on how often the Chair has to
23 be present in your area.

24 SHERLOCK: Yeah, Mike Sherlock, for the record, that's
25 true. Again, we don't want to give that impression, anybody's

1 eligible to be the Chair, you know, when, I'm trying to latch
2 on the Chief's name in this, yeah, chief Tanner (phonetic),
3 but I can tell you that there was some inconvenience with that
4 situation, but again, we would never, I don't wanna exclude
5 people from the south, it's, yeah, it was just a matter of
6 convenience, there's no doubt about it for us.

7 YOUNG: This is Commissioner Young, and just to
8 clarify, were there no other names or was this, I just don't
9 want us making a decision on convenience opposed to making
10 sure we have accountability?

11 SHERLOCK: Yeah, Mike Sherlock, for the record, this is a
12 time the Commission can decide, I mean, it's completely up to
13 the Commission.

14 SHEA: Well, again, Tim Shay, I have a question. I
15 don't even know the process for selecting a Chairman. I mean,
16 it appears that, from what I'm seeing, is that the director
17 puts a name for it and we decide whether or not that's
18 appropriate or not. Not that I'm saying it's inappropriate,
19 it seems that's the process rather than the Commission
20 themselves getting amongst themselves, nominating a member and
21 voting on it. Is that the process, Mike? Cause I really
22 don't know what the process is, there's nothing anywhere that
23 says what it is or how it's accomplished. And frankly, in
24 the, what, four years I've been here, I don't know how we did
25 it last time.

1 SHERLOCK: Yeah, Mike Sherlock, for the record.
2 Historically, I can tell you that's, again, and there's no
3 doubt it's selfish or convenience, but the statute simply
4 requires a majority vote, makes no mention of the process.
5 We, just as sort of a courtesy have thrown names out from a
6 staff point of view because we do talk to commissioners
7 individually. But again, if there's other interest, it is a
8 simple majority vote, and whatever the Commission feels
9 appropriate is what happens.

10 SOTO: I might be able to add to that, for the record,
11 Reno Police Chief Jason Soto. So back when I was appointed
12 Chair I had reached out to our former Chairman, Ben Reed, and
13 expressed my interest in what he did, you know, what it
14 entailed, so on and so forth. Mr. Trouten, Chief Trouten had
15 done the same with me, that was the only conversation I had
16 with anybody in terms of this particular position with my
17 pending retirement, which I think I announced probably nine
18 months ago, it was no secret --

19 SHEA: Right.

20 SOTO: -- so, that was the only person that had
21 reached out to me. That might be the reason that the name's
22 here today, but if there's any other names that anybody wants
23 to put out there, I'm sure as a Commission, we're certainly
24 open to hearing those names and having discussion on the
25 matter.

1 SHERLOCK: Mike Sherlock, for the record, I would just
2 simply add, I believe our next meeting is in February, and
3 you, Chief Soto, will be retired by then, and so that's why
4 it's on came up today.

5 HASTINGS: And this is Nathan Hastings, for the record.
6 The Agenda Item doesn't have a name on it, so the Commission
7 can take action by, in fact, the action to be taken is to
8 elect the Chair, not a particular name that's proposed at this
9 time that's been proposed to date. So, the action I would
10 agree with Mr. Sherlock needs to happen today, and it can
11 happen with any name that is voted on and elected with the
12 majority of the commission.

13 SOTO: Any other names that we want put out there
14 outside of Chief Trouten?

15 MCKINNEY: Kevin McKinney, for the record. Question, can
16 a person submit their own name for consideration, or do they
17 need to be nominated?

18 HASTINGS: There's nothing in the statute or regulation as
19 Ms. Sherlock said, that describes the process at all. It's
20 just a majority vote, so yeah, you can put your own name,
21 that's fine.

22 SOTO: Any other names that we want bring forward as
23 we work through this Item? All right, so I haven't heard any,
24 so I'm looking for a motion to approve chief Trouten as the
25 next Chairman --

1 UNIDENTIFIED: (inaudible) as big as we should have
2 nominations (inaudible) --

3 ALLEN: Mike Allen, I'll make a motion to approve --

4 UNIDENTIFIED: -- the person --

5 ALLEN: -- Chief Trouten as the next Chair of the POST
6 Commission.

7 SOTO: I have a motion? Do I have a second?

8 NIEL: Russ Niel, second.

9 SOTO: Motion and a second. All those in favor say
10 aye.

11 MEMBERS: Aye.

12 SOTO: Opposed? Motion carries unanimously.
13 Congratulations, Chief Trouten.

14 TROUTEN: Thank you.

15 SOTO: All right, Item Number 8: Discussion, Public
16 Comment, and For Possible Action, Commission to decide whether
17 to begin the rule making process to revise NAC 289.110
18 subsection 4B to update or make changes as it relates to
19 marijuana offenses. Discussion on proposed changes may
20 include distinguishing marijuana convictions from other
21 controlled substance offenses. I'm gonna turn this over to
22 Mr. Sherlock with some background on this item.

23 SHERLOCK: Mike Sherlock, for the record, and I'm sure
24 you're all aware, we've had some inquiries on this issue of
25 marijuana. We've had, you know, background investigators and

1 agencies hoping or looking at, you know, our current,
2 standards of appointment, which prohibits any conviction for
3 sale use or possession of a controlled substance. The example
4 given to me last week, or two weeks ago, a person in
5 background at the age of eighteen had a misdemeanor conviction
6 site release on possession of less than an ounce of marijuana,
7 which, you know, by our current regulation would prohibit that
8 person. And so, staff's looking at whether or not there's an
9 appetite by the Commission to maybe clarify that particular
10 standard of appointment to deal with those convictions that
11 would not be a conviction today for those small amounts of
12 marijuana. And again, you know, this is something for the
13 Commission this has been coming up with us on occasion. We
14 know the issues with marijuana and our decriminalization
15 statutes. So we would be looking at whether or not the
16 commission has an appetite to begin he rule making on making
17 some changes there. And so today, we would look for a motion
18 to begin the rule making, which would then put us into a
19 workshop and start looking at language to make some changes or
20 carve out certain exceptions for marijuana, if that's the
21 appetite of the commission.

22 PROSSER: Jamie Prosser so moves that there's an appetite
23 for that.

24 SOTO: I'm sorry, I didn't, couldn't hear you.

25 PROSSER: I say yes.

1 SOTO: Okay.

2 MCKINNEY: Kevin McKinney, I'll second.

3 SOTO: All right, so we have a motion and a second to
4 begin the rule making changes, process changes to NAC 289.110
5 subsection 4B. All those in favor say aye.

6 MEMBERS: Aye.

7 YOUNG: This is Commissioner Young, I have a question.

8 SOTO: Yep, go ahead.

9 YOUNG: Am I correct that I understanding what you're
10 saying, Mr. Sherlock, is that you want the Commission to look
11 into having this as a removed as a barrier for people that
12 fall into this category? That's the first question. And then
13 the second part of that question is, if that is the case, is
14 it aligned with the law for people that are having any of
15 their convictions overturned? And I'm just trying to figure
16 out are we putting potential law enforcement candidates, are
17 we at a higher level because they're becoming police officers?
18 Are we running the risk of having a disproportionate manner of
19 treatment for the other people that may be convicted of this
20 same situation? Does that make sense?

21 SHERLOCK: Yeah. Mike Sherlock, for the record. So, what
22 it is currently right now is a person that's prohibited from
23 being appointed as a peace officer if they have any conviction
24 for an offense related to the unlawful use sale or possession
25 of a controlled substance, so that would include marijuana.

1 So, our question here today is do we want to perhaps move our
2 regulation closer to the state of the law on marijuana today?
3 And so, that's what we're asking, and then we, through the
4 process, we'd look at language on what the Commission would
5 accept or believe was appropriate in terms of language, but we
6 have to start that process.

7 PROSSER: Jamie Prosser, for the record. Confirming her
8 question, it would actually be removing the barriers that are
9 in place, correct?

10 SOTO: Correct.

11 SHERLOCK: That's correct, we would be removing barriers
12 for those very specific conditions, yes.

13 SOTO: Does that answer your question, Tiffany?

14 YOUNG: It does. I guess, I just have some concerns
15 about it, but it does answer my question.

16 SOTO: I think to simplify it, 'cause we've had this
17 challenge all of us locally, once the legalization of
18 marijuana came forward, we're looking to change the process so
19 that when we hire people, if they have a conviction in the
20 past that would not be recognized as a conviction today that
21 they would be eligible for this type of career. So, I think
22 that's what Mr. Sherlock's talking about in terms of the rule
23 making process.

24 YOUNG: Yeah, and I get that. I guess I'm looking at
25 it from individual law enforcement entities and their hiring

1 and recruitment process. And so, this is actually at that
2 level, right, before they get in, get approved and get hired.
3 And, while we're removing barriers, I guess my question still
4 gets back to how are we going to, and maybe this is not a
5 Commission issue, but how are we going to assure that we're
6 not having disproportionate treatment of potential candidates
7 based on some of this does not show up on the record? And
8 it's probably a deeper question than what I'm asking, and I
9 apologize cause I'm on the phone, but just trying to get some
10 clarification of what windows are we opening, are we ensuring
11 that it doesn't hinder other potential candidates? And then
12 are we putting law enforcement officers kind of above them all
13 because we're removing this barrier in comparison to how
14 individual citizens will be treated?

15 SOTO: No, I, well, thank you for that, Commissioner
16 Young. I don't think so. So, every department has their own
17 policies in terms of what they look at when they hire, and
18 those are gonna vary from agency to agency. But I think what
19 this does is it allows, or at least gives the departments some
20 guidance as to who would qualify to potentially pursue a
21 career in law enforcement and who would not. Because there's
22 still some law --

23 YOUNG: Okay.

24 SOTO: -- that states, you know, there's certain
25 controlled substances that are illegal that would disqualify

1 them depending on what that substance was. So, I think
2 there's a lot of work to be done on all those other questions
3 you have, but what's in front of us today is whether or not we
4 wanna start the rule making changes, at least to address the
5 marijuana portion of that law.

6 YOUNG: Okay, thank you.

7 SOTO: Okay. So, I have a motion and a second, all
8 those in favor? I'll read it again, a motion in a second to
9 begin the rule making changes to NAC 289.110 subsection 4B.
10 All those in favor say aye.

11 MEMBERS: Aye.

12 SOTO: Opposed? Okay, motion carries unanimously,
13 thank you. Item Number 9: Discussion, Public Comment, and For
14 Possible Action, the Commission to decide whether to begin the
15 rule making process to revise NAC 289200 subsection eight to
16 clarify the requirements to maintain a category one basic
17 certificate. Discussion on proposed changes may include, but
18 not limited to updating the requirement to remove full-time
19 peace officer as a requirement to maintain the certificate.
20 I'm gonna turn this again over to Mr. Sherlock from some
21 background.

22 SHERLOCK: Mike Sherlock, for the record. So, this is
23 really trying to clean up some of our practice, and what this
24 is really referring to is when you have an officer that
25 retires and then returns as a reserve, frankly, we've been

1 wrong on this one for a long time. We are not asking if
2 they're full-time or not, but the current regulation requires
3 them to be full-time or they will lose that certificate, so
4 we're looking at whether the Commission wants to keep it that
5 way, um, or allow us to make some language changes to allow
6 that retired officer to come back as a reserve and maintain
7 their basic certificate even if they are working part-time,
8 which most of them are. So, that's simply what that is, is
9 trying to clean up that language. Clearly, if the Commission
10 wants it full-time, that's what it currently says, but, you
11 know, where you're working on reserves or trying to get
12 experienced reserves, it becomes an issue.

13 SOTO: Okay. Thank you Mr. Sherlock. Do we have any
14 public comment on this?

15 JOHNSON: Aaron Johnson, City of Boulder City, thank you
16 for having me this morning. This does impact our departments
17 significantly having in this language in here, fortunately
18 what for us, we still are able to hire part-time employees
19 that haven't retired (inaudible) or another agency, even with
20 this current language. My only concern with this entire
21 process here is the language here, not limited to what is the
22 rest of, what else are we looking in the statute to change?
23 That would be my whole question.

24 SHERLOCK: Mike Sherlock, for the record. So, I think you
25 made a good point, if you are currently employing part-time

1 reserves, that is a technical violation today of the NAC
2 unless they're working full-time, and that's what we want to
3 clear up. The language but not limited to is something that
4 we put in there, because we don't know what language exactly
5 the Commission will develop or approve on this particular
6 item. But, it is dealing with 289200 subsection eight, so if
7 that helps, it limits the Commission to that area that we're
8 proposing here to clean up the line.

9 SOTO: Okay, Thank you, thank you for the public
10 comment. Any other public comment? All right, any comment or
11 questions from the Commission? Seeing as though there's none,
12 I'm looking for a motion to begin the rule making process on
13 changes to NAC 289.200 subsection eight.

14 MCKINNEY: Kevin McKinney, I so move.

15 SOTO: I have a motion. Can I get a second?

16 TROUTEN: Ty Trouten, second.

17 SOTO: Motion and second, all those in favor say aye.

18 MEMBERS: Aye.

19 SOTO: Opposed? Motion carries unanimously. All
20 right, Item Number 10. This is for discussion only,
21 discussion on the physical readiness requirements for
22 executive level reciprocity applicants. I'm gonna turn this
23 over to Mr. Sherlock for information on this item.

24 SHERLOCK: Mike Sherlock, for the record. So, this item
25 was requested by Commissioner Chief Shea. Perhaps we can go

1 to the Chief for discussion and then based on what spoke
2 there, I can give some regulatory and historical perspective
3 on that and our physical readiness.

4 SHEA: Yeah, Tim Shea. I asked to have this placed on
5 the agenda for discussion. As all of us are struggling trying
6 to hire lateral entry officers, I look at one thing that keeps
7 cropping up that causes us the largest amount of grief, and
8 that's this physical readiness test we have. So, if the head
9 of the Los Angeles Police Department decides to come and take
10 over Boulder City, he is not qualified to run Boulder City
11 Police Department until he does pushups and runs around a
12 track. If he doesn't pass the run, he misses it by one
13 second, he is no longer capable of running the Boulder City
14 Police Department as an executive. I believe to have a
15 physical fitness standard test at the executive level really
16 doesn't make much sense. We aren't hiring executive level
17 people to go out and push squad cars out around the street,
18 we're not hiring them to go out and make physical arrests.
19 But, if an individual agency chooses to make that part of
20 their selection process, I believe they should have the
21 ability to do so. But, the only thing we regulate here in the
22 state is the physical fitness test, we don't regulate anything
23 else. There is no requirement on what's on our oral boards,
24 there's no requirements what's in our written test, there's no
25 requirements for our psychological, there's no requirements on

1 our CVSA or our polygraphs. We decide what's appropriate and
2 what's not. This one thing the state has decided, and this
3 was codified in 2010, put in the NAC in January of 2010.
4 Since 2013, it's been a problem, and it's caused us, you look
5 around, you say why we were hiring an executive person, it's
6 important for that person to be able to do X number of
7 pushups, that person has to do X number of situps unless, I
8 guess he's gonna be a category three and you don't have to do
9 any situps because being a jail, you don't have to do them,
10 but to be a probation officer, of course you do. I just think
11 that we are limiting in ourselves and our candidates, we are
12 putting a requirement out there for executive leadership that
13 really doesn't make much sense when you're talking about the
14 people we're bringing in to run the department. If I'm gonna
15 go and run the head of San Francisco tomorrow, or Seattle
16 Police Department tomorrow, or Kansas City, I don't have to go
17 out and run around a track, I don't have to do pushups,
18 there's a whole series of other things I need to do. And that
19 this is the only thing in our state that we choose to regulate
20 to the nth degree, and we have had people fail this test
21 because it's a pass fail test. You could do a hundred
22 pushups, you could do a hundred situps, but if you missed the
23 sprint by one second, you failed the whole thing. It is also
24 the only test we give multiple times. Multiple times people
25 could take this test, only one time counts. The other ones

1 don't matter at all, it's as though you didn't even do it.
2 So, I'd like to have a discussion of whether this is
3 appropriate for us when we're looking at executive leadership.
4 The other thing that for executive leadership, many times
5 these people are already hired. They have the job, they have
6 twelve weeks to complete this run, this physical test. If
7 they get injured, it's a workman's comp issue. So, we're
8 sending out people in their fifties and sometimes sixties to
9 go out and do this physical agility test we expect from our
10 twenty-two year old patrol officers and patrol deputies for a
11 person who is never gonna get near a patrol car and is already
12 doing the job at an executive leadership level in another
13 agency. The other thing is, I look at other entities. What
14 is the state requirement for physical fitness for a
15 firefighter? There isn't one, it does not exist, our fire
16 chief is on the National Accreditation for Fire Departments.
17 There is nothing like that. For some reason in our
18 profession, we have chosen that this becomes the thing we must
19 have, this is the thing we must pass, this is the thing we
20 must have another entity come and administer for us, we can't
21 even administer it ourselves. I can administer everything
22 else, but I cannot administer this physical agility test. I
23 can testify before the Supreme Court of the United States, I
24 cannot administer this test. I think we've gone too far, and
25 I think we've hamstrung ourselves in the selection of

1 executive level people by putting this requirement in there
2 for certification, and I would like to have it eliminated for
3 certification, or at least make it a elective for individual
4 agents to decide if it's appropriate for their agency to do
5 such a thing, but have it a state mandate, I think is going
6 too far at for this level, and that's kind of what I wanted to
7 talk about, and I say I could be absolutely wrong, but I've
8 been in this business a heck of a long time, and I don't know
9 anywhere I've been where the competency of the leadership is
10 determined by their physical ability to do pushups or situps.

11 SHERLOCK: Actually gonna give some historical --

12 SOTO: Sure.

13 SHERLOCK: -- whatever (inaudible). Mike Sherlock, for
14 the record. So, just a couple things. The PPFT is included
15 with the written test in the online, so any reciprocity coming
16 into the state currently under our regulations, there's three
17 things they have to do. They have to do the online
18 reciprocity, they have to do the written tests that we
19 administer electronically, and they have to do the physical
20 readiness test, so just to clarify that. And I agree with you
21 that the problem is our physical test is not a fitness test,
22 it is a job task related physical test. So, for us to carve
23 out an exception for executive level would either require a
24 validated test on what the physical requirements are, or
25 remove that, and then administer an executive basic POST to be

1 able to track that and help us in the long run. We are saying
2 at the moment that peace officer receives their basic
3 certificate, they have the physical ability to do the critical
4 task that may occur in that category of peace officer. So, we
5 understand the executive level may not have those same
6 physical requirements, the problem is we only have one
7 certificate. And so, we have no way now to, if we issue a
8 basic POST certificate to someone who doesn't have the
9 physical ability to do the critical task, because they're not
10 gonna do them, there's nothing to prevent them from going to
11 another agency and going to work in patrol. So, the dilemma
12 for us from a staff perspective is we would either need a two
13 tiered system where we issue a certificate just for
14 executives, and they are limited to that job class, and they
15 are, you know, don't have the ability, to go to a patrol
16 position or something like that. Just to explain, kind of,
17 that process. And, again, it is from a legal standpoint, the
18 fact that we have a readiness test, not a physical fitness
19 test, is extremely important when you're talking about
20 litigation. For us, and I believe we had this come up last
21 May, we did a survey across the country, there was only one
22 state that carved out an exception of the basic requirements,
23 I think it was Nebraska, and I haven't looked at that in a
24 while. So, we are looking at what other states, but in
25 Nebraska it is for the chief only. I know California has a

1 different physical standard, but they do have a physical
2 fitness requirement for executive level, just to give you some
3 perspective. So, that's the issue for us we worry about the
4 defensibility of our current PPFT, and if we remove it or
5 water it down or create a two-tier system, we're just worried
6 about where that'll put our ability on the basic requirement.
7 I will say there is a trend nationally to increase physical
8 fitness requirements for certification. Most states are
9 moving that way. IACP just completed a very lengthy study on
10 physical testing and has some good recommendations in there on
11 that. But we also understand the issue with recruitment.

12 But, again, with just one certificate, it makes it difficult.

13 NIEL: I have a comment, Mike. Russ Niel for the
14 record. I have some experience with this reciprocity in other
15 states on the physical fitness requirement. A few years ago,
16 I went to Texas, and I got certified, and their process, I
17 don't know what it is now, maybe they've changed it, but they
18 recognize the fact that I was already POST certified in
19 another state, I already passed the PPFT and all that. And
20 so, there were some other requirements for reciprocity, you
21 know, a Texas, you know, penal code and things like that, but
22 they recognized that I'd already passed, that I was already
23 POST certified, was a seasoned officer and all that, and they
24 didn't require me to take the PPFT, even though I did it
25 anyway, as a, as a condition to get TCLOSE or TCOL certified

1 as they call it now. So, I don't know, maybe that's another
2 approach we can look at if they're already POST certified or
3 whatever that, you know, comparable process is that
4 certification is in another state, maybe we can actually take
5 that into consideration because I mean, let's face it, once
6 someone graduates POST here in this state, unless the agency
7 has a certain policy, POST doesn't require another physical
8 fitness test. So actually, my PPFT was '96, you know, that's
9 what's keeping me active, right? You know, so unless we,
10 those are just my comments, I don't know --

11 SHERLOCK: Yeah, Mike Sherlock, for the record --

12 NIEL: Especially --

13 SHERLOCK: -- I agree. I mean that is part of our
14 problem, but at this point, we are saying at the moment, POST
15 issues the basic certificate, you have the physical readiness
16 to complete those job tasks that were identified in the study
17 at the moment that that certificate is received.

18 NIEL: Right. But, I think we're getting hung up on a
19 physical fitness test done in Texas versus Nevada, I mean,
20 they still passed POST, they still --

21 SHERLOCK: Yeah, Mike Sherlock, for the record --

22 NIEL: -- met that requirement --

23 SHERLOCK: -- certainly if that's the way the Commission,
24 we could look at it as we look at academy reciprocity and I
25 suppose we could look at their physical requirements and the

1 state they're coming from and see if it, you know, I will tell
2 you that I think three or four states have now done
3 portability studies and have adopted POST tests, so that may
4 help us too, I don't know.

5 SHEA: Mike, I think you're kind of confusing two
6 things that I'm trying to talk about. I am not talking about
7 entry level police officers and sheriff's deputies. I'm not
8 talking about us hiring patrol personnel, I'm talking about
9 executives, police chiefs, deputy chiefs, people that are
10 never going to go out and ride in a patrol car unless they're
11 riding along with another officer. They don't go out and do
12 daily patrol work, and --

13 ALLEN: So --

14 SHEA: -- if the agency --

15 ALLEN: -- can I say something?

16 SHEA: -- wants to do that, fine, but why do we
17 mandate that it's absolutely positively got to happen cause we
18 mandate nothing else.

19 ALLEN: I, Mike Allen, something that is not being
20 considered are the smaller agencies --

21 SHEA: Mm-hm.

22 ALLEN: -- so if what you were saying is if there's an
23 executive level exemption, somebody who's never been sheriff
24 and there have been one in the state, never been POST
25 certified, would be able to come in and not even meet the

1 basic standards if there was an executive. Now what Russ was
2 saying, Commissioner Niel was saying, might be something else
3 if there was already a POST certificate available. And I'll
4 have to say this, some of the smaller agencies are running
5 calls, their executives are running calls, so not all of us
6 are agencies have the luxury of saying, no, you're just gonna
7 be behind the desks, so we have to take that into
8 consideration as well on being careful what the language would
9 say in these circumstances.

10 SHEA: I don't disagree in the slightest, but if you
11 are running calls and handling calls in San Bernardino County,
12 why do I have to take a physical agility test to prove that I
13 could handle and run calls forty miles away in Nevada? I'm
14 doing it today, I'm doing the job now, but I have to take a
15 physical agility test in this state, which is the only thing
16 we regulate. We regulate nothing else that I must do this to
17 prove I can do this job in Nevada, it doesn't prove a thing
18 because I'd be willing to bet a significant minority of our
19 current deputies and officers can pass the test today and they
20 are doing the job today and that an officer passed it twenty-
21 five years ago and never has to do it again, and he can move
22 from department to department without an issue, but a guy
23 cannot cross a state border while doing this test makes
24 absolutely no sense to me. And especially at an executive
25 level, I don't understand why we have to have X number of

1 pushups, situps, and if you miss it by one, you're incapable
2 of passing this test, it is an entirely pass fail test. And
3 in some cases you do two events twice, even though the first
4 time you did it, you passed, you've gotta do it again. This
5 whole thing is we're not really a reciprocal lateral state, we
6 are semi and I'm arguing is that we should have the ability as
7 an agency to decide whether this test is necessary for us or
8 not. It shouldn't be something that the state is regulating
9 and forcing us to do and we can't even do it, we have to bring
10 somebody else into and administer it because we can't be
11 trusted to do it internally.

12 NIEL: Russ Niel, for the record, maybe it's just a
13 matter of the issue here is recognizing, like, let's say
14 California POST, you know, that they've already passed the
15 PPFT to get their basic California POST certificate and
16 recognizing that, like, what I experienced in Texas, they
17 recognized the fact I was already POST certified, had passed
18 the PPFT was good to go, I just needed specific training to
19 get certified.

20 TROUTEN: Ty Trouten, for the record, I guess I have some
21 more questions. What I hear from Tim is more of an argument
22 why the physical readiness test should be a yearly requirement
23 because a physical readiness test, which I remember when they
24 went through the testing process to validate, was to show that
25 you were ready each and every day to go out and perform the

1 duties of the job and not have a heart attack after a foot
2 pursuit, be able to hop over not one fence, but maybe two
3 fences or three fences in the case of the high jump. I guess
4 I'm a more proponent of, I think it should be a lifelong
5 career long commitment on the readiness test, and again,
6 should probably start at the top. We have all seen officers
7 who I doubt would be able to not just successfully complete
8 the readiness test, but perhaps even survive it. And is that
9 what we want out on the street? The example has to start at
10 the top and there has to be some recognition of a standard
11 because on the backside, what happens when someone has a heart
12 attack? We bring someone in from out of state who is not part
13 of our system and within a year they have a heart attack
14 sitting at their desk? That's hitting our retirement system
15 under heart and lung and everything else, work comp. I
16 believe we have the right to have a standard, and I don't
17 think we should be diminishing it, perhaps we should be
18 looking at increasing it from our officers from day one up
19 through the entire of their career.

20 NIEL: I think what Tim's trying to get at, Russ Niel,
21 for the record, is at the point we bring them in to hire. I
22 mean we can create the standards however we want to drive
23 them, Ty, but he's talking about when we want to hire somebody
24 to bring him in and for reciprocity. I mean that's would we
25 recognize in out of state basic certificate? They were

1 already passed a PPFT or do we still want to continue to
2 require them to pass our PPFT even though in all other manner
3 of speaking they would qualify for reciprocity, so --

4 STRAUBE: Rob Straube, for the record, is it not also the
5 question up to the individual agency on how they put their
6 hiring standards for that position out there and what they
7 require, in other words, a workaround.

8 PROSSER: Jamie Prosser, for the record, I completely
9 agree with that statement. I think that we should open this
10 up for the possibility of a workshop just to discuss these
11 standards across the board hiring standards all the way to the
12 executive level. I'd be very curious in Sherlock's nationwide
13 survey. PERF just had a conference in DC where several
14 agencies have reduced the physical test on job tasks because
15 when was the last time an officer had to run a mile and a half
16 in a foot pursuit. I know from our personal research for our
17 lateral academy, that both Idaho and California do not require
18 their lateral applicants to complete the physical fitness
19 test, so I'd be very curious on that nationwide study as far
20 as who believes that every officer annually should complete
21 this specific test. I know at our agency Sheriff Lombardo
22 (phonetic), new elected governor, he requires captains to have
23 a bachelor's degree. I think it's very significant you have
24 to pass the physical agility at a hundred percent, yet
25 academically you only have to pass at seventy, and I think

1 it's very flawed.

2 TOGLIATTI: George Togliatti, for the record, I
3 couldn't agree more with Chief Prosser. If I think back at my
4 FBI career, I can recall how lawsuit after a lawsuit, the
5 requirements from when you first entered and what was required
6 during your career were slowly but surely diminished, so that
7 the recruit obviously had to do a heck a lot more than the
8 folks that had been on the job for five years, ten years or
9 fifteen. A lot of that had to do with, again, just personal
10 litigation. Also, obviously, the director and some of the
11 senior staff who were appointed are certainly not involved in
12 that requirement. I just really think the key here is agency
13 to agency jurisdiction to jurisdiction, counties should have
14 the ability to make their own decisions on who they want and
15 what those requirements should be. And I think it's also
16 ludicrous to think that we're gonna have to worry about a
17 pushup and not worry about somebody's formal education.

18 SHEA: And I do agree about physical fitness and
19 ability for officers, but we have something in this state that
20 I think is rather unique, and I haven't been experienced it
21 anywhere, and I've talked to friends and I've, you know, I've
22 been lucky in this job, I've been all over the country and be
23 able to deal with people not only here but actually from, I
24 taught people from London Metro to Queensland, Australia. But
25 we have a annual very, at least the one I go, to in depth

1 physical every year we take, it's a two day physical where I'm
2 put on a treadmill and I have my lungs checked, my
3 everything's checked, I have a chemical test. So, we have
4 things here in this state already that the physical fitness
5 test that you took twenty years ago is no longer germane to,
6 it doesn't tell me if I'm gonna have a heart attack when I'm
7 sixty cause I took the test at twenty-one. So, I don't know
8 what we're accomplishing with this physical agility test for
9 executive leadership at all, and what I really think is
10 happening is in some cases I'll be willing to bet, and I'll go
11 out and limb here, it might get fudged because we're gonna
12 hire this guy with his doctorate degree from, you know, we're
13 gonna bring him in to run our department, and cause he can't
14 sprint around a track in sixty-eight seconds and did it in
15 '66, really doesn't matter to us, and I think that's really
16 what's going on. So anyway, that's kind of my say in it, and
17 I'd love to have a workshop on this and, again, we're going
18 into an area and I came from an area where lateral entries
19 became a point of contention between agencies where we started
20 going after each other's throats because we were feeding off
21 each other. And if we don't make it easier for us to hire
22 out-of-state candidates during times we are having difficulty
23 recruiting in state, we are gonna start feeding off each other
24 to the detriment of some of our other agencies. And we start
25 competing with each other and holding grudges against each

1 other administratively, that filters down to our line level
2 people, and I lived in that environment where those things
3 filtered down because of this, where you had agencies feeding
4 off each other and use the word stealing our people in times
5 when it was very difficult to recruit and hire. And I want to
6 avoid that as much as possible and make us truly a reciprocal
7 state and give agencies the ability to bring people in when
8 they need, and when you have 600 vacancies, 700 vacancies and
9 you're trying to fill them, it's rough, it's rough. And it's,
10 you know, I don't have any vacancies, so it's not like this is
11 for me, I don't have a single vacancy, but it's for these
12 other agencies. And coming from an environment where I saw
13 this happening, and I don't want to see this happen to Nevada.

14 SHERLOCK: Chief, I think, uh, commissioner Young had some
15 comments. Sorry.

16 YOUNG: Oh, that's okay. I was, (inaudible) understand
17 and as the non-law enforcement person on the Commission, I
18 agree and I also disagree, and as I read this, we're
19 specifically talking about executive level position, that I
20 know we had some conversation, a couple of meetings back about
21 what that actually means. And I would just say that I think
22 it's necessary to have a certain level of academic and
23 physical readiness to lead as an example. And so, I mean, I
24 think this is just discussion, so I'm not making a decision,
25 but I would think that we would have some example of

1 responsibility for their own personal self, physical and
2 mental care, and also a level of academic accountability to be
3 able to lead an executive position. So, I don't have an
4 answer, but I'm glad we're having a discussion, and I think
5 that there should be some point of responsible or
6 accountability not only self-care, but as a leadership example
7 can rule within the law enforcement agencies.

8 SOTO: Okay.

9 SHERLOCK: And Mike Sherlock, for the record, we could
10 certainly put it on as an action item moving forward, the
11 (inaudible).

12 SOTO: Yeah, why don't we go ahead and do that, that
13 way we can actually dive into some of these topics of
14 discussion that was brought up by the Commission today,
15 because I think there are some good points that were brought
16 up by all that decided to speak on the issue. So, why don't
17 we go ahead and just make that a workshop item on a future
18 agenda. Does that work for everybody?

19 SHERLOCK: Absolutely.

20 SOTO: Okay, perfect.

21 YOUNG: Yes.

22 SOTO: All right. Do we have any other comments on
23 that? Okay, seeing as though there are none, we're gonna move
24 on to Item Number 11: Public Comment. The Commission may not
25 take action on any matter considered under this Item until the

1 item is specifically an included item on an agenda as an
2 action item. Do we have any public comment today?

3 JOHNSON: Chairman, thank you. Aaron Johnson, Boulder
4 City again. I wasn't able to speak on the PPFT (inaudible)
5 comments, I'm just gonna take the time to do that right now.
6 If the workshop can be at a time other than just prior to this
7 meeting, if we can have multiple discussions throughout the
8 course of a year to review this PPFT to see what this is
9 actually delivered and that the workshop is amongst the
10 stakeholders from around the state that we can get together
11 and we meet on that, that would be the type of workshop that I
12 would encourage this Commission to come up with. And that at
13 the end of it, the Chairman of that present the
14 recommendations to this commission on what is a representative
15 of that, that decision making process and then get you rule on
16 that. I am for a physical fitness program, I'm, even at the
17 executive level, that's a personal thing. I agree with Chief
18 Trouten that this is something that needs to be done across
19 the state, but at a wellness program, but not necessarily as a
20 criteria for certification. Two different (inaudible) right
21 there. We leave this from our organization within, but to
22 have a part of certification process, to me, the PPFT is kind
23 of skewed, again, like Chief Prosser said, do we run a mile
24 and a half anymore as a task for our employment? No. Should
25 we be running a mile and a half? Yes. Then I want to say

1 also in the end, thank you Sheriff Allen for your commitment
2 to law enforcement, the state of Nevada. Chief Soto, you
3 also, on behalf of Boulder City you leadership and influences
4 far reaching (inaudible).

5 SOTO: Thank you.

6 ALLEN: Thank you.

7 SHEA: He's such a politician.

8 SOTO: All right, do we have any other public comment?

9 RADER: sir? Reggie Rader (phonetic), captain with Las
10 Vegas Metro. I would ask the Commission look in the future,
11 um, on the timeframe to achieve the 100% POST standard for new
12 recruits in the academy. We're not talking about the
13 executive, things you guys are talking about before. Right
14 now you have two weeks to pass at 80% and then sixteen weeks
15 to pass at a 100%. For us, our academy is twenty-six and a
16 half weeks. We would ask that we are losing people because
17 they are close, but can't get over that hump. We still have
18 two and a half months past that sixteen weeks to have them get
19 in shape, so by the time they are ready to hit the street for
20 field training, they would have to pass that at a hundred
21 percent, and then if they couldn't, they would have the other
22 option of recycling. But, that would help us and our
23 attrition and our turnover rate in the academy, so I'd ask
24 that Commission to look at that. The other thing, in talking
25 with my academy staff, I would ask that we look at the

1 Illinois agility test, which has caused some injuries for us.
2 I don't know how indicative that is of police work where
3 you're doing the cone pattern, dashing, the moving quickly.
4 You've had several rolled ankles and some knee injuries when
5 requiring surgery that, again, that candidate now is lost for
6 several months, if not the next year. They don't always come
7 back to other academy, so I would ask the Commission to look
8 at those two issues for us. Thank you.

9 SOTO: Thank you for that. Any other items public?
10 Any other public comment today? Okay, I'm gonna take this
11 moment real quick to congratulate Sheriff Allen on his
12 retirement, and I did want to thank our POST Commission for
13 the past four years. All this work that they do, they put in
14 tremendous amount of work effort and hours to make sure that
15 our profession is transparent and held accountable, and I
16 can't appreciate any of you any more than I have. It's been
17 certainly an honor and a pleasure of working with all of you.
18 With that, I'm gonna move on to Item Number 12: Discussion,
19 Public Comment, and For Possible Action, scheduling the
20 upcoming Commission meeting. I'm gonna turn it over to Mr.
21 Sherlock.

22 SHERLOCK: Thanks, Mike Sherlock, for the record. So, you
23 know, we've been trying to move two meetings in the winter to
24 the south, and two in the summer, but during the legislative
25 session traditionally we do the February meeting in north to

1 coincide with the Sheriffs and Chiefs meeting with the
2 legislature and that sort of thing. The Sheriffs and Chiefs
3 Association has not set a date for their meet and greet in
4 February, but as soon as we have that date, we'll get it out
5 to everybody.

6 SOTO: Okay. Thank you very much. With that we're
7 gonna move to Item Number 13: Discussion, Public Comment, and
8 For Possible Action, looking for a motion to adjourn?

9 NIEL: Russ Niel, so move.

10 SOTO: All right, we'll adjourn. Thank you

11 MEMBERS: Thank you. (inaudible comments).

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