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**Tim Bunting**

*Deputy Director*

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**Commission Meeting**

The next Commission Meeting is to be held on February 22, 2018 from 1:00 P.M.– 4:00 P.M. It will be located at the Casa Blanca Hotel, 950 West Mesquite Blvd., Mesquite, Nevada 89027. Dunes rooms 1 & 2.

**SNALET/NALET Meetings**

The February SNALET meeting will be held on February 14, 2018 at 9:30 A.M. located at David Zenoff Hall - Dept. of Juvenile Justice Services - 651 I North Pecos Blvd - Las Vegas

The February NALET meeting will be held on February 22, 2018 at 9:30 A.M. located at Regional Public Safety Training Center - 5190 Spectrum Blvd –Reno

**2017 Annual Compliance**

NAC 289.230 requires that all peace officers with an agency must annually comply with the training and proficiency requirements. In doing so, the agency must report this training to POST by December 31<sup>st</sup> of each reporting year. Many agencies have done well in complying with this requirement but there are still a few out there that have not.

The regulation requires POST to notify agencies of those officers who have not been reported as in compliance. Beginning February 1, 2018, Notice of Non-Compliance will be sent to each agency and the non-compliant officers informing them that they have 60 days to meet compliance requirements. Officers not in compliance after the 60 days are subject to the Commission suspending their Basic Certificate until compliance is met.

What does this mean for the agency? NRS 289.550 requires all peace officers to have a valid Basic Certificate. If the certificate is invalid (ie cancelled, surrendered, suspended, revoked, expired) the officer, is not permitted to perform the duties of a peace officer until the certificate is re-instated.





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**The hiring epidemic in law enforcement and physical standards for new police recruits.**

By Training Specialist Eric Schinzing, NEVADA P.O.S.T

Just prior to the New Year, Nevada Independent reported that Las Vegas Metro hopes to hire 667 commissioned officers to its ranks in the next two years. Metro, like most law enforcement agencies throughout the state and country, are struggling to find eligible police recruits.

"We have a national crisis," said Eugene O'Donnell, a former New York City police officer and now a lecturer at John Jay College of Criminal Justice in New York." There is a very small hiring pool for future peace officers. Terrence Cunningham, deputy executive director of the International Association of Chiefs of Police, said recruitment and retention generally surface as the top concern when he speaks with police departments across the country. There are many different opinions for the shortages. One issue is the current trend of recruits who cannot pass the basic entry standards. The physical fitness requirements have impeded the hiring and Nevada academies routinely turn away cadets who cannot pass the fitness criteria.

What police agencies shouldn't do is lower their standards. "Lowering your standards is an absolute mistake. It's an absolute connection to misconduct, corruption and a degrading of the agency," said Jeff Hynes, a former Phoenix officer who is chairman for public safety sciences at Glendale Community College. "It is just a recipe for disaster" – The Detroit News.

Modern fitness standards have been shaped by litigation. In Parker v. District of Columbia, an officer had shot a suspect who had a warrant for armed robbery. During the litigation against the district the officer's physical fitness was put on trial. The district was found liable as the officer was "not in adequate physical shape". Agencies and departments with lax or no fitness standards can be found negligent through their deliberate indifference.

Never the less there is a current leaning in America from the military to policing which would lower the fitness standards. Regardless of the reason, whether being politically correct, increasing a workforce or other nonsensical reasons, fitness standards save more lives. Fit responders save the lives of those they serve and can save the lives of those who serve. Peace officers are entrusted with upholding the law and protecting our society, so it is only proper they should adhere to a stringent fitness standard befitting the great responsibility.





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### **NRS 289.550 Persons required to be certified by Peace Officers' Standards and Training Commission; period by which certification is required.**

1. Except as otherwise provided in subsection 2 and NRS 3.310, 4.353, 258.007 and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission **within 1 year after** the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time **shall not** exercise any of the powers of a peace officer after the time for becoming certified has expired.

We at POST often receive inquiries regarding the statutory period in which one has to become certified when employed as a peace officer. That requirement is clearly addressed in NRS 289.550. The question posed to POST often is, "What do we do with a person who is still employed but not yet certified upon the running of the statute?" Couple things to remember. First, this is an NRS requirement- it is not a regulation allowing POST to make regulatory changes. Second, the statute is not ambiguous - it is clear, the employee "shall not" exercise any powers of a peace officer after that statutory period has expired. POST would encourage agencies to speak with their legal counsel in determining what is or isn't peace officer powers. That said, we at POST believe it is safe to assume, wearing a uniform, carrying and or displaying a firearm, at least during work hours, driving a marked vehicle, conducting investigations, detentions and arrests, carrying out custody tasks such as working as a uniformed detention staff member and dealing directly with inmates and arrestees (keeping in mind that the NRS defines custody personnel as peace officers) would likely be deemed "peace officer" powers by the courts.

In terms of remedy for violating NRS 289.550, POST again would encourage you to speak with your legal counsel and district attorney's office. One possible remedy, from a criminal law standpoint, is dismissal or conviction reversal of arrests made in violation of the statute. From a civil law stand point there is the possibility of allegations of false arrest and/or other causes related to acting under the color of authority. In other words, agencies should take this statute seriously as they would any other statute. We at POST are here to help, and will provide whatever we can to educate and insure that violations do not occur. The first thing is to make sure agencies are aware of statutes that effect peace officers. We also strive to notify employing agencies when we become aware of reported peace officer positions that are approaching the statutory time period and have not yet been certified.

We at POST believe our law enforcement agencies in Nevada are the best in the Nation. Our experience is every agency strives to exceed the minimum standards adopted by POST and the statutory requirements imposed by the legislature. Violations are extremely rare, but POST hopes to assist in keeping agencies educated as to the requirements. Ultimately it is the responsibility of POST to ensure that peace officer standards for hiring, certification, continuing education and advanced training are met, and notify the concerned parties when those are in jeopardy. If you have any questions as to the requirements, do not hesitate in contacting POST.

This communication is intended for all of Nevada Law Enforcement. Please forward this document or make it available to anyone for which the material may be of interest. This document is also available from the Home page of <http://post.nv.gov>





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**Job Announcement!!**

POST is looking for a Business Process Analyst. If you are interested, please go to the State of Nevada website: (<https://nvapps.state.nv.us/NEATS/Recruiting/ViewAnnouncement.aep?recruitmentId=32981>) for the job announcement.



**Professional Development Course Scheduled**



Basic Instructor Development Course: June 4-7, 2018 from 0800-1700.

Please visit our website's [Forms](#) page to obtain the "Professional Development Course Registration Form" to sign up.







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**Intermediate and Advanced Certificate.**

If you are looking to get your Intermediate and Advanced certificate but do not have the college credits due to your service in the military there is an option for you. NV POST will accept military training hours and convert them to college credit hours.

**What do you need to do?**

You will need to provide your Joint Services Transcripts to your SPOC who will in turn submit them to POST. The conversion is that your SH (semester hours) are a 1:1 conversion for college credits.

This conversion currently does not include years of service in lieu of college.



**Wanted Couches**

POST is in need of some lightly used, still in fairly good condition, couches for our cadet dorms. If you have any couches you'd like to donate please contact Eric Schinzing at 775-687-3308 or at [eschinzing@post.state.nv.us](mailto:eschinzing@post.state.nv.us).







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### POST Professional Certificates Awarded

POST is proud to list the following officers that have been awarded Professional Certificates during the month of December.

#### **8th Judicial District Court Marshals Div.**

Ford, Randy D.; Advanced

#### **Carson City Juvenile Probation Services**

Banister, Ali. M.; Management

#### **Clark Co School District PD**

McNeill, Steven J.; Advanced

#### **Elko Co So**

Gaylor, John D.; Advanced

#### **Fallon PD**

Babiarz, Daniel T.; Supervisor

Clowser, Eric S.; Supervisor

#### **Henderson Marshal Service**

McGill, Jodi K.; Advanced

#### **Henderson PD**

Aguirre, Marcos A.; Supervisor

DeAngelis, Jarrod A.; Intermediate

Gitz, Michelle M.; Intermediate

#### **LV Metro PD**

Adams, Keith A.; Intermediate and Advanced

Contreras, Michal E.; Intermediate and Advanced

De La Torre, Antonio; Intermediate and Advanced

Freeman, David E.; Intermediate and Advanced

Gallup, Bradley C.; Advanced

Grammas, Brian L.; Intermediate and Advanced

Jones, Joseph D.; Intermediate and Advanced

Kurau, William D.; Intermediate, Advanced, and

Supervisor

Lourenco, Paul A.; Intermediate and Advanced

McGuire, Curtis O.; Intermediate and Advanced

Nelson, Jason W.; Advanced

Newberry, Daniel A.; Intermediate, Advanced, and

Supervisor

Pannullo, Joseph W.; Intermediate and Advanced

Pollock, William C.; Intermediate and Advanced

Robinson, Jonathan J.; Intermediate and Advanced

Ruiz, Lessette; Intermediate and Advanced

Vincent, Lionel O.; Intermediate

Whatley, Christopher H.; Intermediate and Advanced

Whitmarsh, Brett D.; Intermediate and Advanced

#### **NV Dept. of Public Safety**

Goodwin, Brian D.; Intermediate

McGee, Wendy; Intermediate

Morgan, Warren E.; Supervisor

Phillips, Jason C.; Intermediate and Advanced

#### **Nye Co So**

Tippetts, Adam D.; Supervisor

#### **Reno PD**

Johnson, Christopher; Intermediate and Advanced

Thomas, Evan M.; Intermediate and Advanced

Zaletel, Joseph W.; Intermediate and Advanced

#### **Sparks PD**

Beauford, Dustin R.; Intermediate

#### **West Wendover PD**

Turner, Peter E.; Advanced

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