

STATE OF NEVADA

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Workshop and Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on Thursday, July 27th, 2023, commencing at 1:00 p.m. at Bristlecone Convention Center, 150 6th Street, Ely, Nevada.

COMMISSIONERS:

- Tyler Trouten, Chairman
- Dan Coverley
- Oliver Miller
- Kevin McKinney
- Jamie Prosser
- Russ Niel
- Tim Shea
- Rob Straube
- George Togliatti

STAFF:

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

TRANSCRIBED BY: Marsha Stevermen-Meech

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ITEM:	PAGE:
WORKSHOP	
1. Call to order	4
2. Roll call of Commission Members	4
Topic	
A. Continued discussion regarding the creation of an Executive Level Basic Certificate and its requirements.	5
B. Continued discussion regarding the establishment of a new regulation pursuant to NRS 289.510 (1)(c)(6) which requires the POST Commission to adopt a regulation establishing "standards for an annual behavior wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer."	10
C. Discussion regarding possible revisions to NAC 289.270 to update the requirements to qualify for an Executive Certificate.	12
4. Public Comment	14
REGULARLY SCHEDULED MEETING AGENDA ITEMS	
1. Approval of minutes from the May 4, 2023 workshop and regularly scheduled meeting	14
2. Executive Director's report	15
b. Training Division	
c. Standards Division - audit stats	

1	d. Administration-Commissioner Re-Appointment - Deputy	
2	Chief Russ Niel, Tiffany Young	
3	3. Update on implementation of SB225	16
4	4. Continue discussion regarding the creation of an	
5	Executive Level Basic Certificate and its requirements.	
6	5. Continued discussion regarding the establishment of a	
7	new regulation pursuant to NRS 290.510 (1)(c)(6) which	
8	requires the POST Commission to adopt a regulation	
9	establishing "standards for an annual behavior wellness	
10	visit for peace officers to aid in preserving the	
11	emotional and mental health of the peace officer and	
12	assessing the conditions that may affect the performance	
13	of the duties by the peace officer."	51
14	6. Discussion regarding possible revisions to NAC 290.270	
15	to update the requirements to qualify for an Executive	
16	Certificate.	54
17	7. Request from the Las Vegas Metropolitan Police	
18	Department for an Executive Certificate for their	
19	employee Captain Gregory Munson.	58
20	8. Public Comments	59
21	9. Schedule Upcoming Commission Meeting	59
22	10. Adjournment	60
23		
24		
25		

1

PROCEEDINGS

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TROUTEN: Order. The POST commission meeting in workshops set for July 27th, 2023. For the record, the time is 1:00 PM and we will go to Kathy Floyd, if you could give us information on the legal postings and the open meeting compliance please.

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FLOYD: The workshop notice and meeting agenda have been posted in compliance with NRS 241.020. These agendas were physically posted at the POST administration building and the Nevada State Library in Carson City.

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Electronically posted at the POST website, at post.nv.gov, the State of Nevada website at notice.nv.gov, the legislative website at leg.state.nv.gov, and email to all SPOCS and admins on the POST listserv.

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TROUTEN: All right, thank you. We'll proceed with roll call. I'm Ty Trouten from Elko Police Department.

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MILLER: Oliver Miller, Reno Police Department.

PROSSER: Jamie Prosser, Las Vegas Metro.

COVERLEY: Dan Coverley, Douglas County Sheriff's Office.

SHERLOCK: Mike Sherlock from POST.

FLOYD: Kathy Floyd, POST.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

1 NEIL: Russ Neil, State Gaming Control Board.

2 SHEA: Tim Shea, Boulder City Police.

3 STRAUBE: Rob Straube, City of Las Vegas, DPS.

4 MCKINNEY: Kevin McKinney, Carlin Police
5 Department.

6 TROUTEN: And on the phone we have?

7 FLOYD: Nathan, you there?

8 HASTINGS: Nathan Hastings with the Attorney General's
9 office. Thank you.

10 TROUTEN: That's all we have on the phone. All
11 right, thank you. We'll now start with the workshops. Uh,
12 first item workshop is to solicit comments from interested
13 persons on the following topics that may be addressed in
14 future proposed regulations. This workshop has been
15 previously noticed pursuant to the requirements of NRS
16 Chapter 233 D. This workshop is intended to solicit
17 continued discussion regarding the addition of a new
18 regulation regarding the creation of an executive level
19 basic certificate and its requirements. Mike, would you
20 give us some background information?

21 SHERLOCK: Sure. So, Mike Sherlock, for the
22 record. Um, just a reminder for the commission, uh, that
23 the commission expressed some concerns about the ability to
24 recruit and hire for executive level positions. Um, what
25 we derived from that as staff were that the complaints, uh,

1 were around the requirements to one, attend an academy.

2 For those that have been out for five years or more, the
3 physical testing for certification, um, and frankly, how
4 the online reciprocity learning, uh, was not applicable to
5 that executive level type applicant. In addition, we were
6 dealing with, as we do every two years or so, the election
7 of sheriffs who need basic training and the hiring of
8 executive level, uh, personnel who need basic training.

9 Last commission meeting, we presented some sample language
10 related to an executive level basic certificate. Uh, the
11 commission voted to continue that rule making and ask that
12 we obtain input from around the state. Um, we, uh,
13 specifically in this case, um, in relation to our current
14 regulatory scheme, would be looking at, uh, possibly
15 removing the five-year rule, changing the physical
16 readiness requirement, um, and allow for more training
17 related to the duties of an executive. Uh, given all that,
18 we conducted a statewide study that, uh, was directed at
19 the executive level for all agencies in Nevada. Uh, we had
20 a pretty res -- uh, impressive response. Out of a total of
21 about 134 law enforcements -- uh, law enforcement agencies
22 in Nevada, uh, we received about 75 responses, so a
23 majority, um, and those responses represented near all, all
24 of the category one agencies in the state. Uh, keep in
25 mind the commission asked for input, and so we gathered

1 that, um, the commission, of course, uh, in the regular
2 meeting will be able to, uh, discuss and decide how they
3 want to proceed. Uh, in response to this for the workshop
4 purposes, I've, uh, brought down the results of that
5 survey, and I'll just quickly go over those, um, each of
6 those questions very quickly. So the first question,
7 should the requirement, uh, for the executive certificate
8 include the applicant had prior executive or command level
9 experiences -- or experience? Uh, 73% said yes. Uh,
10 should the requirement include a maximum amount of time of,
11 uh, of policing and, uh, or out of policing, and if so,
12 what should that maximum time be? Uh, 58% said no more
13 than six years, and it's important to realize that now,
14 under the current regulatory scheme, um, anyone who's out
15 for five years or more would have to start over. Um, for
16 this particular, uh, proposal, um, six or more was the
17 largest response. Number two was no more than 10 years out
18 of policing for the certificate to apply. What ranks
19 should the certificate apply? Um, 44% said only the deputy
20 chief, undersheriff and above. And the next, uh, largest
21 response was 24% for captain or above. Uh, current
22 certification requires the passing of a validated physical
23 readiness test for the executive level only should the
24 certificate requirement include, um, and then we gave a,
25 uh, uh, options, no fitness requirement. An agency approve

1 fitness test tied to job duties, uh, agency's choice of
2 either the POST PPRT or the Cooper Law Enforcement Physical
3 Scale. Physical has scale for gender and age. About 80%,
4 uh, said some, uh, physical requirement with the choice of
5 the agency's choice or where the agency could either use
6 their own the PPRT or the Coopers. And that was the
7 biggest response on that, that group. Um, and actually of
8 that, of that 80%, 36% said either the Cooper or the POST
9 PPRT. How many years of policing experience should qualify
10 for this executive level basic certificate? Um, the
11 largest, uh, response was 15 years, followed at 41%,
12 followed at, uh, 34% for 10 years. And then the big
13 question, should the POST commission even carve out a
14 certificate with special standards designed for the
15 executive level position recruitment? And 78% said, yes,
16 the commission should do that. Um, should the requirement
17 include the applicant had prior executive level or command
18 experience? And 73% said yes. Um, in terms of the
19 training, uh, the question was this certificate would limit
20 the duties to those at command level. And as such, the
21 number of, uh, uh, the total number assigned to each agency
22 would have to be limited should the maximum number allowed
23 per be, what should the maximum number per agency be? The
24 biggest, uh, response at 23% was two, um, followed by four
25 at eight -- or 19.2%. All basic certificates, um, are tied

1 to a basic training program and the state certification
2 written test for the executive level certificate should the
3 basic training include -- and then we gave choices. Uh,
4 the number one choice at 75%; the training should be online
5 training focused on Nevada, uh, Nevada law and command
6 level subjects. And then just to give the commission and,
7 and anybody wish to speak in the workshop, some ideas on
8 the, uh, narrative responses, um, and try to give you the
9 other side. I picked a few that, um, had specific
10 requests, but, um, one was, there's no need for a special
11 restrict restricted certificate, uh, suggested using their,
12 uh, current reciprocal process, um, minus the PPFT. Um,
13 and most others were simply comments related to the
14 training itself, not, uh, in opposition to that executive
15 level basic certificate. Um, with that said, I would just,
16 uh, suggest chairman that the, um, workshop continue for
17 any public, uh, comments or ideas related to the
18 certificate. And then there is an agenda item to, for the
19 commission to discuss, uh, in the regular meeting, uh, as
20 to whether you want to continue rulemaking or not.

21 TROUTEN: Thank you, Director Sherlock. So, as we
22 open this up for public comment, a reminder of the board
23 that we can seek out and ask for clarification on comments
24 by the public, um, but our comments for discussion reserved
25 for later. So, with that said, any members of our audience

1 who would like to come forward and make some comments on
2 this topic? All right. Well, hearing none, we'll move on
3 to the next workshop item. This item is intended to
4 solicit continued discussion regarding the establishment of
5 a new regulation to NRS 289.510, sub one, sub C, subsection
6 six, which requires the POST commission to adopt a
7 regulation establishing and I quote, standards for an
8 annual behavioral behavior behavior wellness visit for
9 peace officers to aid in preserving the emotional and
10 mental health of the peace officer and assessing the
11 conditions that may affect the performance of the duties by
12 the peace officer, end quote. Again, we'll go over to
13 Director Sherlock for some background, please.

14 SHERLOCK: So, Mike Sherlock for the record. Um, I
15 will, uh, first let me remind the commission that the 2021
16 legislative session, uh, introduced and passed AB 336,
17 which mandated that POST, uh, require agencies to implement
18 a behavioral health visit. Um, during that process, just
19 to kind of give you a little background, um, we were
20 contacted, we immediately felt that the language, uh, was
21 problematic. We let the author of this bill know, uh, she
22 made a couple small changes, but, um, essentially it
23 remains the same. Um, our research would indicate that
24 under ADA and case law, specifically to peace officers, um,
25 in our minds clearly state that an ag -- agency cannot

1 arbitrarily force an officer into a fitness for duty exam.

2 Um, as you may recall -- recall, we attempted to create

3 language that was broad enough to leave agencies, some

4 discretion and what programs they currently have and what

5 they're looking at and where they want to go. Um, that

6 language was sent over to LCB legal, they kicked it back.

7 Uh, again, if you look at the wording of AB 336 in your

8 books, that, um, they're requiring POST to establish a

9 standard for such visit and felt that our language, first

10 go around, was too broad. Um, again, we we're, we're

11 struggling with it. Um, I have had the chance to look at

12 IACPs, uh, just released, recommended model for a

13 regulation related to be behavioral health visits. Um, I

14 had the opportunity to talk several times with Dr. Casas

15 in, um, Reno, who was quite helpful, uh, providing, uh,

16 some of the background in that. Um, I will say that I did

17 talk to Assemblywoman Monroe Moreno specifically about this

18 bill. Um, despite the language, um, she made it clear that

19 the intent was not to weed out or discover, uh, uh,

20 officers that that may be, uh, acting inappropriately,

21 inappropriately, but rather for the wellbeing of officers.

22 So I take it at her word. So, based on all that

23 information and, and much of that's in the book, um, we

24 have created, um, a possible pathway or language, uh,

25 again, with the workshop here to try to, uh, maybe make

1 that even better, but, uh, that we think would satisfy the
2 language of that bill. Um, and at the same time, allow
3 agencies to, uh, create a program that's, that be best,
4 benefits them individually, um, uh, without pigeonholing
5 everybody in a certain area. So again, at this point, um,
6 is the time for a workshop to allow the public to, uh,
7 provide input and ideas. Um, and there is an agenda item
8 during the meeting.

9 TROUTEN: Thank you, Director Sherlock. We'll now
10 open it up to our audience if there's any public comment on
11 this item. All right, hearing none, we'll move to the
12 final workshop. This workshop is intended to solicit
13 continued discussion regarding possible revisions to NAC
14 289.270 to update the requirements to qualify for an
15 executive certificate. Once again, we'll go to Director
16 Sherlock for the background on this.

17 SHERLOCK: Mike Sherlock for the record. And, and
18 I just, I'm just the messenger. So, (laugh), this, this
19 one's back. Um, you may recall, uh, this issue essentially
20 died once. Um, but again, we had not addressed any of
21 those, uh, concerns. Um, so it was brought back last
22 meeting. Um, the way staff understood this is, um, there
23 was some concern, uh, as to, uh, our current executive
24 certificate requirements that, uh, there should be some
25 discretion left to the, the chief or sheriff as to who

1 actually occupies that executive level, uh, requirement for
2 the certificate one and two, um, those who accomplish the
3 same requirements that we require in Nevada, but have come
4 from other outside of Nevada, uh, they've accomplished it
5 in other states that maybe we should consider, uh, using
6 that as, uh, the qualification for that particular, uh,
7 professional certificate. And finally, we had some, uh, if
8 you'll recall, comments, uh, related to, um, perhaps a
9 sheriff being elected, um, you know, being in that elected
10 sheriff's position for eight years, but, uh, still not able
11 to qualify for the executive certificate, uh, because they
12 don't have the, uh, the other certificates that are
13 required as stepping stone. Um, and so we looked at, and,
14 and again, the argument being that, um, they're -- they've
15 occupied an executive level position, uh, for eight years,
16 and as such, have performed well and should be eligible for
17 that particular certificate. So the sample language that,
18 uh, we're here to talk about and, and or any other language
19 the public may want to, uh, propose, uh, would simply, um,
20 one, allow the sheriff to, or sheriff or chief or executive
21 of that agency to decide who is in an executive level
22 position, and thus would be qualified for the, for that,
23 uh, certificate. And two, would give credit to, uh, either
24 an appointed or elective, uh, uh, executive who occupies
25 that position for a specific amount of time. Then they

1 also would be eligible for that executive certificate. And
2 so, again, this is a workshop to if there's any other
3 language or any other proposals, and there is an agenda
4 item.

5 TROUTEN: Thank you, director. Are there any
6 public comments on this item? All right. Hearing none, we
7 will now close the, uh, workshops and move on to the
8 regularly scheduled, uh, POST commission meeting. Item
9 number one, discussion, public comment, and for possible
10 action approval of minutes from May 4th, 2023, regularly
11 scheduled commission meeting. Uh, presume the board's had
12 opportunity to re review those in the packet. Um, do I
13 have any comments or corrections from the board? Are there
14 any comments or corrections from the public? Hearing
15 none, looking for a motion to approve the minutes from the
16 May 20 -- excuse me, May 4th, 2023, regular commission
17 meeting.

18 PROSSER: I move to approve.

19 TROUTEN: Motion from Ms. Prosser. Second.

20 NIEL: I'll second.

21 TROUTEN: All right, second from Ross -- or excuse
22 me, Russ. All board members in favor, please say aye.

23 BOARD: Aye.

24 TROUTEN: I also vote aye, motion carries. Item
25 number two. Uh, this is an informational item. Um, this

1 will go back to Mike for just update on POST activity.

2 SHERLOCK: Okay, thank you, Mike Sherlock, for the
3 record, real quick. Um, we have an academy, uh, is in
4 session at the moment. Um, we, beginning in May of this
5 year, we're going to move, uh, category two away from our
6 basic academy. That includes category one, just to better
7 serve category two, uh, disciplines and to maintain the
8 integrity of our category one. And we are seeing some
9 increases. Uh, we were full at the beginning of this, uh,
10 cat one academy, so we want to keep the seats available for
11 that. And at the same time, and like I said, better serve
12 the cat twos. Um, the, uh, ongoing, uh, audits or, uh,
13 synopsis in your book, if anyone's interested. Um, we have
14 rolled out, uh, a basic instructor development that
15 combines AB 478 subjects into that. Um, we've created new
16 curriculum for AB 478 subjects, and we are rolling that out
17 across the state now. Uh, we've began our first POST, uh,
18 leadership institute training course. Um, reviews are
19 quite good on that, and, uh, we hope to, hope to keep
20 getting good participation, uh, legislation se --
21 legislative session ended. Of course, uh, uh, we were,
22 what we've been trying for a long time, we were moved into
23 general fund, um, which, uh, is just a, a much better, uh,
24 funding or mechanism for our budget. So we're happy about
25 that. Um, I don't want to beat a dead horse on

1 legislation. We did, uh, one bill that was passed, uh, is
2 to allow for reciprocity for category three applicants.
3 Um, we worked with the assemblywoman on that. We'll be
4 coming back to the commission for, uh, a reg change to
5 include cat threes and what the requirements will be. Um,
6 we are currently updating curriculum and we'll get that out
7 to the academies based on legislative changes. Uh, in
8 terms of our basic training, we should have that out, uh,
9 pretty soon. Uh, we did a, our six month review of our
10 audit. Uh, the only issue remaining is our evoc, uh,
11 request for funds. Um, and that's pending CIP right now.
12 And, uh, we just gave an update on that, and I believe we
13 will be talking about SB 225 here in a moment. So with
14 that, I'll, I'll leave it. Mr. Chairman.

15 TROUTEN: All right, thank you, Director Sherlock.
16 Any questions from the board up to the report? Any
17 questions for the public? Okay, hearing none, we'll now
18 move on to item number three, which is an update on SB 225
19 and its imple -- implementation. Uh, some discussion of
20 the provisions within the bill, Director Sherlock.

21 SHERLOCK: Just so, again, Mike Sherlock for the,
22 for the record, it's a fairly lengthy bill. I won't, I'll
23 just, uh, talk basically what's, uh, what's required of the
24 PO -- of POST. Um, it requires POST to create an
25 attestation. What do we have to, or -- yeah, a attestation

1 document that must be included in any, uh, cer --
2 certification applicant. Um, we've already done that. It
3 should be up on our website soon. Yeah, hopefully next
4 week. Um, 225 did expand the, um, automatic disqualifiers
5 to be certified. Um, we're reviewing that now just to
6 determine what if and if any regulatory changes must be
7 made. And I'm sure there will be because, uh, there's some
8 very specific areas that, uh, that would fall into 289.110
9 of the NAC for us. So we'll, we'll be bringing that to the
10 commission once we determine what exactly has to be, be
11 changed, understanding that most of it, or all of these
12 disqualifies or disqualifiers are, uh, now statutory. So,
13 uh, but we'll still look at, uh, updating our regulations
14 with that. And that's it for 225 at this point.

15 TROUTEN: Okay. And thank you, director Sherlock.
16 I guess I'll just add to, this is an, an October one,
17 active date of this year, so I'll have to get busy on that.
18 Are there any comments or questions from the board, any
19 from the public. Hearing none, we'll move to item number
20 four, discussion, public comment, and for possible action.
21 This is discussion with the commission regarding the
22 creation of an executive level basic certificate. Possible
23 action may include continuation of rulemaking to create a
24 regulation for an executive level basic certificate. Go
25

1 back to Director Sherlock for some more information on this
2 item, and then move towards the comments.

3 SHERLOCK: So, Mike Sherlock, for the record. In,
4 in your books is some, is a sample, um, regulation, should
5 the commission, uh, go that way. Um, this sample is based
6 on the survey and comments from the commission. Uh,
7 looking at the majority, um, it encap -- it, it takes into
8 account, uh, those, uh, majority opinions across the state
9 and any comments from the commission, um, should, uh, the
10 commission decide to, uh, continue the rulemaking. This is
11 one sample understanding that any language that, uh, we
12 submit to LCB would come back to the commission for
13 approval before it would become a regulation. I, the only
14 other thing I would add is there was some talk of whether
15 or not we have to create a new regulation or add it to our
16 current reciprocity. This is a standalone, I don't, we, we
17 don't want to, uh, sort of create a two-tier system with
18 within our normal basic, uh, training requirements. Um,
19 and so, but again, ultimately where that falls in NAC 289
20 comes down to LCB, not us anyway. Um, so I, and I would
21 leave it at that. We're just looking for the commission,
22 uh, to decide whether they want to continue on, uh, on this
23 particular item.

24 TROUTEN: All right. Thank you, Director Sherlock.
25 Any public comment on this item or questions of the board?

1 SHEA: Uh, I, Tim Shea, for the record, I have a
2 couple questions. Um, I'm looking at this executive basic
3 level certificate, and I'm looking at the standards. Where
4 are the differences between this proposal and what we
5 currently require for reciprocity for a basic certificate?
6 Uh, where, where are the differences for, um, requirements
7 to, to apply and for the things that the person has to
8 complete to get this certificate?

9 SHERLOCK: So, Mike Sherlock, for the record, the,
10 the biggest of course is the five year rule is gone. Um,
11 in terms of reciprocity, um, it's limited to executive
12 level, which would be different. Um, the 80 hours of
13 training then would be, although that's hard to see in a
14 reregulate regulatory form, those training subjects would
15 be, uh, focused on command level training rather than
16 basic, uh, uh, officer training that you would see. And,
17 and at that basic level. Um, and the physical requirement
18 is different for this than our current basic, uh,
19 certificate.

20 SHEA: So, Mike, is this 80 hours virtually the
21 online reciprocity course you take now, is this the same?

22 SHERLOCK: So again, Mike Sherlock, for the record,
23 it's 80 hours, but again, considering the survey, we would
24 create performance objectives that are consistent with that
25

1 survey, that being a more executive level focus on those
2 subjects.

3 SHEA: Okay. So, it wouldn't --

4 SHERLOCK: Still Nevada law, but focused on the
5 executive side.

6 SHEA: So the intent wasn't to have the person to
7 take the current reciprocity online course?

8 SHERLOCK: No, it wasn't.

9 SHEA: We developed a new one.

10 SHERLOCK: Correct.

11 SHEA: Okay.

12 SHERLOCK: Correct.

13 SHEA: And, um -- okay. I, I, um, I have a
14 question again about -- so a person goes through all this.
15 He's been a, a, a law enforcement for who knows how many
16 years. Um, it doesn't have any while the, it just says has
17 five consecutive years of employment. And while I
18 understand that someone could come in now that has been out
19 of law enforcement for five years, but if he's only been
20 out four years or two years, or currently, it doesn't make
21 any differentiation yet. The person's now working for an
22 agency and to maintain his POST one certificate must do all
23 of the annual training requirements that we require all the
24 training. But yet, at the end of this period there, this
25 expires. And I'm curious, why would it expire? If you

1 have to basically go through reciprocity, then you have to
2 continue your ongoing training for 10 years, but yet your
3 certificate expires. If you want to move from North Las
4 Vegas to Henderson, you got to start all over again. And I
5 don't know if that's very efficient or not. And why would
6 that be a requirement, because you're moving from one
7 agency to another, and you've got to go back and do the
8 basic all over again.

9 SHERLOCK: Sure. Mike Sherlock, for the record, so
10 again, as we've said before, our concern is that they're a,
11 you know, uh, deputy chief at one agency and their movement
12 is to line level. And so, you know, in other words, they
13 bypass the normal basic academy requirement, and we're
14 trying to prevent that. And so if they did move from one
15 executive level to another agency executive level, they're
16 not required to go through a full basic academy. They
17 would be eligible for this process. And --

18 SHEA: So they have to --

19 SHERLOCK: -- so that's the difference.

20 SHEA: What if we put language in there to say,
21 these certificates are only valid while the person
22 maintains employment in an executive level position as
23 determined by the hiring agency? So would that not solve
24 the line level issue without the person having to repeat
25 this if he happens to move to a different agency?

1 SHERLOCK: Uh, Mike Sherlock, for the record.

2 Yeah. But again, I think that we would want to look at
3 then how much time passes now between the executive level
4 they're occupying and the new one that, you know, they're,
5 they're obtaining and it, and which obviously it's up to
6 you guys that you know, but it could be done, yes.

7 TROUTEN: Other comments from the board?

8 MCKINNEY: Uh, Kevin McKinney for the record. Um,
9 over the last couple months, I've reached out to several
10 states, neighboring states and western states, uh, to see
11 what their, uh, what they do. Um, I don't know if it's
12 best practice or, uh, just a consensus, but they, none of
13 the, none of the state's neighboring have an executive
14 level basic certificate. They have basically reciprocity,
15 uh, which, um, you know, some of the states have different
16 differing requirements. Uh, uh, it seems to me like the
17 bone of contention here is the physical fitness requirement
18 for reciprocity. Um, I think maybe we should look at the
19 reciprocity, uh, uh, requirements versus creating a whole
20 new, uh, certificate. That's my opinion on it. Um,
21 because like I said, no one else does this. I, I have, I'm
22 not aware of any other, uh, state, at least regionally that
23 does this. Um, and I just don't know if this would be a
24 good practice. I, I think it might open up a can of worms
25

1 that, uh, we might not be able to control after we do it.

2 So ...

3 TROUTEN: Are there other board comments? I, I
4 guess I would just make a comment that I see a potential
5 for conflict as we discuss, uh, two different types of
6 executive certificates here right now. So we're talking
7 about out-of-state folks coming in and, and so forth. And
8 according to the survey, we have a very solid majority who
9 are looking at, you know, they have to have prior executive
10 experience. And then the other certificate we're looking
11 at the actual executive certificate, not basic certificate,
12 but executive certificate. We're looking at, um, you know,
13 those requirements and reciprocity kind of feel the same
14 way. That if we're bringing in someone who was a line
15 level troop from out of state or did not have that, and
16 plugging them into an executive level here and then trying
17 to diminish the requirements and the categories, we're all
18 intimately familiar with the changes in laws, the need to
19 be familiar with Nevada. I think we're creating a, a
20 precarious situation here. Um, and in particular, and
21 then, you know, even discussion of allowing it to continue
22 and continue and continue, um, much as your certificate
23 would, um, otherwise. Again, I'm also uneasy that, um, you
24 know, for this executive basic, we allow it to go beyond
25 the five years. But then if you're a line level troop

1 going to another agency, you know, coming from out of state
2 going line level, it's only five years, we would consider
3 that as a lateral. I just, I think we're convoluting this
4 whole issue. And, you know, I think there's, there's
5 obviously times when this comes up in conflict, but is it
6 sufficient enough to drive this type of change? So I guess
7 that's what I would ask of the, the board to consider.

8 PROSSER: Jamie Prosser for the record. Um, you
9 know, we've heard from other people in past boards that,
10 you know, they're hindered by, um, employing under sheriffs
11 and directors because of our current state of affairs. So
12 in, in not trying to hinder our, you know, fellow brothers
13 and sisters, why don't we just make it as a history of five
14 consecutive years of employment as a peace officer in the
15 state of Nevada. That way we know that they've already
16 been through a police academy in the state of Nevada. And
17 then if we -- I don't understand this, you got to either do
18 the physical readiness exam, category one, the Cooper
19 standard, or a physical readiness test approved by the
20 employee agency, get rid of all that crap and just say it's
21 up to the agency what that, what that physical readiness
22 is. Those are my thoughts.

23 TROUTEN: I, I guess a question here. I'm not sure
24 I understand. So if they have, you're saying that they
25

1 have five years or more of law enforcement experience, but
2 they exceed the, the five year window to essentially --

3 PROSSER: Correct.

4 TROUTEN: -- keep their -- okay, thank you.

5 PROSSER: So you have a, you have an officer who
6 has retired six years; they lose their POST certification.
7 Now that you have a new sheriff who wants to appoint them
8 as an undersheriff, yet they cannot get their certification
9 because they can't handle going through an entire category
10 one academy because of their age, specifically their
11 physical fitness. Those are the concerns that, that are
12 there. But you have somebody who could, could function as
13 a, as a superior leader in an agency. Um, they have the
14 experience, the background, the leadership, but they're
15 hindered by our current practice by POST certifications.

16 TROUTEN: So it'd basically be a reactivation
17 caveat. Um, would that be conditional on then still the
18 completion of like an in lieu of academy to come current on
19 laws and changes and so forth?

20 PROSSER: Which I think this is, would satisfy
21 based on your 80 hours of training, correct?

22 SHERLOCK: Yeah, Mike Sherlock, for the record, but
23 keep in mind it doesn't address out of state applicants.

24 PROSSER: I'm don't -- I'm sorry.

25 SHERLOCK: Well --

1 PROSSER: Prosser, for the record, I, I'm more
2 concerned about making sure that our local law enforcement
3 who have retired and lost their commission can come back to
4 work in a capacity. That's my opinion.

5 SHEA: So we -- Tim Shea, for the record, we -- go
6 ahead, Mr. Chairman.

7 TOGLIATTI: No, go ahead. You're up.

8 SHEA: So we do have two kind of conditions that
9 are facing us, especially when we're talking about wellness
10 of retired officers and people who are still have a lot
11 they can still do and give, trying to bring people into,
12 uh, like we have some part-time marshal positions that are
13 POST certified and or we, let's say a new sheriff does come
14 in and there was a person that worked for his office but
15 has been out of the office for six years and wants to bring
16 him back as an undersheriff. And then we have the other
17 situation where municipalities or they hire new chief
18 executives from out of state. So we kind of have two
19 things instead of just one ball of wax. So we have in-
20 state people that we want to bring back in an executive
21 level or even a, some line level positions. And then we
22 have the executive level people we're talking about to
23 bring back in or to bring in from out of state because
24 they've been hired from out state. And how do -- so both
25 things were hidden. And so one of the sheriffs I talked

1 to, he wanted to bring a, a fellow back and another city
2 brought in a guy from Prince George's County who'd been out
3 for six years. So they put him through a special academy
4 because putting him in an academy with all of his
5 subordinates for, uh, 20 weeks wasn't really a good thing
6 to do with this poor guy. So we kind of got two separate
7 things going on at once.

8 PROSSER: So, Prosser for the record, if we could
9 just stick to this one topic, 'cause the way I understood
10 it from the very beginning was this would be specific to,
11 'cause it's an executive level, it would be specific to if,
12 if I retired today, which I'm not, I know you wish I would
13 if I retired today and in six years I come back and I
14 decide I want to run for sheriff, I have to go back through
15 a POST academy in order to get my commission. However,
16 this would provide me the opportunity to get an executive
17 level commission and be the sheriff. That's the way I
18 understood that this was going to be applied. Um, as far
19 as out of state coming in, that is totally different than
20 coming in as the sheriff, the executive level, correct?
21 And I'm not running for sheriff.

22 TOGLIATTI: George Togliatti, for the record. Um,
23 I agree. And I, I also agree with Chief Shea, uh, to the
24 extent I think that, you know, when we brought this topic
25 up originally, it seems it, even at looking at Chief Shea's

1 situation where you come from another state, you're going
2 to be in executive position, the chances of you going out
3 on arrest team, et cetera, et cetera, requiring to go
4 through a whole academy just doesn't make any sense. Uh,
5 and I also think we're getting, the more we seem to be
6 working on this, the more confusing it gets and the more
7 we're dividing it into, uh, maybe too many different areas,
8 I'd like to see it. Maybe we stick to, this is in state,
9 this is out of state, but the issue remains if there's a
10 qualified employee who is out of state, who a department
11 wants to bring in, I think they should, we should help
12 facilitate that. Uh, I look at how many, uh, employees you
13 have right now who can pass the academy's physical fitness
14 test. Um, and I would, you know, tend to take a measure
15 that way. If you have an outstanding lieutenant who's with
16 LAPD or something like that and is coming, and you got an
17 opportunity to come here to some department, I know it's
18 going to be difficult to do, but I think we should be able
19 to measure the, the, uh, that person's abilities and
20 performance and keep it broad enough where the department
21 still has the options to hire this person without requiring
22 to go through an entire rookie type of thing. I don't want
23 to ever lose sight of the requirement for Nevada law,
24 Nevada practice. Uh, how about the situation of, uh,
25 you've never been involved in a domestic violence or

1 something like that, and you're requiring this person comes
2 in from out of state and they have to address as a manager
3 or even as a lateral, uh, a domestic violence situation.
4 So it's going to be, uh, it's, it's difficult to, I think,
5 resolve this in one way or another because so much it
6 relies on the individual that we are bringing in, but
7 clearly an executive position and we clarify it's going to
8 remain executive position, then we should eliminate some of
9 the tedious things like physical fitness test when somebody
10 will never get out from behind that desk and, and make it
11 and keep it simple. And I hate to pick on Chief Shea, but
12 transferring from to Boulder City from say, uh, uh, uh, San
13 Diego, chief to chief or deputy chief to chief should be a
14 pretty clear, easy way to, uh, transit, make that
15 transition. That's my 2 cents.

16 SHEA: And I have another question. Um, I noticed
17 it's only for category one. So if you were going to be
18 brought in, and I don't know how the Department of
19 Corrections works or even DPS, would it be advantageous to
20 also have something in place for category two and category
21 three if you wanted to bring somebody in to head, maybe,
22 uh, I don't know, parole and probation that they allowed to
23 be twos or ones. I really don't know. So they all have to
24 be ones --

25 TOGLIATTI: Ones --

1 SHEA: So there is no --

2 TOGLIATTI: Correction -- correction --

3 SHEA: -- there would be no necessity for twos and
4 threes?

5 SHERLOCK: Uh, Mike Sherlock, for the record. I,
6 I, I mean, certainly you could add that to the regulation,
7 you know, if, if that's the direction you want to go. We,
8 we just don't deal with that very often. And again, I,
9 I'll go back to the elected or appointed. Uh, the only
10 issues we generally have in that area are category one and
11 that, and that's why it was concentrated.

12 SHEA: I just didn't know if it was advantageous
13 for these other entities to have that ability or not.

14 SHERLOCK: Not that we've heard to, to, you know,
15 lately.

16 COVERLEY: Chairman, uh, Dan Coverley, for the
17 record, the category three thing is pretty easy to do. We,
18 you can do an in-house one, which is much easier than the
19 cat one academy. So that's pretty simplified. Um, are --
20 and chairman -- chairman, are you looking for a motion
21 today on this? Or what -- are we just discussing this?

22 TROUTEN: So this is for possible action, however,
23 um, hearing the comments from the board, I think the action
24 may be to continue the rulemaking process, because again,
25 it seems like we have several questions. I think it was

1 pointed out we're, we're more convoluted than we started
2 this thing.

3 COVERLEY: So I, I agree with, uh, Ms. Prosser, uh,
4 if you want to make that a motion to change the, the sample
5 to, um, to the points that she, uh, direct up, make it
6 Nevada specific, and then I would get rid of the physical
7 fitness thing, leave it up to the agency whether they want
8 to do one or not, uh, approve that under that motion,
9 motion and then send it to the, the next step, which we
10 have to get back before it's approved. Anyways, that gets
11 us started, right? I know there's several agencies that
12 are waiting for us to make a ruling on this, so, so they
13 can move forward. Uh, so I think it's important we move in
14 some kind of direction. Uh, we're, you know, we, we, we
15 got to make a decision here, (laugh).

16 TROUTEN: Yeah, I agree. And, you know, looking at
17 the list of some of the questions talked about, one of the
18 greatest difficulties is again, uh, you try to put a number
19 on, you know, certificates per agency or so forth. Well,
20 that varies differently from, you know, a small agency. It
21 might be one position where as you get into a larger
22 agencies, um, you're just talking about, uh, such as Metro,
23 I think you're talking 20 some what, 30 some people, um,
24 Ms. Prosser for, that's in the upper echelon executive
25 level. So how do you, you know, limit those? But maybe

1 there are some decisions we could make today on the things
2 we would like to see specifically within that requirement.
3 You know, do we want to have it at, you know, two positions
4 or four positions, um, max. Um, do we want to talk about,
5 you know, the experience level? Do they have to have been
6 an executive, um, at another agency to qualify for this?
7 Do they just have to have x number of years of experience
8 that that might be some of the topics we could decide today
9 and then still try to reroute through this other issue on
10 the PT side. I, I would say on the physical readiness, uh,
11 testing requirement, it would look like the, the vast
12 majority is there should be some form of physical readiness
13 testing. Um, but perhaps the level of the agency or the
14 PPRT.

15 MILLER: Ollie Miller, for the record, uh, I do
16 like the idea of leaving it up to the individual agency
17 with regard to implementing its own physical testing. Uh,
18 and I'm, I'm glad you brought it up, uh, with regard to the
19 number of executive posts per agency. So clarifying
20 question to Mr. Sherlock, uh, in your sample of respondents
21 for your survey, was there a number where they, uh,
22 actually had the most respondents or most positive for the
23 number of executive certificates?

24 SHERLOCK: Yeah, Mike Sherlock, for the record,
25 the, the biggest percentage was for two.

1 MILLER: Okay.

2 SHERLOCK: Uh, next was four, and then followed by
3 a percentage, which, uh, we had put 10% or something, you
4 know, or should it be a percentage of that particular
5 agency trying again, to take into consideration rurals --
6 you know, and, and just doing it by percentage. But, uh,
7 again, that's a, that could be a moving target also.

8 TOGLIATTI: Uh, George Togliatti, for the record.
9 Uh, how many respondents have we yet?

10 SHERLOCK: 78.

11 TROUTEN: So I guess we could be at the point of
12 discussion to just start going down the list of do we want
13 to have a, looking at the notes made here, a cap on the
14 number of years they can have been out of law enforcement
15 before rejoining. Now the current, just to reactivate your
16 certificate is five years, I believe, uh, it was 58%, um,
17 was six years or less out to return. And then the, I
18 missed the percentage on this, but there was another
19 percentage that was, um, basically under 10 years they
20 could come back.

21 SHERLOCK: Yep. Uh, Mike Sherlock, for the record,
22 58, uh, a little over 58% said, uh, no more than six years.
23 Um, and then the second one at 23% was no more than 10
24 years. But again, that's, you know, we're looking at it
25 from a different perspective than, than what was even put

1 out there. I think, um, when you're talking about Nevada
2 only, that may affect, uh, the thinking, um, where their
3 experience is, in Nevada. We put that out as even from out
4 of state, you know what I mean? So that could change the
5 perspective all also.

6 TROUTEN: Understanding that I think there's also
7 should be, uh, knowledge on the fact that we should have
8 similar requirements for in-state or out-of-state. Um,
9 'cause otherwise we get into the arguments of preferential
10 treatment and could open some liability on that front. Um,
11 so that may be a point of, of discussion as well.

12 SHEA: Tim Shea, for the record, I, you know, I
13 struggle with this back and forth of how long can someone
14 be out of law enforcement and then if they're out and they
15 want to come back, what is an appropriate course or series
16 of courses that a person should go to, to become proficient
17 again, at an executive level, what do you really need to
18 know? So do you need to go to an academy and learn how to
19 do patrol procedures all over again after you were in, uh,
20 police work for let's say 15, 20 years and spent 15 years
21 in patrol, what would you glean from going back to a basic
22 academy that was appropriate for you to know as an
23 executive level? So I know in some, uh, areas, when you
24 are gone out past the period of time where your POST or
25 whatever certificate expires, they have an abbreviated

1 course of instruction that you go to that requalifies you
2 to get your certificate. It's not the full meal deal.
3 It's not the whole 20 weeks. It might be six or four weeks
4 of instruction in those areas to bring you up to date, the
5 things that might have changed. Now, most of those are
6 designed for line level people that are going to go out and
7 work patrol, but they're also going to go through a field
8 training program after they go through this course. We're
9 talking about executive level folks who aren't going to be
10 doing those things. But yet, I, the reality is in some of
11 our agencies, they may, because they're so small that they
12 may be out in a patrol car backing up on calls. You know,
13 I'm, I'm, my people forbid me to do those things now. They
14 yell at me when I make a traffic stop. So, um, it's really
15 a dilemma because I know if we're looking at very large
16 agencies, the chance of somebody at a higher rank going out
17 and doing those things is very, very, very low. But on
18 some agencies, I'm sure it's very high. And, um, I don't
19 know. It's, it's really a hard thing to, it. It's like
20 the set number, it's hard to have a set number. So I, I
21 can see us having a general set number, but an ability for
22 an agency to appeal for an exception based upon a specific
23 set of circumstances. And then it would be evaluated in
24 whether or not we, it's appropriate if you have to have a
25 set number. I, I don't know what you lose having four

1 versus two. If you've got 400 people working for you, I
2 don't know where that, what that causes for you to have a a
3 negative to have more than that.

4 TROUTEN: So I guess I have a really ignorant
5 question here that I, I still have difficulty
6 understanding. And the fact is, again, going back to the
7 root issue here, which was the physical readiness test and
8 barely passed that we know it's been validated, we know
9 it's related to the job. Um, yes, some of the things seem
10 odd. And yes, we can say that, you know, as executives,
11 you shouldn't be making traffic stops, shouldn't be doing
12 foot pursuits, different things. But in some, some of the
13 smaller agencies, that is a routine part their day. And so
14 I guess the question I have is, I think we're in dangerous
15 water saying you don't have to do that because if you're in
16 one of those small agencies, your physical ability is
17 literally part of your use of force. You're still required
18 under NRS to recert on your firearms, to recert on your
19 baton. You're, you know, arrest and control, all these
20 things. If you remove that caveat, you're really saying
21 you're not prepared to do the job. And to me it still
22 falls within there. So, like I said, this is, we're
23 almost, you know, what's the next step? Well, you don't
24 have to qualify every year. You don't have to do this
25 because hey, you just sit at a desk, you're never going to

1 shoot somebody, you're never going to use your baton.

2 You're never going to pepper spray somebody. We really, I
3 mean, where do, where does this road stop? And honestly,
4 if, if their job isn't going to entail any of those things,
5 why would they just be a civilian administrator and not
6 even a sworn employee or a sworn officer?

7 PROSSER: Jamie Prosser, for the record. Because I
8 think if you are the sheriff or the undersheriff, you
9 should have police powers.

10 TROUTEN: Well, I, I guess I get that, but it
11 again, there's, they're going to have the police powers
12 then they have to be prepared to take care of business as
13 law enforcement officer. And that's, like I said, we're
14 really getting down to this. The root of the issue, I
15 think is the problem. Many folks, when they get to that
16 level, whether they're certified currently or trying to
17 come back and be certified, they may not physically be
18 capable of doing that.

19 PROSSER: But that's the reason, if we leave it up
20 to the employee agency --

21 COVERLEY: Exactly.

22 PROSSER: -- each agency knows what the
23 requirements of that job that they're employing them to do.
24 They know those, what those requirements are. You have to
25 understand that the agencies, it's up to the agency at that

1 point. I mean, it becomes an occupational injury that's on
2 the agency because you employed somebody that was
3 physically unfit to complete the task that you were
4 required them to do.

5 SHEA: I, I agree with Jamie on this because we set
6 standards for a whole host of things within ourselves. You
7 know, there's no standard for what, um, qualification is
8 when you go to the range, every agency has their own. If I
9 decide to go and shoot one bullet twice a year, and if you
10 hit the paper, that's good enough, they're qualified. So
11 we don't have standards like this for anything. We don't
12 have standards for our psychological examinations on new
13 hires, what is passing or failing. Each agency decides all
14 of these things themselves. So I think that for an agency
15 to have the ability to set the physical standards that are
16 appropriate for them and the circumstance that employees
17 going to be in there, I think the chief executive of the
18 agency should be able to make that decision and that
19 determination. 'Cause we do it on a host of other things
20 too. And to turn around and say, well, you can't make that
21 decision for a physical standard. Uh, it's a little
22 strange to me.

23 TOGLIATTI: Uh, George Togliatti, Just to, I guess
24 echo those sentiments. We -- we're such a diverse state.
25 We got, you know, large agencies, small agencies, uh, we

1 have to, whatever we establish, we have to give the, the,
2 uh, head of that agency enough leeway to make the decision.

3 TROUTEN: So then would the board be in favor of,
4 if we move that requirement on the PT side, strictly to the
5 agency's discretion, um, per a standard, and it's on them
6 to choose that just as you articulate they do for different
7 things. Perhaps what we should be looking at is then based
8 upon size, and I hate rules like this that they do at the
9 legislature, but um, you know, if you're an agency of X
10 employees under, then you have, you know, one certificate
11 available to you if you're this size. Something along
12 those lines. Um, because what I hate to see happen is that
13 all of a sudden we staff an entire admin of folks who maybe
14 really aren't qualified.

15 COVERLEY: I think we're overcomplicating this. I,
16 I think the document that we have in front of us is, is a
17 good start. Leave it at two, get rid of, make it for
18 Nevada only. Get rid of the, uh, the, the specific tests
19 that are named. Leave it at a physical readiness test
20 approved by the employing agency. This will allow these
21 smaller agencies that are looking for that, uh, executive
22 level that they don't have in their department. Uh, but
23 they can bring somewhere from in the state that was at a
24 command level somewhere else that will come in and, and,
25 and help them and help those communities, uh, with their,

1 with their law enforcement agency. I, I think this is a
2 good thing. I think we're way overthinking this and, you
3 know, you, we can go down that rabbit hole and, and do the
4 what ifs and we'll, and we'll never make a decision. I, I
5 think this is a good start. I think, I think this, I think
6 we should approve this document with those two changes and,
7 and, uh, and, and get started. And then once we hear back
8 from, uh, legal, uh, you know, and the 80 hours, that's,
9 that's, that's where you're getting the, the stuff, the
10 POST will come up with what that is going to be
11 specifically. Uh, and uh, and then we can review that
12 obviously, right? And, and make some changes if we need
13 there. But that's where they're going to get the, the
14 information that they're, that they're going to have. But,
15 um, like was already said, it's on the individual agency to
16 determine whether or not they're fit for duty. And, and if
17 they make the wrong choice, then they're the, the ones
18 that's going to, to, to have to account for that liability
19 or whatever may happen.

20 TROUTEN: Thank you, Sheriff. Um, clarification,
21 you're talking about the two positions. Are you talking
22 two certificates available to the agency?

23 COVERLEY: Yes.

24 TROUTEN: And for the top two positions in that
25 agency?

1 COVERLEY: Yes. Just, just, it's stated in the,
the --

2 TROUTEN: Okay. Yeah.

3 COVERLEY: No more than two active executive level
4 basic certificates will be permitted per agency.

5 PROSSER: And it doesn't specify that it's the top
6 two?

7 SHERLOCK: So just two active executive level.

8 TROUTEN: The executive level -- okay.

9 SHEA: Tim Shea. For me, um, I, I agree on, on,
10 but I think, I think G gives us all the latitude that would
11 be you as an agency you have a choice, use whatever you
12 want. You can use the Cooper test, which, uh, Mr.
13 Sherlock provided, we can use the, uh, current, uh, POST
14 test or if you want to do something else, you can, um, I
15 think it's, it's a permissive skill. Either way, you could
16 still do the Cooper or the state physical fitness test if
17 you just said a test approved by the employee agency.

18 PROSSER: I was just trying to save --

19 SHEA: Yes.

20 PROSSER: -- the government ink. So I agree with
21 you. We're on the same page.

22 SHEA: Yeah.

23 TROUTEN: Okay. So a couple other caveats, excuse
24 me, director on this. Uh, some of the other things we're
25

1 talking about is the max number of years that could have
2 been out of law enforcement service. Do we want to take a,
3 a position on, at this point to move forward quickly as
4 well as to the number of years of experience they should
5 have in law enforcement before being qualified?

6 SHEA: 'Cause right now I don't see anything that
7 says how long they've been out.

8 TROUTEN: No. I'm referencing the survey that went
9 out, um, again, 58% less than six years out, uh, 23% less
10 than 10 years out. And then for the years of service, um,
11 41% said they should have had 15 years of service. Another
12 30% said they should have at least 10 years of service in
13 law enforcement.

14 COVERLEY: I don't think that matters. The, the
15 POST has expired and they're trying to get 'em back in
16 with, you know what I mean by doing this abbreviated for a
17 specific assignment executive level. Um, and so if I think
18 that, you know, you've been out 10 years and are the best
19 man for the job, I, I, I don't know that that makes a big
20 difference.

21 SHERLOCK: And Mr. Chairman, real quick, just to
22 help clarify. Mike Sherlock, for the record. So for
23 election law in Clark County and in Washoe County, the uh,
24 to file for sheriff, you have to have five years of Nevada
25 law enforcement experience, uh -- is it Nevada? I think it

1 is Nevada law enforcement experience, but it doesn't matter
2 when. So just from our perspective, if we, if we create a
3 regulation that is sort of in conflict with that, uh, we,
4 we could theoretically have someone who was an officer 20
5 years ago for five years get elected in Clark County that
6 we wouldn't be able to get, give an executive certificate
7 to. So Sheriff Coverley may, may have hit the nail on the
8 head there in terms of not being in conflict with election
9 law. Uh, granted that whoever created the election law are
10 not experts like you guys and law enforcement, but that's
11 what it says currently.

12 TROUTEN: And that simply allowed the state test
13 to, I guess, window them out. Okay. So is there any other
14 questions or comments from the board? Are we ready for a,
15 a motion to make on this one?

16 NIEL: Russ Niel, for the record. Uh, I think we got
17 more work to do on this side clearly. So I would motion
18 that we continue the rulemaking process on this.

19 TROUTEN: Okay. We have a motion. Do we have a
20 second?

21 MILLER: Ollie Miller, second.

22 TROUTEN: We have a motion and a second. Uh, is
23 there any further public comment? Please come forward.
24 State your name for the record, please.

1 LAITY: My name is, uh, Chief Dave Laity. I work for
2 the State of Nevada Youth Parole Bureau Category two
3 Officer. Um, I appreciate the discussion with category
4 twos and threes. I think this does apply to category twos
5 and threes and we should add that if it happens, um, I'm an
6 appointed, um, position by the governor. Um, so if I
7 leave, that would allow, um, some, an executive, um,
8 certificate or somebody to come in and, and so it does
9 apply to, I know at least the category two. I appreciate
10 that discussion. Thank you.

11 TROUTEN: Thank you. Any other comment from the
12 public? Any further from the board? We have a motion and
13 a second. All in favor, please say aye.

14 BOARD: Aye.

15 TROUTEN: Any opposed?

16 PROSSER: Nay. I wanted to make another motion.

17 COVERLEY: Nay.

18 TROUTEN: We have five, I believe. Is that five
19 ayes? Did I count correctly. But I'm going to have you
20 raise your hand. So just do a visual count.

21 PROSSER: I'm just going to make a motion to --

22 SHEA: This is to continue the rulemaking.

23 TROUTEN: This is to continue rulemaking process.

24 PROSSER: Yeah. So no, I'm, I'm done making the
25 rulemaking process. I'm ready to move.

1 NIEL: Yeah, but the rules aren't clear. We don't
2 have it ironed out. We're just kicking it around the table
3 for we going to be doing that all day. So I think we need
4 to go back and actually look.

5 COVERLEY: So what the prevent us from doing
6 exactly the same thing the next time. I think we have a
7 good document that we can move forward with.

8 PROSSER: So I was going to move to make those
9 adjustments and to move forward with it. I mean, it's just
10 going to go to LCB and then come back to us anyway for
11 final approval.

12 SHEA: So you were going to make a motion to, with
13 the --

14 PROSSER: I was going to make a motion to award an
15 executive ca -- level category one, two or three, blah,
16 blah, blah. The five years consecutive law enforcement
17 peace officer in Nevada. Each agency can determine their
18 own physical readiness and let's move forward.

19 NEIL: We have, well, there was also the issue of, I,
20 I mean, Tim brought it up when they quit one place and go
21 down the street to the other place. Does it transfer over?
22 We, we don't think we iron that out.

23 PROSSER: So do you, do you want --

24 NEIL: I, if we want to do it now though --

1 PROSSER: I mean, do you want it to transfer over?
2 I mean, it's an executive level. If you, if I, if I quit -
3 -

4 NEIL: I would think it would, but --

5 PROSSER: If I quit doesn't and I go --

6 NEIL: -- it doesn't state that.

7 PROSSER: -- it, it doesn't sound that painful to
8 get it again. That's my thought. But we can add that in
9 if, I mean. So what would you like the end to say?

10 TROUTEN: So for, let's clean this up as far as the
11 expiration goes. Procedure. So are we nullifying the
12 motion on that was before us?

13 UNKNOWN: Seems like it.

14 MILLER: Yes, we're moving to it. If we have more
15 business, we nullify.

16 TROUTEN: Okay. So we, we'll move forward then.
17 Uh -

18 SHEA: I'm really confused.

19 TROUTEN: We're, we're continuing the rulemaking
20 process. So I guess we're continuing at this point amongst
21 ourselves. So we are under the topic of, is this
22 certificate to be transferrable if you meet one agency as
23 an executive with that executive basic and go to another
24 agency? Or are we requiring them to then basically

1 terminate that certificate and reapply as another executive
2 basic at a different agency.

3 NIEL: I would say you can take it with, that'd be
4 my suggestion.

5 SHERLOCK: So, Mike Sherlock, for the record, just
6 keeping it clear in our minds if we're going to do
7 language, uh, then that last sentence would be, it expires
8 immediately upon separation as an executive period that
9 would.

10 NEIL: Just take out with that agency.

11 SHERLOCK: So they could theoretically go from one
12 agency to another.

13 TOGLIATTI: Okay. That solves that.

14 UNKNOWN: I've got one.

15 MILLER: Uh, Ollie Miller for the record. Uh,
16 kinda unrelated to that, I know we talked about this just
17 staying in the state of Nevada, but because we are keeping
18 these limited to two active executive level basic
19 certificates, you know, my thoughts are as a hiring group
20 within my agency, I like the idea of being able to hire
21 talented folks from out of state if need be, because we've
22 kept the number of these so low. You know, might it be to
23 the advantage of some agencies within the state to be able
24 to hire from out of state and have the supply. That's my
25 question to the rest of the board.

1 TOGLIATTI: I think that's going to require a lot
2 more discussion.

3 MCKINNEY: Kevin, Kevin McKinney for the record.

4 MILLER: That's why I wanted to kind of continue.
5 But since we're working it out, uh, I'm interested in
6 hearing what everyone has to say.

7 MCKINNEY: Kevin McKinney, I, I still believe that
8 this would be better handled in, uh, working through NAC
9 289.200 and NAC 289.205, rather than creating a new NAC I
10 think, uh, should be explored that we, uh, make some
11 changes to the reciprocity and, and separation times in
12 those existing NACs. Uh, rather than making a conflicting
13 NAC with, uh, or making an NAC that conflicts with both of
14 those current NACs.

15 SHERLOCK: Uh, Mike Sherlock, for the record, just,
16 just to clarify again, from LCB's perspective. They really
17 decide where it goes. So it may be a two tiered
18 reciprocity where they put this maybe a standalone that
19 that's a, that's an LCB issue generally for us.

20 SHEA: So Mike, they, they can move this if we
21 said, okay, here it is. They, they can move it into these
22 other sections if they choose?

23 SHERLOCK: Mm-hmm (affirmative). That's correct.
24 Yes.

25

1 TOGLIATTI: We read both Jamie's. Is that a
2 motion?

3 PROSSER: I moved.

4 TROUTEN: So we have a second. We have a second.

5 UNKNOWN: Second.

6 UNKNOWN: What's the motion?

7 TOGLIATTI: So Jamie, the motion one more time.

8 PROSSER: All right. The motion is number one,
9 executive director may award the executive level category
10 one, two, or three basic certificate to any peace officer
11 who, C, has a history of at least five consecutive years of
12 employment as a peace officer in the state of Nevada. G,
13 completes a physical readiness test approved by the
14 employing agency and, I, executive level basic certificate
15 expires immediately upon separation as an executive.

16 COVERLEY: Second.

17 STRAUBE: So, Rob Straube, for the record. If I
18 may, I agree with every, uh, the motion you made other than
19 the state of Nevada.

20 TROUTEN: And I'm sorry, a clarification for me, uh,
21 perhaps for the director, that also includes, then they
22 have to do the online reciprocity class. All right, we
23 have a motion and a second, uh, we have a discussion point
24 about instate versus out of state. Any further discussion
25 on that point?

1 COVERLEY: Yeah, go ahead and change it, anybody.

2 PROSSER: No, no, no, no. You can't just do that.

3 COVERLEY: Yeah, so --

4 PROSSER: (Inaudible), frustrated.

5 COVERLEY: Right.

6 PROSSER: But if they're five years of Las Vegas,

7 Nevada, then they've already gone through the basic --

8 COVERLEY: Right.

9 PROSSER: So we already know as a POST commission
10 that they've already gone through our standards. We don't
11 know what the other state standards specifically are.

12 Exactly. That's the problem.

13 COVERLEY: Exactly.

14 PROSSER: So when we talk about whether out of
15 state or in-state, I think that's when we talk about the
16 reciprocity and all that good stuff. But for this --

17 COVERLEY: And I -- it's not, and it's not accepted
18 going the other way also. So I can't go from Nevada to
19 another state and just have it accepted either.

20 NIEL: So you're saying leave C alone, don't put
21 state or do put state in Nevada.

22 TROUTEN: As the motion was stated, it was for
23 Nevada state only.

24 NIEL: Right. Got it. Okay. I would agree with that.

25

1 TROUTEN: So the motion and second stand as
2 presented. Any further discussion? All board members in
3 favor please signify by saying aye.

4 BOARD: Aye.

5 TROUTEN: Any opposed?

6 NIEL: I'm opposed.

7 UNKNOWN: Nay.

8 TROUTEN: Two nays.

9 TROUTEN: I also vote aye. Motion carries. Moving on
10 item number five, discussion, public comment and for
11 possible action. Continued discussion regarding the
12 establishment of new regulation pursuant to NRS 289.510,
13 section one, subsection C, item six, which requires the
14 POST commission to adopt a regulation establishing POST
15 standards for an annual behavioral wellness visit for peace
16 officers to aid in preserving the emotional and mental
17 health of the peace officer and assessing the conditions
18 that may affect the performance of the duties by the peace
19 officer. End quote. This possible action includes the
20 creation or adopt adoption of language for review by LCB.
21 Uh, again, they did not like what we presented before, so,
22 uh, once again, quick rundown, Mr. Sherlock.

23 SHERLOCK: Thank you. Mike Sherlock for the
24 record. So again, just based on comments and staff
25 research, um, we would suggest that the sample language

1 included, uh, be submitted to as a starting point, uh,
2 submitted to LCB. If you look at that sample, uh, we do
3 create standards, which is what they didn't like before.
4 Uh, this, the standards that we are establishing in this,
5 uh, again, trying to keep within what our research, um,
6 those standards for the purpose of that visit are to
7 increase officer's knowledge about mental health, reduce
8 concerns about confidentiality by providing, uh,
9 confidential settings for these visits, reduce stigma about
10 mental health issues, and increase the exposure and comfort
11 to qualified, uh, mental health professionals. Uh, and
12 those other items that are listed in that sample language.
13 Uh, recognizing that that LCB could change that based on,
14 um, AB 336 and the language. But it's a good starting
15 point, uh, to be able to bring that back to you, uh, the
16 commission. And so we would, uh, staff would recommend,
17 uh, continuing of the rulemaking with that sample language.

18 TROUTEN: All right, thank you, Director Sherlock.
19 Before we get too far public comments on this matter at
20 present, I think this would be a good time. We do have one
21 letter from the Nevada Association Juvenile Justice
22 Administrators, um, with some concerns on this. The, I
23 believe this is in your packet, but the, and provided to
24 you, but seeking language, clarifying how this regulation
25 comports with peace officers rights federally and under NRS

1 289 to ensure confidentiality of medical records, personal
2 information that the required qualifications of those
3 providing the behavioral wellness visits and the required
4 subject matter of the behavioral health wellness visits and
5 if it's a clinical evaluation versus an educational
6 supportive format, which I do believe in the sample
7 language, each of those items has been addressed. So now
8 to the board, are there comments or discussion points from
9 the board? So do we have a motion that the board is good
10 with this proffering to send to LCB on this matter?

11 COVERLEY: So moved.

12 RUSS: Second.

13 TROUTEN: We have it a first and a second. Any
14 further discussion by the board?

15 SHEA: Are we, are we voted on this letter that
16 says sample?

17 NIEL: The sample language.

18 SHERLOCK: Uh, Mr. Chairman, Mike Sherlock, for the
19 record, can we just, uh, make sure whoever is making the
20 motion to uh, uh, state their name? We're trying to keep
21 up here.

22 TROUTEN: My apologies. We had a motion by Sheriff
23 Coverley and a second by Russ. Okay. No further
24 discussion. Board members in favor of sending this
25 language to LCB please say aye.

1 BOARD: Aye.

2 TROUTEN: Any opposed? I also vote, aye. Motion
3 carries. Item number eight, public comments. The
4 commission may not take action on any matter considered
5 under this item until the matter is specifically included
6 on an agenda as an action item. Oh, excuse me, I flipped
7 too far ahead. My apologies. We're back to item number
8 six, folks. Discussion regarding, uh, this is, uh,
9 discussion, public comment and for possible action
10 discussion regarding possible revisions to NAC 289.270 to
11 update the requirements to qualify for an executive
12 certificate, not to be confused with an executive basic
13 certificate. Mr. Sherlock, could you provide some
14 background?

15 SHERLOCK: Uh, Mike Sherlock for the record. You
16 know, staff is really looking for some guidance. If you
17 look at our sample language there, we try tried to address
18 what we, uh, believe were the concerns of the prior
19 requirements. The sample recognizes accomplishments out of
20 state and also recognizes or gives a pathway for those
21 that, um, are in an appointed or elected position and never
22 had the opportunity to get the, uh, uh, stepping stone
23 certificates. So we think we have that all covered in the
24 sample. Um, if that's incorrect, we need some guidance on
25 this particular, uh, professional certificate.

1 TROUTEN: Thank you, Director Sherlock. We'll open
2 it up to the public first for comment. Do we have any
3 public comment? All right, (laugh), we, we bored the
4 public to tears. They're leaving. All right. Uh, we'll
5 now move to the board for comments and discussion. Is
6 there any discussion on this?

7 PROSSER: Um, Prosser. Just for clarification, I
8 promise, short and sweet, they can get the executive
9 certificate if they do all the million steps we already
10 require them, plus get a letter, have the same things if
11 they come from out of state with proof or they've been
12 appointed by the elected executive level position and are
13 five years, uh, good.

14 NIEL: So to clarify, they have to wait till
15 they're in the position for five years to get this. That's
16 the way it's written. That's how interpret.

17 PROSSER: That's the way it's written. Chief Shea,
18 how do you feel about that? You want to shorten it? What
19 do you think, two?

20 SHEA: I think the original reason for five was
21 that the person was elected, it was into a second term and
22 that's where the five came from.

23 SHERLOCK: So Mike Sherlock for the record. The
24 thinking I believe there was, if they're going to bypass
25 all the other steps and they really don't have the

1 opportunity because oftentimes it's someone who's elected
2 or appointed either who's has a short time in, in policing
3 or from out of state, there's no way they can obtain those
4 other professional certificates that are currently
5 required. So we're saying, okay, if you've done the job
6 for five years, you the requirement to get those lower
7 certificates are, is bypassed. And that's why we said five
8 years. And you're right, it is into their second term.

9 PROSSER: But there's no way an elected official
10 can do all the steps in five years.

11 SHERLOCK: Correct. That, that's why we're saying
12 that.

13 TROUTEN: So that it's a, a bifurcated process.
14 There's the normal process. Again, sorry Ty Trouten for
15 the record. There's secondly, if they're elected, say a
16 sheriff after their fifth year, uh, you're basically using
17 that as a, I guess a referendum that they have performed
18 well enough in that role to qualify as an executive or for
19 that certificate without having the other items normally
20 required because they haven't had that opportunity. Is
21 that correct?

22 SHERLOCK: Yes, it is.

23 TROUTEN: Interpretations?

24 SHERLOCK: And, and Mike Sherlock for the record,
25 one last thing that that was brought up about this

1 particular certificate is, uh, the definition of what an
2 executive was was too narrow. And so this sample puts it
3 back on the sheriff to decide who's an executive.

4 SHEA: So it is, it is hard for me to read this,
5 uh, this print on this thing. Um, but if I read the - Tim
6 Shea here, I'm sorry. Um, this also says that if you have
7 the above certificates, is that your, your basic
8 intermediate advanced supervisor, whatever management from
9 out of state in a reciprocal state, those apply here now?

10 SHERLOCK: That's correct.

11 SHEA: So you really have three ways to do this.
12 One is you've done it in state. One is you've met all that
13 criteria out of state and are here. Or if you haven't done
14 any of these steps and somehow some way you end up as a
15 chief executive after five years you could get it. So
16 there's three ways to get it.

17 SHERLOCK: Sure. Correct.

18 SHEA: Okay. Sorry, I just couldn't read the light
19 blueprint here. The a's on sample blocks it out.

20 TROUTEN: Any further discussion?

21 PROSSER: So move.

22 TROUTEN: May I interpret that to, uh --

23 PROSSER: I make a motion.

24 TROUTEN: -- motion to accept the letter as
25 presented?

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PROSSER: Yes, please.

TROUTEN: Is there a second?

NIEL: Russ Niel, second.

TROUTEN: All right. Any further discussion? The board to a vote, all in favor, please say aye.

BOARD: Aye.

TROUTEN: Any opposed? I also vote aye. That carries. Moving on to item number seven, discussion, public comment and for possible action. Request from the Las Vegas Metropolitan Police Department for an executive certificate for their employer -- employee Captain Gregory. Possible action may include issuance or denial of the executive certificate. We'll go back to Director Sherlock to give us the background on this.

SHERLOCK: Uh, Mike Sherlock for the record. So it's, uh, sorry, it's Captain Munson. That's probably my fault.

TROUTEN: Oh, my apologies.

SHERLOCK: Uh, staff reviewed, uh, captain Munson's application for an executive certificate and find that he meets the requirements for the certificate and would recommend approval of that certificate.

TROUTEN: Is that under one of the three ways listed?

1 SHERLOCK: He did it traditionally, you know what I
mean?

2 TROUTEN: Yeah. Thanks sir. All right, any
3 questions or comments from the board? All right, hearing
4 none. Is there a motion?

5 SHEA: Tim Shea, I'll make a motion --

6 TOGLIATTI: I'll second.

7 SHEA: -- for the certificate.

8 TROUTEN: Motion by Chief Shea. I have a second,
9 uh, by George Togliatti. All those in favor please say
10 aye.

11 BOARD: Aye.

12 TROUTEN: Any opposed? I also vote aye. Now we
13 are down to item number eight. Public comments; commission
14 may not take action on any matter considered under this
15 item until the matter is specifically included on an agenda
16 as an action item at a subsequent meeting. Do we have any
17 public comment? Seeing no public comment, we move on to
18 item nine. Uh, this is discussion, public comment, and for
19 possible action on the next upcoming commission meeting.
20 So Mike, I believe we've got our next sheriffs and chiefs
21 is October if you want to --

22 SHERLOCK: Yeah, Mike Sherlock for the record. So
23 it looks like we were able to secure room, uh, the 26th in
24 the morning, uh, if that's, uh, what, uh, the commission
25

1 desires. Uh, that's what we did last year. Um, uh, we
2 understand it does mean staying one night extra down, uh,
3 in the south. Uh, but uh, you're late in the day anyway on
4 the 25th, but, uh, uh, for us to get a room in that venue
5 is difficult during that. And, and they actually, sheriffs
6 and chiefs helps us with, with the room. So we would
7 recommend October 26th at, you know, eight 8:00 AM or in
8 the morning.

9 TROUTEN: Is there any comments, questions, or
10 discussion on that? I'll just say from being from the
11 north, I prefer the 8:00 AM for the trip back. All right.
12 Is there a motion?

13 NIEL: Russ Niel, so moved.

14 TROUTEN: Second.

15 PROSSER: Prosser, second.

16 TROUTEN: All in favor say aye.

17 BOARD: Aye.

18 TROUTEN: I also vote aye. Motion carries. Um,
19 now just looking for that glorious motion to adjourn.

20 COVERLEY: So moved

21 NEIL: So moved

22 TROUTEN: All right, we are adjourned.