

PEACE OFFICERS' STANDARDS AND TRAINING

REGULARLY SCHEDULED MEETING

May 2, 2013

1:20 p.m.

Peace Officers' Standards And Training
5587 Wa Pai Shone Ave
Carson City, Nevada 89701

MEMBERS PRESENT:

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

Greg Cox, Director
Department of Corrections

Karen Coyne, Chief Officer
Public Safety, City of Las Vegas

Anthony DeMeo, Sheriff
Nye County Sheriff's Office

Dan Watts, Sheriff
White Pine County Sheriff's Office

Chris Perry, Director
Department of Public Safety

STAFF PRESENT:

Richard P. Clark, Executive Director,
Commission on Peace Officers'
Standards and Training

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

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

Michael Sherlock, Audits and
Compliance
Peace Officers' Standards and
Training

1 RONALD PIERINI: Okay, we're going to
2 start our regularly scheduled meeting. And we'll
3 have roll call again. If we could start with that
4 and I want to, before I forget, is that we are
5 missing today Gary Schofield from Metro. Couldn't
6 make it today. Thomas Finn was going to be here
7 today. We were going to acknowledge him, but he's
8 not on the board (inaudible) beyond that. So.

9 RICHARD CLARK: He's resigned and then
10 also we lost Steve Keiffer. So we have two
11 replacement --

12 RONALD PIERINI: We have two replacements
13 now.

14 RICHARD CLARK: -- nominations from the
15 Sheriffs and Chiefs if you want that --

16 RONALD PIERINI: Yeah, we'll get into
17 that. And so, many of them, we want to start off
18 with that -- the actual roll call again if I could
19 make it on the record.

20 GREG COX: Greg Cox, Director of
21 Department of Correction.

22 CHRIS PERRY: Chris Perry, Director of
23 DPS.

24 DAN WATTS: Dan Watts, Sheriff, White Pine
25 County.

1 RONALD PIERINI: Ron Pierini, Douglas
2 County.

3 ANTHONY DEMEO: Tony DeMeo, Sheriff of Nye
4 County.

5 KAREN COYNE: Karen Coyne, Chief Officer,
6 Public Safety, City of Las Vegas.

7 RICHARD CLARK: Dick Clark, POST.

8 MICHAEL JENSEN: Mike Jensen, Office of
9 the Attorney General.

10 SCOTT JOHNSTON: Scott Johnston, POST.

11 MICHAEL SHERLOCK: Mike Sherlock, POST.

12 RONALD PIERINI: Before we start this,
13 Scott, if you could outline exactly where this was
14 notified as far as throughout the state about having
15 a POST Commission meeting.

16 SCOTT JOHNSTON: Yes. Scott Johnston for
17 the record. The -- this meeting was posted at POST
18 administrative offices here in Carson City, the
19 Nevada State Capitol in Carson City, Blasdel State
20 Building in Carson City, Nevada State Library and
21 Archives in Carson City, Grant Sawyer Building in
22 Las Vegas, Carson City Sheriff's Office, and our
23 website and was emailed electronically to all
24 agencies.

25 RONALD PIERINI: Okay, thank you. Going

1 on to Number 3 if we could and that is dealing with
2 presentation departing of Commissioner Thomas Finn,
3 which we have the plaque here. He couldn't make it
4 today. Mr. Clark, if you could outline the dealing
5 with the two openings that we do have. Who did
6 leave and who we are expecting to replace those
7 positions.

8 RICHARD CLARK: Thank you, Mr. Chairman.
9 This is Dick Clark for the record. Two -- two
10 positions came available or came open through the
11 Commission. One is Washoe County open position.
12 That position was held by Chief Steve Kieffer who
13 retired from Sparks Police Department. And that
14 position has been -- the recommendation that was
15 voted on yesterday at the Sheriffs and Chiefs
16 meeting would be Assistant Sheriff Marshall Emerson
17 from Washoe County Sheriff's office. It would -- is
18 the one that's recommended -- will be recommended by
19 the Sheriffs and Chiefs to the Governor for
20 appointment. So we'll be -- we'll write -- we'll
21 get the letter written and sent and then, hopefully,
22 the Governor will make the appointment and he'll be
23 available for the July meeting.

24 The second one was Tom -- Chief Tom Finn,
25 Boulder City, who is not employed down there now,

1 retired from the Commission -- or resigned from the
2 Commission as well since he is no longer with the
3 agency. That's the Clark County at-large position.
4 And because there's two. One is for, specifically,
5 Las Vegas Metro and the other is the at-large Clark
6 County position. That -- that position was -- the
7 nomination for that position is Troy Tanner who is
8 the Chief of Police for Mesquite Police Department.
9 So again, a letter will go to the Governor from the
10 Sheriffs and Chiefs Association recommending that he
11 fill that position.

12 RONALD PIERINI: Thank you, Mr. Clark.
13 We're going to go onto Number 4, if we could, and
14 this is discussion, public comment and for possible
15 action, approval of minutes of February 28, 2013,
16 POST Commission meeting. Do I have -- would any of
17 the Commissioners like to make any comments on that?
18 Any errors that maybe that was written up? Okay. I
19 always have to offer up to the public who have
20 probably never read those things, probably never
21 will read those things, but they're certainly here
22 if you ever wanted to. I don't think anybody from
23 the -- from the audience wanted to make a comment.
24 So I'm looking for a motion. Chris.

25 CHRIS PERRY: I'll approve. I'll make a

1 motion to approve the minutes.

2 RONALD PIERINI: Thank you, Chris.

3 DAN WATTS: Dan Watts. Second.

4 RONALD PIERINI: Dan Watts seconds. Any
5 other discussion? All in favor?

6 COMMISSIONERS: Aye.

7 RONALD PIERINI: So carried. Thank you.
8 Executive Director, Dick Clark, first thing we're
9 going to do is discussion, public comment and for
10 possible action, Professional Development Bureau
11 Report. The Commission will discuss and possibly
12 take action to start the rule-making process on the
13 development of professional standards and training
14 for canine handlers. So, Mr. Clark.

15 RICHARD CLARK: Well, thank you, Mr.
16 Chairman. Dick Clark for the record. We -- we were
17 staff -- POST staff was asked to take a look at the
18 possibility of putting together a manual or
19 guidelines for canine handlers. There's a
20 consortium of canine handlers within the state that
21 are interested to formalize some guidelines within
22 the State of Nevada because at this point, when they
23 testify in court, they have to point to the
24 standards they follow from California. So they'd be
25 much more comfortable to develop something in the

1 State of Nevada. So we actually have met with the
2 group and I'm going to have my Chief of Professional
3 Standards, wherever he's hiding over there, Boe
4 Turner, if Boe Turner would come on up and -- and
5 give us a report. He met with and is sort of
6 chairing that kind of a committee of what their
7 interests are and what the possibility of what we
8 might be able to do for him. So, Chief Turner.

9 BOE TURNER: Boe Turner, POST. Mr. Clark
10 asked me to investigate what was available and what
11 is currently happening in the state. You should
12 have in your book a memo that I wrote to the
13 Director. I attended a meeting after I found out
14 there was a group formed in Winnemucca on the sixth.
15 The group is a dedicated group of individuals.
16 They've broken themselves up into regions. There is
17 a representative from each area of the state. They
18 understand that there is a practicality of
19 standards. I met with them, discussed some of the
20 things that would be concerns for us at POST and you
21 as the Commission.

22 They feel that they would like to create
23 their own, whether it becomes voluntary or an actual
24 statute, and they're going down from the different

1 disciplines down to the evaluators' course and I
2 feel that they have their hearts in the right place.

3 In this memo, I went around -- Utah has a
4 program that's been working well for them.
5 California only has voluntary guidelines. Oregon
6 and Arizona have none. So I'm in contact with
7 usually somebody every couple weeks on this
8 committee. Las Vegas Metro has some trainers that
9 actually attend and are adjunct professors at Utah's
10 training program.

11 The only negative comment I originally
12 heard was from the east, a representative from Elko
13 County. And their's was, basically, in regards to
14 requirements that would be a fiscal impact. And
15 they didn't think they could afford that. But once
16 the group got together and they worked out their
17 differences and understood that, because money is
18 tight, that some of the rurals may have some
19 financial issues, they seem to understand that. So
20 I think that has been taken care of at this time.
21 Questions?

22 RONALD PIERINI: So what we're looking at
23 is professional standards and training for canine
24 and if they particularly go through that particular
25 process every year if that's what's required. Then

1 they get a certificate saying they accomplished that
2 task and it goes on from there. It's not going to
3 be an actual category that's going to be under NACs.
4 It's going to be a document that says this is what's
5 going to be required to get that certificate. Is
6 that --

7 BOE TURNER: That's correct. So far, the
8 group likes the voluntary term that California uses.
9 We've brought up the most recent court decision that
10 the -- the Florida Supreme Court just issued at the
11 end of February, and it was a records issue. They
12 didn't attack the training. It was record-keeping.
13 So that's one of the components, also, that the
14 group is trying to work through, that everyone uses
15 the same records, keeps the exact same data. But
16 you're correct.

17 RONALD PIERINI: Do we have any questions
18 from the Commissioners for Mr. Turner? Okay, I'm
19 going to ask the public if there's anybody in the
20 public that would like to make a comment on this? I
21 think there's a lot of canine folks out -- trainers
22 here, people participating in that, so if you want
23 to make a comment, now's the time to do that.

24 DAVE STANLEY: Good afternoon. I'm Dave
25 Stanley with Douglas County. I'm on the -- the

1 commission -- or not the commission, but the working
2 group that's establishing these standards to submit
3 to POST. We feel it's really important that
4 somebody show up to speak with you guys, kind of
5 give you an update and to answer any questions you
6 have and since I'm fairly close to Carson City, I
7 got elected.

8 The -- the standards are -- what we are
9 trying to do -- basically, the state has no standard
10 for -- for canine. So what happens is every agency
11 kind of has to come up with their own standard, how
12 we're certifying, how we're deploying our dogs.
13 What happens, most of the state, the vast majority,
14 is using California POST. One, a POST standard
15 mostly because it's bulletproof in court. You know,
16 no one's going to challenge POST as being a sham
17 certification. But it's not feasible for everybody
18 in the state to use California POST. One, it's
19 California. We need something for Nevada. But
20 also, the evaluation process, you have to have
21 California POST evaluators and the farther in to the
22 state, farther north, farther east you get, it's
23 harder to find evaluators.

24 So, what we're trying to come up with, and
25 I won't cover everything Boe did, he covered 90

1 percent of what he needed to do. The committee,
2 when it was formed, we're not limiting it to
3 anybody's -- we're able to take advice from anybody
4 and everybody. We have handlers that have a year on
5 the job working the dogs all the way to trainers
6 that are 20, 25 years putting into this committee.

7 So these standards, what we're trying to
8 come up with is a best practices and standards that
9 meet basic level of proficiency so that you can
10 operate in specific disciplines in canine that are
11 consistent with the 9th Circuit, the U.S. Supreme
12 Court case law. It's going to keep us protected
13 from litigation and give us the -- the umph, if you
14 will, that we need to get into the cases for search
15 warrants and whatnot so we're a viable entity.

16 But it's sufficiently broad to allow for
17 every agency to meet their mission-specific
18 standards. So we're not trying to make it super
19 narrow. Utah always brought up their very great
20 standard. We can't do that here. Utah -- the POST
21 Commission runs their state standard for canine. If
22 you want to have a dog in Utah, you go to POST, you
23 go to the police academy, that's where you
24 (inaudible). That would be ideal. We can't do that
25 here.

1 So the standards and guidelines we're
2 coming up with are sufficiently broad to allow every
3 agency to -- to work their dogs without really
4 telling you how you're going to do your business.
5 That was kind of the big rumor that came up when
6 this first -- process first got started. It was the
7 big agencies are going to tell the little agencies
8 how to do things and that's -- that's not what we're
9 doing. So it's a group of professionals coming
10 together for best practices to help us out.

11 And the other reason we wanted to do this
12 is agencies that don't have a canine program, they
13 really don't have anywhere to look for resources.
14 So if a small agency or a large agency, whatever, if
15 they want to start a program, they either have to go
16 to their neighboring agencies to figure out what
17 they're doing or they have to look to the outside
18 states to figure out what they're doing.

19 There's only so many states that even have
20 a POST standard for canine. It's just -- it's not
21 very prolific. There's 13 of them now that have
22 them. Another four, including us, that are trying
23 to establish them. So what we want to is -- is have
24 something that anybody in the state can look to for
25 -- for guidance. I won't take up too much more of

1 your time. I really want to answer whatever
2 questions you have. Anybody that knows me knows
3 that I'll talk about dogs for hours on end.

4 RONALD PIERINI: Tony DeMeo (inaudible)
5 question.

6 ANTHONY DEMEO: Mr. Chair, may I ask a
7 question? I actually come from -- I'm actually
8 canine supervisor -- canine back when the -- the old
9 country, back in New Jersey and a canine supervisor,
10 also a canine trainer. And I'm glad that this is --
11 when I was training the dogs out here in Nevada for
12 Nye County Sheriff's Office, I was kind of surprised
13 that there was no standard. You know, so when I
14 looked at a standard back in New Jersey, the
15 Attorney General's Office is the one who set the
16 standard for the State of Nevada -- I mean, for the
17 State of New Jersey was the attorney -- Attorney
18 General's Office. Because that was our -- they're
19 the ones that set the policies for the critical
20 skills, the defensive, you know, the supervisor so
21 on and so forth.

22 So I really welcome the fact that -- that
23 finally there's a group of canine people that are
24 coming together to do this. Because when I was
25 asking, at that time, back in '99 and 2000, no one

1 wanted to step up to the plate there. So I'm kind
2 of glad that you guys are doing it.

3 One other question I have is, is there
4 going to be, like, a, you know, say that the
5 agencies that actually do volunteer to be part of
6 this -- part of the certification process under the
7 -- under the recognition under POST, is it going to
8 be, like, is there going to be an evaluation?
9 Because we had to evaluate our dogs once a month.
10 We had to get a trainer to come in to evaluate the
11 dogs once a month, but we had to evaluate them once
12 a month. Is there going to be an evaluation process
13 like on a monthly basis, or a quarterly basis or is
14 it just, you know, so -- because you know yourself
15 is that the canine school, the handler school is
16 kind of like, kind of, you know, start -- they start
17 dipping a little bit here and there. Make sure that
18 when they go to court, they actually have some type
19 of, you know, some type of, I'd say certification
20 that at that particular time that during this
21 particular time that they met all the standards of
22 the -- of the obedience, the -- the patrol work and
23 the detective work that they have and so on and so
24 forth.

25 DAVE STANLEY: So this would be, well,

1 industry-standard right now is a yearly -- yearly
2 certification. Ideally, hopefully, an agency --
3 agency specific, is doing in-house as well to make
4 sure that their standards are up, but I don't want
5 to say that we're going to make it a quarterly.
6 Definitely not a monthly. It's going to be
7 physically impacted on a lot of people. Especially
8 if -- if the route we're looking right now, it's
9 going to be an outside entity will come in and do
10 the evaluation, that that starts to create some real
11 problems as far as getting people in to do it. It's
12 -- it's logistically a problem.

13 So, at the minimum, it will be a yearly
14 evaluation. We can still look at, you know, going
15 even sooner than that. Especially, if -- if the
16 Commission wants more, we'll do more. I just --
17 we're worried more about how, logistically, it's
18 going to affect every agency. Especially those that
19 are really far removed from someone else. Because
20 you have to have an outside evaluator that will come
21 out, but at a minimum, yes, sir, at least once a
22 year.

23 ANTHONY DEMEO: I appreciate it. I'm glad
24 that (inaudible) okay, this is what your dog -- you
25 and your dog have to do, you know. So, I appreciate

1 it and thanks -- thanks for your committee so much.
2 I appreciate. Thank you.

3 RONALD PIERINI: Deputy Stanley, I
4 appreciate you coming on. You worked the graveyard,
5 I'm sure, last night, so probably a little quart low
6 on that. You know, and that's okay. And I
7 appreciate your time.

8 I had a lot of time to be able to talk to
9 Deputy Stanley about this topic and, I, too, agree
10 with what Tony is saying is that we need one for
11 Nevada. I'm proud of these folks all coming
12 together and -- it wasn't a war zone, it was more
13 getting together and to be able to talk about what
14 we need to accomplish.

15 Another of the things that we really
16 talked about was the fact is making a minimum
17 standard. And as you mentioned, Tony, they may
18 every -- every month do a certification, but that
19 doesn't mean that agencies can't do that every
20 month. We wanted to make it easy enough that in the
21 sense of more reasonable time, to be able to get it
22 done and it has to be done within that -- that time
23 period. So I think they've really worked hard on
24 that and I'm -- I'm really happy of the job they've
25 done and -- and I -- it's about time Nevada has that

1 kind of information to get to them. So let's keep
2 up the good work and then -- you've got a ways to
3 go, but you're going to make it.

4 DAVE STANLEY: Thanks.

5 RONALD PIERINI: Any other questions from
6 the Commission?

7 MICHAEL JENSEN: Mr. Chairman? Mike
8 Jensen for the record. Just a -- quick questions.
9 I assume I'm going to be involved in maybe drafting
10 some language here at some point in time. So
11 looking through the -- the regulations, is there --
12 has there been any thought or discussion about how
13 you would fit this under one of the approaches that
14 POST takes to regulate different courses? There's a
15 provision in POST regs already for a course to be
16 certified by the POST Commission. So it sounds like
17 you guys are looking for something different than
18 that. Maybe a separate certification for a handler
19 or have you guys talked at all about -- about that?

20 DAVE STANLEY: As far as how we're going
21 to set it up with -- with the state, we're -- once
22 we come up with the guidelines and standards that
23 these probably are what we'd need to come up, we're
24 going to throw it, basically, in your laps and say
25 how do we make that work out. So I'm not sure

1 whether we're going to have to put it in NACs or is
2 this going to be a statewide certification, a POST
3 certification? I'm not sure about that yet. We're
4 just -- we're just a bunch of handlers and trainers
5 trying to come up with what we need to be able to do
6 to work the job. The administrative part we'll,
7 unfortunately, have to beg on you a little bit.

8 RONALD PIERINI: Well, Mr. Jensen is very
9 good about making those things happen. So I'm sure
10 he will. Mr. Clark?

11 RICHARD CLARK: Yeah, thank you, Mr.
12 Chairman. Dick Clark for the record. On -- on that
13 point about certification and changing NACs and all
14 that, we -- we have plowed ground like this before
15 and we did it when we were requested to put together
16 a state standard for active assailants. And what we
17 did is the same thing is put together subject matter
18 experts and then come up with best practices and
19 agreement on exactly what it is that you want for
20 the course.

21 And that course is, you know, lesson plan
22 and performance objectives that you all agree to and
23 it's not mandatory, but it is a voluntary
24 certification program. But it isn't an NAC change.
25 It fits right into us developing a course. We're

1 not the subject matter experts, but I would have
2 Chief Turner probably chair the working group until
3 you came up with those standards. And then we
4 would, you know, agree to those standards. We
5 really wouldn't even have to bring it back to this
6 body because it's not an NAC change. It's merely
7 putting up a course that's agreed upon by the
8 subject matter experts. And then we certify those
9 people that complete that course and the performance
10 objectives listed in the course.

11 RONALD PIERINI: Any other questions?
12 Thank you. Is there anybody else in the audience
13 who'd like to talk about this topic, make any
14 comments? No more public comments. Okay. Do the
15 Commissioners? Any other comments from the
16 Commissioners? And we also are asking for possible
17 actions from (inaudible). Need a motion.

18 ANTHONY DEMEO: I was trying to form a
19 motion for this. Mr. Chair, if -- if I stumble,
20 please assist. Tony DeMeo for the record. I
21 propose that POST give authority or give permission
22 for an inclusion of a canine certification course
23 within the POST entity under the NACs and NRSs. And
24 that -- that the proposal for that be brought to a
25 POST (inaudible) course curriculum in order for it

1 to be enacted. That's my motion.

2 RONALD PIERINI: Okay. Do I have a
3 second?

4 DAN WATTS: Dan Watts.

5 KAREN COYNE: Karen Coyne.

6 DAN WATTS: Go ahead, Karen.

7 RONALD PIERINI: Karen, you're on.

8 KAREN COYNE: I'll second it.

9 RONALD PIERINI: All right, you're
10 seconding. Any other commissioner -- commissioners?
11 All in favor?

12 COMMISSIONERS: Aye.

13 RONALD PIERINI: Anybody opposed? So
14 carried. Thank you.

15 BOE TURNER: Thank you.

16 DAVE STANLEY: Mr. Chair? Just a quick, I
17 guess, addition to that, too, is that, you know,
18 it's important for agency administrators and CEOs to
19 have some input about canine handling and costs and
20 equipment and all those sort of things and if it
21 would please the Commission, we can bring that
22 lesson plan to this Commission for final review. If
23 -- if it's of interest at all.

24 RONALD PIERINI: I think it would be good.
25 We'll add that onto the agenda when that's ready.

1 Okay. Mr. -- Mr. Clark, we can go through B through
2 H.

3 RICHARD CLARK: Okay. I'll just briefly
4 go through these. We've got a -- have a long
5 meeting here. The next item that I would report on
6 is a Basic Training Bureau update. We have 29
7 cadets in the Academy, 26 Cat Is, three Cat IIs,
8 from 23 different agencies. They're going to
9 graduate on the 16th of this month here at our
10 facility at 10:00 a.m. The District Attorney from
11 Carson City, Neil Rombardo, will be the commencement
12 speaker. So hopefully we will see many of you here
13 because we have people in the Academy.

14 As I said at the Sheriffs and Chiefs
15 Meeting, we always want to compliment and thank the
16 agencies that supply us with instructors because
17 that's the lifeblood of the Academy and we don't
18 have that kind of staff nor -- you lose credibility
19 when you're teaching classes that you haven't been
20 involved in the field for a long time. So bringing
21 in people who are actually in the field working
22 right now is very important for the credibility of
23 the students and the curriculum itself and the --
24 the, I guess, the quality of the curriculum.

25 I also made a request to the Sheriffs and

1 Chiefs to stand by for phone calls because we've
2 been depending a lot on some agencies and putting
3 strain on them because this is hard times. So we're
4 -- we're going to try and spread it out. We don't
5 have the money that we need. The court assessment
6 money doesn't come in like it should to be able to
7 pay people when they're -- when they're off duty
8 capacity and that's what we sort of leaned on to
9 kind of help fill in for agencies not having to put
10 on-duty people here. So, anyway, it's a big thank
11 you to all the agencies that have helped us out and
12 we're going to continue to beg to survive.

13 On the next item is C, it's just a brief
14 overview of our budget. We did clear our budget at
15 the Legislature and it's approved for the next two
16 years with about a 13 percent cut, I guess, so over
17 the past we -- we had even after that kind of a bit
18 of a budget crisis because court assessment money
19 has not been coming in as to meet the authority that
20 we were supposed to have to be able to spend. And
21 when you don't spend money, they take it away from
22 you and say you didn't need it because you didn't
23 spend it. Well, we didn't spend it because it
24 didn't come in and you can't spend money you don't
25 have. So it's kind of a tough circle.

1 We had a kind of an emergency meeting with
2 the Budget Director on April the 4th and it was very
3 beneficial. He was very open and very supportive
4 and based on that, they -- they saw that there is
5 about a 7.5 percent projected court assessment
6 shortfall. So what they did to help out with that
7 is -- and I've whined about this in the past, but
8 some of the court assessment money now doesn't even
9 touch the agencies that are supposed to receive
10 court assessment money, it rolls directly to the
11 General Fund to help boost the General Fund. As a
12 matter of fact, about 31 percent of the court
13 assessment money goes directly to the General Fund.

14 Well, they are going to reach back in and
15 grab some of that to help us out to get through, you
16 know, our -- our budget woes and so forth, and to
17 help us to build up a reserve as well because we
18 need a reserve for the first 45 days of the budget
19 starting July the 1st. Well, that court assessment
20 money doesn't come in until the middle of August.
21 We still have to pay bills and we have to pay
22 salaries. So we need a reserve to be able to do
23 that. So they're going to give us 90-day reserve.

24 Another thing that we suffer being a non-
25 general fund agency is they -- they take statewide

1 assessments from us, like the buildings and grounds,
2 the rent, they take that from us, paying for our
3 Attorney General assistants, that's taken. We have
4 to pay for that annually. Well, sometimes that's
5 difficult because they take the money without
6 checking whether we have enough money to make
7 payroll and that's caused us some difficulty. So
8 we've ironed that out where there -- they won't do
9 that until they check, but also they're going to
10 take that -- those grabs from our budget at the end
11 of the year to ensure that we've been able to handle
12 our operation. So that was a real benefit as well.

13 Budget Director said they don't want us to
14 suffer not being able to handle our operations. You
15 know, we -- we operate on a very thin line already
16 and so when you don't get the money you're supposed
17 to get, you're really in trouble. Because if we run
18 out of, I'll use the example, tires for the EVOC
19 cars or toilet paper for the dormitory, which we've
20 been up against things like that before, you've got
21 to have money to operate on. And we're so thin that
22 there's been times when we can't purchase anything
23 because there's no money. And it didn't come in
24 and, you know.

25 So, anyway, the Budget Office was very

1 amenable to working with us. They did a lot of
2 things to help us out. So I think it will help us
3 get through the next two years.

4 As most of the agencies know here, you
5 know, we're constantly building up Academy cadet
6 levels to 30 cadets and even more people wanting to
7 get into the Academy. We were, in the past, only
8 relegated for -- for the food subsistence money that
9 we put out to 20 cadets. And we had to come up with
10 the rest to pay for those rest of those cadets out
11 of our own -- out of a budget that was pretty thin,
12 anyway. So this -- this legislative session we
13 begged and got up to 24 -- could pay for 24 cadets,
14 even though we got 30 cadets in the Academy and
15 we've got 30-some odd lining up for the next one.
16 Still, they gave us 24. So we at least came up a
17 little bit, and the rest of it, we just have to
18 manage real well.

19 But anyway, that's our sad woes, but we
20 don't -- we don't overspend. We're underfunded. So
21 we need to talk about that maybe in two years and
22 have a serious discussion with the Budget Office and
23 Governor and have, maybe, the Chairman of the
24 Commission and the President of the Sheriffs and
25 Chiefs Association to sit down and talk about trying

1 to fund this Academy properly. Maybe even doing
2 things like finishing and building the EVOC center
3 that all of the agencies need because we don't do
4 any continuing education training on emergency
5 vehicle operation because we have no place to do it.
6 And it's the most dangerous thing that we -- that
7 the agencies do. So anyway, we'll -- we'll work on
8 that more, but I think we're okay for the next two
9 years.

10 Going to the next item, is just a brief
11 report. I was -- I think I reported to the
12 Commission before that I'm on the -- the Federal Law
13 Enforcement Training Center Advisory -- Training
14 Advisory Board and I was invited to go back and
15 serve on this national summit on the prevention of
16 multi-casualty violence. And, of course, this has
17 come up, obviously, since the Aurora shooting in
18 Colorado and Connecticut and so forth. And this is
19 the second part of the summit that I just recently
20 attended. It's a collaborative effort between
21 Homeland Security, Federal Law Enforcement Training
22 Center, Department of Justice, Community Oriented
23 Policing, John Hopkins University and, of course,
24 you know, the FBI, Secret Service and, you know, a
25 lot of other agencies and IADLEST are all

1 participating in it.

2 Trying to look more at the prevention
3 side, rather than the tactical response because the
4 tactical response is pretty well covered. Law
5 enforcement does a great job when they get there,
6 but this is a whole lot of things about prevention
7 have to do with law enforcement working with mental
8 health and trying to establish stronger guidelines
9 to prevent mentally ill people from being able to,
10 you know, acquire firearms and weapons and so forth.
11 So I'll -- I'll continue to report on that as these
12 things go. There's supposed to be one more summit
13 coming up in either October or November.

14 Under the next Item, E, is just briefly --
15 the only -- a look for the legislative report, there
16 was one -- only one item that the Commission was
17 interested to make sure that I -- we were
18 represented on and that was AB62, which was the bill
19 that was trying to get bailiffs exempted from being
20 POST certified; that they -- that justice of the
21 peace could hire bailiffs without -- without POST
22 certification. And just the report is that we went
23 and talked about it. So, it's a lot of bad pills
24 down there.

25 Testified on another bill that was trying

1 to have all peace officers when they make vehicle
2 stops have -- were -- would be under penalty of
3 misdemeanor, I guess, punishable by law that they
4 had to identify themselves and their agency. Well,
5 that's a policy that's really carried on by all
6 agencies anyway already. And so, it was all -- it
7 was supported and grew out of a complaint from a
8 citizen to a legislator and, as it turned out, when
9 we finally met with the legislator and looked at the
10 cam recorder of the officer that was complained
11 against, the citizen was -- totally fabricated
12 everything. And the senator was very embarrassed
13 and that bill went away. So anyway, I think that's
14 just about it for those.

15 Quarterly Report. I'll let you review
16 that at your leisure. Since our last meeting, we've
17 certified -- issued 381 Basic POST Certificates, 116
18 Intermediates, 93 Advanced, 15 Supervisor, no
19 Managements, but 2 Executive Certificates were
20 awarded. We approved 41 courses certified and
21 didn't de-certify any courses. And that would be my
22 report, Mr. Chairman.

23 RONALD PIERINI: Thank you. Any questions
24 for Mr. Clark? Okay. Seeing none, we'll move onto
25 Number 6. Discussion, public comment and for

1 possible action, the Commission will discuss and
2 possibly take action to start the rule-making
3 process to amend NAC 289.230 to remove 24-hour
4 continuing education training requirements in place
5 of an annual training requirement for peace officers
6 to show proficiency in critical skills with no
7 minimum number of training hours, and to change the
8 date on the -- which agencies must report all annual
9 training to POST.

10 Additionally, under NAC 289.230, to change
11 the critical skill topic of defense tactics to
12 arrest and control to make it consistent with the
13 topics in the minimum standards for training.
14 Finally, to amend NAC 289.230 to identify
15 exceptions, if any, to compliance with any critical
16 skills area.

17 We've -- we've talked about that quite a
18 bit, but I still think we still need to -- if
19 there's any presentation or anything else that you
20 want to add onto that, Scott?

21 SCOTT JOHNSTON: Mr. Chairman, no, sir.
22 The only thing is that this item misses the point
23 that the Commission is to either direct staff to
24 start the rule-making and to develop draft language
25 to bring it back later or whatever action if you

1 choose; whatever their desire is.

2 RONALD PIERINI: Mr. Jensen.

3 MICHAEL JENSEN: Mr. Chairman, Mike Jensen
4 for the record. Just as a little more background on
5 what's happening on this item. Essentially, what
6 happened this morning was the workshop, which is a
7 first step in the regulation-making process. This
8 item is just asking if the Commission would like
9 staff to move forward to the -- the next step, which
10 would be to draft proposed language and there would
11 still be an additional requirement for another
12 public comment hearing at the very least and the
13 Commission, if they want it -- if you want it, could
14 have another workshop on this, as well, if you
15 wanted to do that. So this -- the only thing this
16 item is doing is directing staff to -- to move
17 forward to the next step.

18 CHRIS PERRY: Mr. Chairman?

19 RONALD PIERINI: Chris.

20 CHRIS PERRY: Chris Perry for the record.

21 Mike, is there a way to sub-divide this out in the
22 three pieces that are here or do we approve it as a
23 single piece and then come back to the rule-making?

24 MICHAEL JENSEN: No, absolutely. You --
25 you can handle this however the Chairman and the

1 Commission wants to handle it. If you want to do it
2 in pieces, that might make more sense for this item.

3 RONALD PIERINI: Dan --

4 MICHAEL JENSEN: Is this what you wish to
5 have?

6 CHRIS PERRY: That's what I would like to
7 see.

8 DAN WATTS: Dan Watts for the record. I
9 agree with -- with Chris. I would like to see the
10 24 hours remain as is and then -- and then go
11 through and change the -- work on changing the rest.

12 ANTHONY DEMEO: Mr. Chair, for the record.

13 RONALD PIERINI: Tony.

14 ANTHONY DEMEO: Am I correct -- is that
15 there is no requirement at this present time for 24
16 hours. For the critical skills --

17 MICHAEL JENSEN: There is requirement for
18 24 hour (inaudible).

19 ANTHONY DEMEO: Right. For critical
20 skills there's --

21 MICHAEL JENSEN: For critical skills.

22 ANTHONY DEMEO: Right, for critical
23 skills, yes. Yeah, there's no -- no hourly
24 requirement for critical skills?

25 MICHAEL JENSEN: Right.

1 ANTHONY DEMEO: And I think that -- that
2 seems to be the thing is that they -- what happens
3 after the critical skills everybody seems to be
4 requiring 24 hours for that and then when it comes
5 to professional development, I think there's some
6 confusion with that from -- from agencies. I think
7 that there should be some type of requirement for --
8 because right now pro -- with the critical skills --
9 critical skills of handcuffing techniques, so on and
10 so, we get those done in 10 minutes, 15 minutes per
11 student, but that seems to be, like, a whole day
12 exercise now from some agencies.

13 UNIDENTIFIED SPEAKER: Yes.

14 ANTHONY DEMEO: And I think that's -- some
15 of the agencies are looking at ways of, you know,
16 just dealing with the proficiency of that particular
17 critical skill and then using hours then for the
18 professional development parts and the concerns that
19 -- you had from -- from the POOL/PACT. So I think
20 that's -- there's some concerns with that from --
21 from the smaller agencies.

22 RONALD PIERINI: Mr. Jensen.

23 MICHAEL JENSEN: Mr. Chairman, Mike Jensen
24 for the record. Just from a procedural standpoint,
25 maybe the best way to handle it if you're going to

1 sub-divide it out, so that we can follow the parts
2 of the open meeting wise, is to handle each item
3 separately where there's discussion --

4 RONALD PIERINI: Okay.

5 MICHAEL JENSEN: -- public comment and
6 action.

7 ANTHONY DEMEO: I'm finished. Thank you
8 so much. I appreciate it. Thank you, Mr. Chair.

9 RONALD PIERINI: We don't have to divide
10 it up right now, but we can do it in the future. Is
11 that what I'm hearing? Or should we do that now?

12 MICHAEL JENSEN: If you want to handle
13 them as separate pieces, each of those, then that's
14 how you probably should do it so that the public has
15 an -- an opportunity to comment as well on each
16 section.

17 RONALD PIERINI: I agree. So we'll go
18 back to number A on the original time and we'll re-
19 read this thing again is what I'm understanding from
20 you Mr. Jensen.

21 MICHAEL JENSEN: Well, I think, Mr.
22 Chairman, if you're breaking Item Number 6 into
23 sections, the first is the 24-hour continuing
24 education.

25 RONALD PIERINI: Yes, and that's what we

1 did before. So I think -- I think there's a lot of
2 confusion with this. I'm sorry, but I really
3 believe that there is. I'm not surely 100 percent
4 sold on this particular thing, this 24 hours just
5 like Mr. Watts. I -- I just really have some issues
6 with some of this and I think there's a lot of
7 people that don't understand it.

8 And really, where we're going and why
9 we're going that way, I do understand we want to
10 make it easier. We're spending a lot of time on
11 training that should -- could be done in a half hour
12 versus somebody just standing in that training room
13 for four hours to get the four hours done. I
14 understand all that stuff. But I think that what
15 people are really scared about is the fact is we
16 drop the hours and what are we doing after that?
17 Are we just checking boxes off and saying yeah, that
18 guy came and showed up, that's fine? Do we have to
19 show that people are really doing what they're
20 supposed to be doing? That's the million dollar
21 question. I know it's more easy and more friendly
22 for POST. I understand that. And probably save a
23 lot of money to agencies that could save overtime.
24 But I think what we need to do is to make sure that
25 those things are -- are accomplished. And I'm not

1 sure how -- by -- by doing what we're doing if
2 that's going to happen. I don't know if I'm making
3 sense. Does anybody have any -- Chris?

4 CHRIS PERRY: For the record, Chris Perry.
5 I -- I agree with you, Sheriff. I think that by
6 eliminating any kind of an hourly standard from the
7 pragmatic perspective, we open ourselves up for
8 significant liability. Even though you're checking
9 a box that says proficient, proficient, proficient,
10 it leaves that window open of just how much time was
11 spent on Dick Clark and his certification or Chris
12 Perry and his certification. And was it three
13 minutes or five minutes? Those are the concerns
14 that I have.

15 And that's what happens when agencies are
16 sued is they're asked those very specific questions
17 and if you don't have -- we will not have answers
18 for this. What we will say is they were proficient.
19 And that might not be enough. And my concern is,
20 you know, we're -- we're taking something that is
21 currently mandated and we're relieving all of the
22 hourly requirements and I'm just not sure that
23 that's the way we want to go right now without
24 further discussion and without more in depth
25 analysis.

1 RONALD PIERINI: I don't think -- I don't
2 think, you know, Chris, that -- that we're -- we're
3 blind or ignorant enough to believe that there's
4 some agencies when somebody comes in, they're going
5 to check it off and say they went four hours they
6 didn't. I mean, there is that possibility. We
7 would hope that doesn't happen, but we probably know
8 that there are some agencies that will allow that to
9 happen, even though they didn't have the four hours
10 or whatever it is. On the other hand is at least
11 there was a standard there saying you're supposed to
12 do that. And that's what I'm kind of hearing from
13 you, Chris.

14 CHRIS PERRY: Yes.

15 RONALD PIERINI: And I do understand the
16 POOL/PACT what you're up against and what you're
17 doing with litigations. And to defend that with
18 this particular language may be difficult for you to
19 go forward with it. And that's, what I understand
20 in our conversation, that we've done on the side.

21 I think we need to look at the big
22 picture. And I think what we need to do is the
23 right thing for the officers here in the State of
24 Nevada. I'm not trying to make a speech, but I'm
25 really concerned about where we're going with this.

1 And I know it's more friendly for POST, but is it
2 the right thing to do? And that's something that we
3 need to really digest and figure out.

4 I guess what I'm asking for you, Scott, is
5 a little bit more. If we could put this on the
6 agenda in July. I think we need to have a better
7 understanding on really where we're going. Why
8 you're doing it, spend more time with that, have
9 some exercises, this is what can do it and what the
10 benefits on both sides are. I mean, it's easy to
11 sit here and read this, Scott, but then really what
12 does it mean? And I really want to see more that
13 the -- that the sheriffs in the back and the
14 undersheriff, truly understand what this is about.
15 I'm not sure that's true. Because you don't, you
16 know, you don't -- do you see what I'm saying? It's
17 easy to look at it and does -- what does this all
18 mean?

19 So I really want us to spend more time on
20 this particular thing because I am kind of very much
21 going on and I see Mr. Cox, you know, shaking his
22 head, too. And is that -- Chris and I are on the
23 same page. I really have some problems with it.
24 And I want to do the right thing for the people here
25 in this state. So there it is. That's kind of what

1 I want to see us do. And should we, then, at this
2 point, consider the fact that we should do -- go
3 onto a more, you know, to work this up better and
4 have it on the agenda again and to be able to digest
5 this better and to truly have a mission that we
6 think is a good one. And I think that's what I
7 think we should do. And that's just my -- my
8 opinion. I've said enough. I apologize. What I'm
9 trying to say is there anybody on the Commission who
10 would like to make more comments or should we go to
11 the public and see -- which I have to do. Is there
12 anybody else (inaudible)?

13 KAREN COYNE: I'd just like to add I agree
14 with what you said and with what Chief Perry said.
15 Karen Coyne for the record. I am concerned. I
16 mean, these are minimum standards and I hope that we
17 are all able to go far beyond just a minimum
18 standard. However, you know, just listening to Mr.
19 Clark's rendition of his budget woes, which really
20 equate to our budget woes, I'm very concerned about
21 the possibility that removing the hourly requirement
22 will -- the unintended consequence of that will
23 create pressure for agency heads, particularly, when
24 they're articulating their budget requirements or
25 requests. To not have something to draw back to as

1 to why this training is so important. And I really
2 think that it could erode what the whole mission of
3 this group is. So I'd just like to add that for the
4 comment.

5 RONALD PIERINI: That's a good comment.

6 KAREN COYNE: Thank you.

7 ANTHONY DEMEO: And, Mr. Chair, I have to
8 agree because, now that we've discussed this, but I
9 believe that now (inaudible) why we are required to
10 have this particular training and I agree that then
11 all of a sudden then we'll also start seeing some --
12 some reduction and the training will then start
13 sliding, then we'll be in a litigation nightmare
14 that we can't defend. So, I mean, we -- and there's
15 a lot of confusion -- we have to give this a second
16 thought. I agree with that, as well.

17 RONALD PIERINI: Anybody else?

18 UNIDENTIFIED SPEAKER: No, I -- to the
19 Chair -- to Dick. Other states, again, can you
20 refresh my memory on what other states are doing in
21 regards to this? And POST?

22 RICHARD CLARK: Yeah, Dick Clark for the
23 record. I'm passing around -- IADLEST does a source
24 book and they make contrast and comparison for all
25 trainings. And this is the page that has to do with

1 continuing education, hourly requirements. So that
2 gives you, across the United States, what -- what
3 they're doing.

4 I guess as long as I'm talking about it,
5 one other comment I wanted to make is that, you
6 know, we can staff, we can drop back and prepare for
7 the next meeting and come up with some alternatives
8 where, you know, there's -- things don't always have
9 to be one -- completely one way or the other.
10 There's a good possibility we could do just what
11 we're doing now. Is everyone has a mandatory
12 requirement to do all critical skills training, but
13 there's no hours set for that.

14 We know that that's going to take,
15 legitimately, for any agency, some amount of hours.
16 So if you wanted to tack on after that 14 hours or
17 whatever, 12 hours of professional development in
18 addition to the mandatory requirement of -- in other
19 words, we can come back and look at what -- what
20 might help us out for our electronic reporting and
21 how -- and make sure that we get our course work
22 separated so it's more comfortable for the way we
23 would like to do it, but yet, give some alternatives
24 to what might be more acceptable because I -- I hear
25 a lot of legitimate concern on, you know, dropping

1 away with all our requirement all together. So
2 there might be some middle ground there.

3 RONALD PIERINI: Yeah, and I'm not here to
4 compromise on that and I appreciate that, Dick, and
5 I'm not -- I'm not suggesting you're saying that.

6 RICHARD CLARK: Yeah.

7 RONALD PIERINI: What I want to do is do
8 the right thing. You know? And if we have to
9 divide it up and do that in so many hours and
10 something, that's fine. But I don't want to
11 compromise. I want to go forward to make sure what
12 we're doing is correct.

13 May I ask anybody in the public would like
14 to make any comments? Okay, seeing none, why don't
15 we divide this up, Chris, maybe into three different
16 areas, if we could.

17 CHRIS PERRY: Yeah.

18 RONALD PIERINI: And if you would please
19 start off with doing a possible action for an agenda
20 or whatever, you know, make a motion is what I'm
21 trying to say.

22 CHRIS PERRY: Sure. Chris Perry for the
23 record. I would make the motion that we table for
24 future discussion the action to start the rule-
25 making to amend NAC 289.230 to remove the 24-hour

1 education training requirement and replace it with
2 annual requirement for peace officers.

3 In addition, if -- I would like the motion
4 to also include staff work back to us that would
5 either support -- further support the position that
6 we amend this to reflect 24 hours or less, or if you
7 find that you want 24 hours or more, however you
8 want to divide that up. So that would be my motion.

9 RONALD PIERINI: Thank you, Chris. Do I
10 have a second?

11 GREG COX: Second the motion.

12 RONALD PIERINI: Mr. Cox --

13 GREG COX: Greg Cox.

14 RONALD PIERINI: Thank you. Any other
15 comments from the Commissioners? All in favor?

16 COMMISSIONERS: Aye.

17 RONALD PIERINI: Any opposed? So carried.
18 Okay, we've got Section 2 now.

19 CHRIS PERRY: Okay. Section 2. I propose
20 that -- Chris Perry for the record -- as a motion to
21 change the date on which agencies must report all
22 annual training to POST from the current January
23 31st to December 31st deadline.

24 RONALD PIERINI: Thank you, sir. Do I
25 hear a second?

1 DAN WATTS: Dan Watts. Second.

2 RONALD PIERINI: Any comments from the
3 Commissioners? All in favor?

4 COMMISSIONERS: Aye.

5 RONALD PIERINI: Anybody opposed? So
6 carried. And finally, Chris.

7 CHRIS PERRY: And Chris Perry for the
8 record. I would like to make a motion to amend NAC
9 289.230 to identify exceptions, if any, to
10 compliance with any of the critical skills area. I
11 think that's it.

12 RONALD PIERINI: That's good.

13 ANTHONY DEMEO: Tony DeMeo. I'll second.

14 RONALD PIERINI: Tony is second. Any
15 questions from the Commission? All in favor?

16 COMMISSIONERS: Aye.

17 RONALD PIERINI: Any opposed? So carried.
18 Thank you. Thank you. All right.

19 CHRIS PERRY: Clear as mud.

20 RONALD PIERINI: A lot of people in here
21 waiting for something. I'm not sure what it is,
22 but.

23 ANTHONY DEMEO: They'll raise their hand,
24 Mr. Chairman (inaudible).

25 RONALD PIERINI: Okay, Number 7 is

1 discussion, public comment and for possible action,
2 a POST Commission to review and vote on proposed
3 changes in the Statewide Standardized Performance
4 Objectives for Categories I and II minimum standards
5 of training for the following course topics. And
6 I'm first going to give that, I guess, to you,
7 Scott? Is that what I understand? So the first
8 thing we're going to do is -- is patrol operations
9 and investigations.

10 SCOTT JOHNSTON: Thank you. Scott
11 Johnston for the record. This is a continuation of
12 our ongoing process of reviewing performance
13 objectives, receiving feedback from instructors and
14 from academies and agencies as to things that they
15 would like to see cleaned up, either it's outdated
16 or just needs terminology changed or the objective
17 is vague, whatever the case might have been. We
18 sent out our proposed list of objectives to all of
19 the Academy commanders and we received feedback and
20 of all the feedback that we received, the following
21 objectives under patrol operation and investigations
22 have been updated. They are in your Commission
23 book.

24 For elder abuse, basic patrol procedures,
25 investigation of crime scenes, collection and

1 preservation of evidence, principles of
2 investigation, techniques of interviewing and
3 interrogation, DWI detection, standardized field
4 sobriety testing course approved by the National
5 Highway Traffic Safety Administration.

6 RONALD PIERINI: Do we have any questions
7 from the Commissioners? Going out, reaching out to
8 the public. Does anybody in the public like to talk
9 about this topic? Seeing none, moving for a motion.

10 KAREN COYNE: Karen Coyne. Move for
11 approval.

12 RONALD PIERINI: Thank you, Karen. Do I
13 have a second?

14 DAN WATTS: Dan Watts. Second.

15 RONALD PIERINI: Dan Watts seconds. Any
16 other discussion? All in favor?

17 COMMISSIONERS: Aye.

18 RONALD PIERINI: Any opposed? So carried.
19 All right, Scott, we're going to performance skills.

20 SCOTT JOHNSTON: Performance skills,
21 operation of emergency vehicles, provision --
22 provisions of emergency first aid and CPR, searching
23 of buildings, training concerning active assailant,
24 and training in the use of firearms.

25 RONALD PIERINI: Okay, any questions or

1 comments from the Commission? Not seeing -- anybody
2 in the audience that wants to make any comments on
3 that? Looking for a motion.

4 GREG COX: Greg Cox. Make a motion to
5 approve.

6 RONALD PIERINI: Thank you, Mr. Cox. Do I
7 have a second?

8 ANTHONY DEMEO: Tony DeMeo for the record.
9 I second.

10 RONALD PIERINI: Thank you. Any other
11 discussion? All in favor?

12 COMMISSIONERS: Aye.

13 RONALD PIERINI: Any opposed? So carried.
14 Scott, if we can go on with functions of a peace
15 officer.

16 SCOTT JOHNSTON: Functions of a peace
17 officer, counter-terrorism and weapons of mass
18 destruction, handling of persons with mental
19 illness, history and principles of law enforcement,
20 National Crime Information Center procedures and the
21 realities of law enforcement.

22 RONALD PIERINI: Thank you, Scott. Do we
23 have any questions from the Commissioners? Seeing
24 none, moving onto the public. Sheriff?

25 JERRY ANTINORO: Jerry Antinoro, Storey

1 County Sheriff. On functions of a peace officer --

2 RONALD PIERINI: If you could you please
3 come right up here? We need it on the mic. I'm
4 sorry, Sheriff.

5 JERRY ANTINORO: On the functions of a
6 peace officer, the counter-terrorism and weapons of
7 mass destruction, what would you be looking at? You
8 know, just a superficial overview? I wouldn't want
9 to see a whole lot of time going into training on
10 that when that's really something the average basic
11 street cop isn't going to come into contact with.
12 Especially, in rural Nevada.

13 RONALD PIERINI: Scott?

14 SCOTT JOHNSTON: Scott Johnston for the
15 record. To Sheriff Antinoro, we'd be happy to
16 provide you with a copy of the proposed performance
17 objectives, there's five of them, and I'll go ahead
18 and read them into the record since it was inquired.

19 Identify the FBI's definition of
20 terrorism, identify five types of weapons of mass
21 destruction, identify the five classifications for
22 threat motivations, identify U.S. extreme groups and
23 identify terrorist pre-attack behavior. Those are
24 the five objectives. And, of course, academies can
25 exceed that. These are just the minimums.

1 RONALD PIERINI: Which will be taught in
2 the academies here. Any other comments or
3 questions? Anybody from the public? No? All
4 right, need a motion.

5 CHRIS PERRY: Chris Perry. Move to
6 approve.

7 RONALD PIERINI: Thank you, Chris. Do I
8 have a second?

9 KAREN COYNE: Coyne. I'll second.

10 RONALD PIERINI: Thank you, Karen. Any
11 other questions? All in favor?

12 COMMISSIONERS: Aye.

13 RONALD PIERINI: Any opposed? So carried.
14 Number 8. Discussion, public comment and for
15 possible action, POST Commission to review and vote
16 on proposed changes to the Statewide Standardization
17 Performance Objectives for Category III minimum
18 standards of training for the following course
19 topics. Scott, could you start off with the legal
20 subjects.

21 SCOTT JOHNSTON: Thank you, Mr. Chairman.
22 Scott Johnston for the record. First topic area is
23 legal subjects consisting of Civil Rights of
24 offenders, searches of offenders institutions, laws
25 relating to correctional institutions, laws relating

1 to stalking and aggravated stalking and use of
2 force.

3 RONALD PIERINI: Thank you, Scott. Do we
4 have any questions from the Commission? All right,
5 anybody from the public? All right, looking for a
6 motion.

7 DAN WATTS: Dan Watts. I make a motion to
8 approve.

9 RONALD PIERINI: Okay, thank you, Dan. Do
10 I have a second?

11 ANTHONY DEMEO: Tony DeMeo for the record.
12 I second.

13 RONALD PIERINI: Thank you, Tony. Any --
14 any other discussion? All in favor?

15 COMMISSIONERS: Aye.

16 RONALD PIERINI: Any opposed? So carried.
17 Procedures in the field.

18 SCOTT JOHNSTON: Procedures in the field,
19 gangs and cults, supervision of offenders,
20 classification and receiving of offenders,
21 transportation of offenders, crisis intervention,
22 records of offenders and institutions and games
23 offenders play.

24 RONALD PIERINI: Thank you, Scott. Any
25 questions from the Commissioners? Anyone from the

1 public. Looking for a motion.

2 ANTHONY DEMEO: Tony DeMeo for the record.

3 Make a motion to approve.

4 RONALD PIERINI: Thank you, Tony. Do I
5 have a second?

6 GREG COX: Greg Cox. I second.

7 RONALD PIERINI: Mr. Cox seconds. Any
8 other discussion? All in favor?

9 COMMISSIONERS: Aye.

10 RONALD PIERINI: Any opposed? So carried.
11 Skills of officers.

12 SCOTT JOHNSTON: Skills of officers
13 consisting of writing of reports for correctional
14 institutions, fire safety and use of emergency
15 equipment, fingerprinting, defensive tactics,
16 introduction of restraints, physical conditioning
17 and training concerning active assailants.

18 RONALD PIERINI: Thank you, Scott. Any
19 questions from the Commissioners? How about in the
20 public? Seeing none, looking for a motion.

21 KAREN COYNE: Karen Coyne. Move for
22 approval.

23 RONALD PIERINI: Thank you, Karen. Do I
24 have a second?

25 DAN WATTS: Dan Watts. Second.

1 RONALD PIERINI: Thank you, Dan. Any
2 other discussion? All in favor?

3 COMMISSIONERS: Aye.

4 RONALD PIERINI: Any opposed? So carried.
5 Investigations.

6 SCOTT JOHNSTON: Investigation topics
7 consist of crime scene and evidence, investigation
8 of narcotics and abuse of controlled substances,
9 investigation of allegations of stalking and
10 aggravated stalking and personality disorders and
11 prevention of suicide.

12 RONALD PIERINI: Thank you. Any questions
13 from Commissioners? Any questions from the public?
14 Looking for a motion.

15 CHRIS PERRY: Chris Perry. Move for
16 approval.

17 RONALD PIERINI: Thank you, Chris. Do I
18 have a second?

19 GREG COX: Greg Cox. Second.

20 RONALD PIERINI: Mr. Cox seconds. Any
21 other discussion? All in favor?

22 COMMISSIONERS: Aye.

23 RONALD PIERINI: Anybody opposed? So
24 carried? Community relations.

25 SCOTT JOHNSTON: Community relations

1 consisting of ethics for correctional officers,
2 cultural awareness, interpersonal communications and
3 public and media relations.

4 RONALD PIERINI: Thank you, Scott. Any
5 questions from the Commissioners? Any comment from
6 the public? Looking for a motion.

7 DAN WATTS: Dan Watts. Motion to approve.

8 RONALD PIERINI: Thank you, Dan. Do I
9 have a second?

10 KAREN COYNE: Coyne. I'll second.

11 RONALD PIERINI: Karen, you second it.
12 Any other discussion? All in favor?

13 COMMISSIONERS: Aye.

14 RONALD PIERINI: Anybody opposed? So
15 carried. And the last one is miscellaneous
16 subjects.

17 SCOTT JOHNSTON: Miscellaneous subjects
18 consisting of modern correctional philosophy, first
19 aid, CPR or cardiopulmonary resuscitation and
20 criminal justice system.

21 RONALD PIERINI: Any questions or comments
22 from the Commissioners? Do I hear any from the
23 public? Looking for a motion.

24 GREG COX: Greg Cox. Make a motion to
25 approve.

1 RONALD PIERINI: Thank you, Greg. Do I
2 have a second?

3 DAN WATTS: Dan Watts. Second.

4 RONALD PIERINI: Thank you, Dan. Any
5 other discussion? All in favor?

6 COMMISSIONERS: Aye.

7 RONALD PIERINI: Any opposed? So carried.
8 Number 9, discussion, public comment and for
9 possible action. Request from the Department of
10 Motor Vehicle -- now I know who was here and
11 (inaudible). Bye, guys. Does anybody need a break
12 or everybody okay?

13 KAREN COYNE: I'm good.

14 RONALD PIERINI: You're good? Okay.
15 Number 9. Discussion, public comment and for
16 possible action. Request from the Department of
17 Motor Vehicles for consideration of their request
18 for a six-month extension of time pursuant to NRS
19 289.550 to complete the certification process for a
20 peace officer that has not completed the process
21 within the one-year time period for their employee
22 Administrator Donnie Perry. So I think that is up
23 to you, Scott.

24 SCOTT JOHNSTON: Thank you, Mr. Chairman.
25 Scott Johnston for the record. Just a little

1 history on where we are today and where we came from
2 on this one. The Commission, back on February 28th,
3 denied the request by the agency for an extension
4 for Administrator Donnie Perry. At that time, there
5 were no representatives available by the agency and
6 they have requested -- in your Commission book you
7 have a letter requesting to have the Commission
8 reconsider their request and, I believe, they -- we
9 have representatives here today to speak and answer
10 any questions that the Commission may have regarding
11 this.

12 Regarding Mr. Perry, he is -- his
13 employment started on, I believe, it was January 9th
14 of 2012, and his one-year would be up July -- or was
15 up January 9th of 2013. And the six-month
16 extension, if approved, would extend him to July 9,
17 2013, I believe.

18 RONALD PIERINI: Okay. Do we have
19 comments?

20 ALYS DOBEL: Yes. Good afternoon,
21 Chairman and Commissioners. For the record, my name
22 is Alys Dobel. I'm the HR administrator with the
23 Department of Motor Vehicles. I am here today as a
24 representative for DMV.

25 First, I want to thank you for adding us

1 to the agenda again. And I apologize that you had
2 to do that. Second, I want to apologize for our
3 absence at the Commission meeting on February the
4 28th. Due to unforeseen circumstances, Director
5 Dillard was unable to attend. In addition,
6 Administrator Perry, who sits to my left, was
7 previously scheduled for a hearing in Las Vegas and
8 it was an involuntary transfer hearing.
9 Administrator Perry did request that he be available
10 by telephone, but what happened was the Deputy
11 Attorney General that was representing us in this
12 particular hearing felt it was very pivotal for
13 Administrator Perry to be present in Las Vegas at
14 that hearing because he was the DMV representative.
15 So I apologize, once again, for our absence at the
16 last meeting.

17 Administrator Perry, as you all know,
18 started working for our department in January of
19 2012. We come before you today to request
20 reconsideration of your denial of extending
21 Administrator Perry's time pursuant to NRS 289.550.
22 We would like him to complete the process and he's
23 -- for that one-year time period.

24 In compliance with NRS 289.550,
25 Administrator Perry has been on a leave of absence

1 since March 19, 2013, and has not been exercising
2 any of his powers as a peace officer. The CED
3 administrator position is a key leadership position
4 at the DMV. It is responsible for all law
5 enforcement activities under the jurisdiction of DMV
6 and is critical to our mission and the vision of our
7 department.

8 The DMV was without a CED administrator
9 from August 19, 2011, until the time Administrator
10 Perry started, January 9, 2012. In addition, our
11 Deputy Administrator position that runs our Southern
12 Region was also vacant since April 12th of 2011.
13 Due to the length of time these positions were
14 vacant, many administrative functions were not
15 performed.

16 Since Administrator Perry's arrival, he
17 has provided the necessary leadership skills. He
18 has spent numerous hours handling challenges in the
19 workplace such as DMV legal issues, operational
20 concerns as well as legislative responsibilities and
21 employee relation situations. In addition, he has
22 had personal challenges such as medical issues, his
23 home was threatened by Colorado fires and he had to
24 relocate his family to Nevada.

25 Upon Administrator Perry's acceptance of

1 this position, he was fully aware of the POST
2 certification requirements. He has met all the
3 requirements with the exception of the mile-and-a-
4 half run. In attempt to meet the POST requirements,
5 Administrator Perry has taken the POST physical
6 fitness test six times. We prepared a quick
7 synopsis of the six times that he appeared to take
8 the test. I don't know if any of you want to look
9 at the scores. It's just a recap, a summary of what
10 occurred at each time that he -- he appeared to
11 test. Do you want to see this? Okay. Probably
12 more than you needed to.

13 KAREN COYNE: Thank you.

14 ALYS DOBEL: I guess what I want to point
15 out on this sheet of paper, he did attend six times,
16 I did read the transcript from the last Commission
17 meeting and apparently it was a question that you
18 had as to when he attended and when he was -- when
19 he was tested. Okay. On one of those occasions,
20 which happened to be August 13th of 2012, if you'll
21 go to that particular section, that day, you'll
22 notice that he almost made it. He failed by 10
23 seconds in the mile-and-a-half.

24 In addition, we have prepared a
25 chronological sequence of events of some of the

1 major issues that occurred since his employment with
2 us and I thought maybe you might want to look at
3 that, too. Sometimes it's easier to look at. Is
4 that all right? I'll start on this side. As far as
5 the challenges that Administrator Perry has had in
6 reference to his ability to finish the physical
7 fitness test and conditioning, I didn't know if you
8 wanted him to speak on that behalf or not.

9 RONALD PIERINI: If he wishes to, he may.

10 DONNIE PERRY: I'm sorry?

11 ALYS DOBEL: Pardon me?

12 RONALD PIERINI: If you wish to talk about
13 that, you may.

14 DONNIE PERRY: Good afternoon, Mr.
15 Chairman, members of the Committee, my name is
16 Donnie Perry and I'm the administrator with the
17 Department of Motor Vehicles. I'm not sure what
18 part of the challenges you want me to discuss, but
19 I'm here to -- to -- for any questions that you all
20 may have in reference to my efforts to complete that
21 process. I can --

22 RONALD PIERINI: Does any of the
23 Commissioners have any questions?

24 ALYS DOBEL: I would like to say
25 something. Administrator Perry comes to us from the

1 State of Colorado. He was a retired police chief
2 and I don't know how many years you were there, to
3 be honest. Like, 20 years, right?

4 DONNIE PERRY: Yes.

5 ALYS DOBEL: Anyway, in a position like
6 that, sometimes we, as human beings, we let
7 ourselves go. I don't know how else to say it. We
8 stop taking care of ourselves, we stop running, we
9 stop exercising, we put other priorities before
10 ourselves. And I believe that in this case, and I
11 -- I'm not speaking for you, Administrator Perry,
12 but I believe that may have been what happened here.

13 So when we offered him the job, he was
14 fully aware, like I said, that those POST
15 requirements. And I do know, because I personally
16 have seen him struggling with this he has -- he has
17 tried to lose weight, he's worked out, he's been
18 pretty consistent, and I'm going to be pretty blunt
19 about this. As we age, we tend not to bounce back
20 as quickly as we used to. And so, he has had a lot
21 of challenges as far as when he runs, what happens
22 is he may jar his knee and then he has to rehab
23 before he can start conditioning again to do the
24 run. And the run is really the area that he has the
25 biggest problem.

1 DONNIE PERRY: Additionally, I don't know
2 how much information you would like me to provide,
3 but during this process, over this process, since I
4 began, I've lost 60 pounds in an attempt to get past
5 this process. And after the medical issues that
6 came into play, we've addressed those issues, but
7 one setback at times lead to another. So the last
8 time I've taken the test, I believe, it was on --

9 ALYS DOBEL: It was April 25th.

10 DONNIE PERRY: -- April 25th, I was
11 actually able to work with Tim Bunnie (ph) with the
12 POST Academy and he offered several suggestions that
13 I think would help me get past this -- this point.
14 So he had -- he had asked me to come out May --

15 ALYS DOBEL: Tenth.

16 DONNIE PERRY: -- May 10th to run with his
17 Academy class in -- in an attempt to get this
18 process on -- on the day he would be evaluating his
19 class. I'm not sure, what in addition --

20 ALYS DOBEL: And what I -- I'm sorry. As
21 you can see from the chronological sequence of
22 events, starting with November 21st when we offered
23 Administrator Perry the position, that the date of
24 hire was January 9th. But as you go down this list,
25 you'll notice that -- and I -- I recognize that all

1 of you are in high-level positions and I recognize
2 that you all have the same challenges. I -- I guess
3 for me, I feel that an additional challenge that
4 Administrator Perry had was he was coming from a
5 different state, learning new rules and regulations
6 and I would just like you to consider the
7 differences of the states and the challenges that he
8 was placed upon since he's been here.

9 The positions that were critical were his
10 position and the position in the south. And when he
11 came aboard he had to pick up a lot of those
12 functions and get it back running properly again.
13 So I don't know if you have any questions about the
14 POST physical fitness or the sequence of events, but
15 I'd be happy to answer any of those. And if not,
16 I'd like to continue.

17 ANTHONY DEMEO: Mr. Chair, I have a
18 question for staff. I appreciate you coming again.
19 I wish you were here the last time. The -- what I
20 see is that he was hired January 9, 2012. His --
21 his one-year expired January 9, 2013. And then POST
22 Commission doesn't get a letter requesting the
23 extension till after his -- after that one-year --
24 one-year has expired. And I think that was one of
25 the issues. I don't recall because I remember this

1 being (inaudible), but I think one of the issues was
2 that the -- that his one-year had already expired
3 before they then asked for an extension. And I have
4 to ask for direction on that.

5 MICHAEL JENSEN: Sure. Mike Jensen for
6 the record. I believe in the last meeting, I -- the
7 way that I addressed that is to go back to the -- to
8 the statute that creates the ability for the
9 Commission to grant a six-month extension for good
10 cause. And based on the language of the statute,
11 it's my opinion that there's no prohibition. In
12 fact, I think the Commission, in the past, has
13 granted extensions after the one year timeframe has
14 -- has expired. The -- the only restriction is your
15 statutory restriction, which is you can't extend it
16 beyond the six months from that one year. So in
17 this case, it would be --

18 UNIDENTIFIED SPEAKER: July.

19 MICHAEL JENSEN: -- July, whatever the
20 six-month date is, that would be the restriction on
21 that. I guess also, for the record, I ought to make
22 clear that I represent the Department of Motor
23 Vehicles in addition to the POST Commission. And
24 so, in this particular case, the -- there's another
25 Deputy Attorney General who's been working on

1 personnel issues and we've done that in our office
2 on purpose so that we don't create conflict
3 situations in situations like this. But I wanted to
4 put that on the record as well. But it's my
5 experience with the Commission that not only is it
6 -- are you able to do it, but I believe the
7 Commission has had situations where you have granted
8 extensions up to the six months after the one-year
9 timeframe has already expired.

10 ANTHONY DEMEO: And I appreciate -- I
11 bring that up because that may be a question, you
12 know, why did we extend after one-year after the
13 letter -- we received the letter. I just wanted to
14 make sure we clarified that for anyone here and for
15 the record. Thank you.

16 RONALD PIERINI: I think one of the
17 reasons why we did this is simply because we didn't
18 have a representative from your agency. And that's
19 one thing that we really want as a policy. It's not
20 written, but it's a policy of this Commission that
21 we have the reasons given to us in person. As you
22 well know, that after one year, you don't have any
23 police power even if -- because we haven't extended
24 it. So the day after that doesn't happen, even
25 though that we can go forward a month later and say,

1 "Yeah, we're doing that," but that only goes for six
2 months at a time when that one-year expired. That
3 is why we ask you to be here; that's why we didn't
4 make a decision because that's what we ask. And you
5 understand -- let me ask you another question, Mr.
6 Perry. What do you -- what do you -- what do you
7 figure that if you had to go and to accomplish this
8 between now and July, could you do that?

9 DONNIE PERRY: Yes.

10 RONALD PIERINI: So I'm not hearing from
11 you that you want to have a waiver on anything other
12 than you want the six-month extension; is that what
13 I'm hearing?

14 DONNIE PERRY: Yes.

15 RONALD PIERINI: Thank you.

16 GREG COX: Mr. Chairman, Greg Cox. Is
17 that extension to July 9th? Is that the -- is that
18 the correct date?

19 RONALD PIERINI: Whatever date that is in
20 July. July what?

21 SCOTT JOHNSTON: Scott Johnston for the
22 record. That would be correct. His date of hire
23 was January 9th of 2012, so that would take him to
24 July 9th, unless my math is off, but I think that's
25 correct.

1 DONNIE PERRY: I think that's right.

2 RONALD PIERINI: Save time, everybody
3 okay? Are there any questions?

4 DAN WATTS: I have one question. Dan
5 Watts for the record. I see every time you take the
6 test and if you'll clarify for me, he's passed
7 everything but the 1.5. Does he have to take every
8 test every time?

9 UNIDENTIFIED SPEAKER: Yeah.

10 DONNIE PERRY: Yes.

11 DAN WATTS: Okay, that's just -- I just
12 wanted to clarify that.

13 UNIDENTIFIED SPEAKER: That's because --
14 and please (inaudible), Mr. Chair, it's the
15 endurance.

16 UNIDENTIFIED SPEAKER: The endurance part.

17 RONALD PIERINI: That's a real bummer,
18 isn't it?

19 MR. DEMEO: No, you just can't -- you just
20 can't pick and choose and say I want this -- for the
21 record, Tony DeMeo. You can't say, well, I did 17
22 push-ups this day, so next week I'll come back and
23 (inaudible).

24 UNIDENTIFIED SPEAKER: They said he's
25 getting better, though.

1 ANTHONY DEMEO: Right. Exactly. There's
2 improvement, yes.

3 GREG COX: Mr. Chairman. Greg Cox again.
4 Is it offered every month? Is that -- how often
5 does he get to take it?

6 RICHARD CLARK: Dick Clark for the record.
7 No, actually, and I want to commend Mr. Perry
8 because he's diligently, on his own, scheduled and
9 is continuing -- you know, we get so many other
10 folks that are trying not to even test and he's
11 actually been very diligent in scheduling and trying
12 to make a lot of attempts. And he's -- he's getting
13 almost there.

14 RONALD PIERINI: I guess, do you
15 understand what I'm trying to say. Are we okay?
16 Would we like to have a motion or do we need more?

17 ANTHONY DEMEO: I'm okay. I'll make --
18 Tony DeMeo. Mr. Chair, Tony DeMeo for the record.
19 I make recommendation we approve the six-month
20 extension to July 9, 2013 for Mr. Donnie Perry.

21 GREG COX: Greg Cox. I second the motion.

22 RONALD PIERINI: Any other discussion?
23 All in favor?

24 COMMISSIONERS: Aye.

25 RONALD PIERINI: Anybody opposed. Got

1 one.

2 UNIDENTIFIED SPEAKER: Opposed. I'm
3 opposed.

4 RONALD PIERINI: All right. We have one
5 opposed. Okay. So carried. Thank you.

6 ALYS DOBEL: Well, thank you very much.

7 RONALD PIERINI: Okay, we're going to go
8 onto Number 10, discussion, public comment and for
9 possible action request from the West Wendover
10 Police Department requesting a six-month extension
11 of time pursuant to NRS 289.550 to complete the
12 certification process for a peace officer that has
13 not completed the process in one year period of time
14 for employee David -- Officer David -- how do you
15 say his last name?

16 UNIDENTIFIED SPEAKER: Avilez.

17 RONALD PIERINI: Avilez. Thank you. So
18 what do we have on this, Scott?

19 SCOTT JOHNSTON: Thank you, Mr. Chairman.
20 Scott Johnston for the record. The -- this
21 Commission recalls dated back from the February 28th
22 meeting, this was a request by West Wendover Police
23 Department at that time. The Commission postponed
24 making a decision on it pending a representative to
25 be here to answer questions that had been -- that

1 came up as a result of what was indicated in the
2 letter on agency hardships and the officer attending
3 the Academy. And I believe we have Acting Chief
4 Gunter here --

5 SANDRA GUNTER: Yes. Sandra Gunter.

6 SCOTT JOHNSTON: -- who is here to present
7 on this.

8 SANDRA GUNTER: First of all, I'd like to
9 apologize for missing the last meeting. I had a
10 death in the family and it was just something I
11 could not miss. I had every intention of being
12 here. So I appreciate you putting it back on the
13 agenda for this go-round.

14 My understanding was is that you had some
15 questions regarding my request? So.

16 RONALD PIERINI: Do we have questions from
17 any of the Commissioners?

18 CHRIS PERRY: Chris Perry for the record.
19 It appears that your issues revolve around a
20 shortage of personnel.

21 SANDRA GUNTER: Yes.

22 CHRIS PERRY: How many people are
23 currently employed with your department, excluding
24 you?

25 SANDRA GUNTER: Oh, excluding me? Okay.

1 You want to exclude me and the Chief's position? We
2 have a nine-man patrol unit.

3 CHRIS PERRY: Okay.

4 SANDRA GUNTER: A public service
5 coordinator and an investigator. I lost two
6 personnel in my patrol division and actually was
7 just advised I may lose one due to another medical
8 issue. I still have an officer out on medical leave
9 and there is no set time for his return. I have
10 filled my vacant spot. My new hire starts on
11 Monday, as a matter of fact. We're still looking
12 for a Chief. I've moved my investigator to patrol
13 to help cover -- cover shortfalls and my public
14 service coordinator as well.

15 I initially had to suspend vacation
16 requests. I have since reinstated those when I
17 moved my investigator back to patrol and my public
18 service coordinator. So I've done everything I
19 possibly could. I just worry about an officer
20 safety issue, leaving one man on the road at any
21 given time. That concerns me greatly, as I'm sure
22 you understand.

23 RONALD PIERINI: Anybody else want to make
24 any comments or questions? All right. Do we have
25 any from the public that would like to make comment?

1 All right. Do we have a motion?

2 KAREN COYNE: Karen Coyne. I will make a
3 motion that we move to approve the request for a
4 six-month extension of time for Officer David Avilez
5 to attend --

6 SANDRA GUNTER: Avilez.

7 KAREN COYNE: Thank you. Avilez to attend
8 the Academy.

9 RONALD PIERINI: And the date on that,
10 Scott, would be when?

11 UNIDENTIFIED SPEAKER: Yeah, that's --

12 SCOTT JOHNSTON: Scott Johnston for the
13 record. That would take him out to November 30th of
14 2013, which should allow him plenty of time to
15 complete the Academy and become certified.

16 RONALD PIERINI: And what I heard from you
17 that is --

18 SCOTT JOHNSTON: The Academy starts the
19 end of July.

20 RONALD PIERINI: July. So you going to
21 make sure he is there at that time?

22 SANDRA GUNTER: Yes.

23 UNIDENTIFIED SPEAKER: Is he signed up?

24 SANDRA GUNTER: He is.

25 RONALD PIERINI: Any other questions?

1 ANTHONY DEMEO: I have a question.

2 RONALD PIERINI: Sure.

3 ANTHONY DEMEO: This will be beyond the

4 one-year, correct? And you would not be on the

5 street as a peace officer; it that correct? If it's

6 beyond one year.

7 MICHAEL JENSEN: No. Mike Jensen for the

8 record. The six-month extension permits a person to

9 exercise their peace officer --

10 ANTHONY DEMEO: Okay. Just for the

11 record.

12 CHRIS PERRY: Just one comment for the

13 record. Chris Perry. I think given the

14 circumstances here, the Chief is trying to make this

15 work and she has a terrible job ahead of her. And

16 so, I would -- I would support that.

17 RONALD PIERINI: Sometimes we think we

18 have it rough, huh? Okay, all in favor?

19 COMMISSIONERS: Aye.

20 RONALD PIERINI: Anybody opposed? So

21 carried. Thank you.

22 SANDRA GUNTER: Thank you very much.

23 KAREN COYNE: Thanks for coming.

24 UNIDENTIFIED SPEAKER: We wish you the

25 best.

1 RONALD PIERINI: Okay, Number 11. We're
2 getting there. Discussion and public comment and
3 for possible action. Hearing pursuant to NAC
4 289.290(1)(e), revoke John K. Norman's, formerly of
5 the Las Vegas Metropolitan Police Department, POST
6 certification for the following gross misdemeanor
7 convictions. Count I, under color of office, NRS
8 197.22, and also Open or Gross Lewdness, which is
9 NRS 201.210 and that was up to you, Mr. Jensen, to
10 take that up.

11 MICHAEL JENSEN: Thank you, Mr. Chairman.
12 Mike Jensen for the record. This is the time and
13 place that's scheduled for the hearing on the
14 potential revocation of the POST certification for
15 John K. Norman for two gross misdemeanor
16 convictions.

17 Just as background, the statute and the
18 regulation that underlie this particular hearing are
19 NRS 289.510C, which requires the POST Commission to
20 adopt regulations establishing minimum standards for
21 decertification of peace officers, and NAC 289.290,
22 which provides for the different causes for the
23 Commission to revoke, refuse or suspend a peace
24 officer's certificate. The one subsection that
25 applies in this case is Subsection (1)(e), which

1 provides for revocation upon conviction for a gross
2 misdemeanor.

3 For purposes of the hearing today, there
4 are exhibits in your packet that I would ask be
5 admitted to the record as part of the -- the
6 evidence to support any action taken by the
7 Commission today. The first of those exhibits is
8 Exhibit A, which is a Notice of Intent to Revoke,
9 which we send out in each case where the Commission
10 intends to potentially take action on a POST
11 certificate. This particular notice identifies the
12 NAC under which the Commission is -- is acting. It
13 identifies the two potential -- or the two
14 convictions which are the basis for the proposed
15 action, which are Count I which is Oppression Under
16 Color of Office, a gross misdemeanor in violation of
17 NRS 197.200 and Count II which is Open or Gross
18 Lewdness, which is a gross misdemeanor in violation
19 of NRS 201.210.

20 Those are two cases -- or two counts that
21 are -- come out of Clark County, the State District
22 Court in Clark County. Mr. Norman was advised
23 through this notice of his right to attend this
24 particular hearing and present evidence to contest
25 the revocation of his POST certification. He was

1 given the time and place of the hearing today and
2 also informed that if he failed to respond that the
3 Commission would move forward and take action based
4 on evidence presented.

5 The next item is Exhibit B, which is the
6 Proof of Service. It's called the Declaration of
7 Service showing that Mr. Norman was served with the
8 Notice of Intent on March the 29th, by personal
9 service. And it appears that the service took place
10 at the Clark County Detention Center.

11 The next item is a Personnel Action Report
12 showing Mr. Norman's employment with the Las Vegas
13 Metropolitan Police Department, that he separated
14 his employment with them, and the effective date
15 shown here is June the 11th of 2012.

16 Exhibit D is his POST certificate, which
17 is at issue in this hearing today.

18 The next documents are the court documents
19 showing the convictions that are involved in this
20 particular case. The first is the Criminal
21 Information Exhibit E, which shows the two charges
22 for which he was charged. The first, again, is
23 Oppression under Color of Office, the second, Open
24 or Gross Lewdness.

25 For purposes of the hearing, I would just

1 read in the factual basis for those two counts. The
2 first count being Oppression Under Color of Office,
3 specifically, alleging that between -- on or between
4 June 23, 2011, and December 10th of 2011, that Mr.
5 Norman did, then and there, unlawfully, maliciously
6 and while acting under a -- acting as an officer or
7 pretending to be an officer and acting under
8 pretense or color of official authority, arrest
9 another person or detain the person against his will
10 or seize or levy upon another person's property or
11 dispossess another person's property or rights.

12 The crime was committed as follows -- and
13 this is the factual basis: By forcing Rebecca
14 Porteo (ph) to manipulate her bra and or breasts and
15 or by forcing the said Rebecca Porteo to remain in a
16 police car and by detaining Melissa Davis Haden (ph)
17 and requiring said Melissa Davis Haden to lift her
18 shirt up over her bra putting defendant's hands
19 between her breasts and bra requiring the said
20 Melissa Davis Haden to loosen her bra and expose her
21 bare breasts and by detaining Victoria Mernane (ph)
22 and requiring that said Victoria Mernane to lift her
23 shirt up over her bra putting defendant's hands
24 between her breasts and bra requiring the said
25 Victoria Mernane to loosen her bra and expose her

1 bare breasts.

2 Count II the similar type of factual
3 allegation. Again, did then and there willfully and
4 unlawfully commit an act of Open or Gross Lewdness
5 by patting or touching Melissa Davis Haden's breasts
6 beyond the parameters of a lawful police search
7 and/or by patting and/or touching Victoria Mernane's
8 breasts beyond the parameters of a lawful police
9 search.

10 Exhibit F is the guilty plea agreement in
11 which the defendant, Mr. Norman, agreed to plea
12 guilty to both Counts I and II.

13 Exhibit G is the court document showing
14 that there was a Judgment of Conviction on the
15 guilty plea to those -- to both of those counts that
16 have been described factually and in the
17 information. From that, he received a sentence of
18 12 months in the Clark County Detention Center on
19 each count to run consecutive. He also is required
20 to register as a sex -- sex offender in accordance
21 with NRS 179D.460.

22 Based on the documents that we've
23 received, the court conviction, as well as the
24 factual basis for this particular conviction, I
25 think this is a pretty clear case given the fact

1 that Mr. Norman was acting in the capacity as a
2 peace officer at the time he engaged in -- in this
3 despicable conduct. The actions constitute a
4 substantial and unjustifiable violation of public
5 trust of that individual that's placing him as a
6 peace officer. And as part of his requirements,
7 he's required to register as a sex offender, I would
8 submit that Mr. Norman has disqualified himself from
9 the ability of being able to be a peace officer and
10 would recommend revocation of his POST
11 certification.

12 RONALD PIERINI: Okay, and for the record,
13 if I could Mr. Jensen, I'll go ahead and accept
14 those exhibits.

15 MICHAEL JENSEN: Thank you, Mr. Chairman.

16 RONALD PIERINI: And then, secondly, is
17 that is there anybody in the audience that is here
18 on behalf or, himself, John K. Norman? Is he here?
19 The record shows he is not. So do we have any
20 discussion from any of our Commissioners? Anybody
21 from the public? Seeing none, then we will ask for
22 a motion.

23 DAN WATTS: Dan Watts for the record. I
24 make a motion to revoke John K. Norman's POST
25 certification.

1 RONALD PIERINI: Thank you, Dan. Do we
2 have a second?

3 KAREN COYNE: Karen Coyne. Second.

4 RONALD PIERINI: Thank you, Karen. Do I
5 have any more discussion? All in favor?

6 COMMISSIONERS: Aye.

7 RONALD PIERINI: Anybody opposed? So
8 carried. Number 12 is public comments. Do we have
9 anybody in the audience that would like to make any
10 comments about items that either was not already
11 been discussed, anything that you would like bring
12 up in front of the Commission. Seeing none, then
13 we'll go ahead and go for scheduling for upcoming
14 meetings. Mr. Clark.

15 RICHARD CLARK: Meetings, yes, Mr.
16 Chairman. Dick Clark for the record. I did have a
17 discussion with the host of the next Sheriffs and
18 Chiefs Meeting sitting next to you. And what we've
19 come up with as a -- as a potential plan for
20 meetings is probably Tuesday the -- July the 23rd
21 would be a travel day because the next morning we
22 would have a POST workshop in the morning on
23 Wednesday the 24th of July.

24 Then there's a training to follow that --
25 the Sheriffs and Chiefs will have a training session

1 and then the barbeque will be that evening on -- on
2 Wednesday the 24th. On Thursday the 25th, we'll
3 have the Nevada Sheriffs and Chiefs official meeting
4 in the morning, in the A.M. And following that
5 meeting, we'll have a POST Commission meeting in the
6 P.M. And I think by the time we've finished, those
7 folks that still need to drive this way could
8 probably travel that afternoon and wouldn't need to
9 stay overnight. So that's the -- what we're looking
10 at for a schedule. And as to having two meetings, a
11 workshop in the morning on the 24th of July and then
12 in the afternoon, the regular meeting on the 25th of
13 July in the evening.

14 RONALD PIERINI: It does say that we're
15 supposed to have possible action on that. So shall
16 we approve those dates? Thanks, Dan.

17 DAN WATTS: Dan Watts. Move to approve
18 those dates.

19 RONALD PIERINI: Well, we're going to be
20 in your house so (inaudible).

21 DAN WATTS: Sure.

22 RONALD PIERINI: Okay, so I have a second?
23 Tony? Thank you. All right.

24 ANTHONY DEMEO: You took the words right
25 out of my mouth.

1 RONALD PIERINI: All in favor?

2 COMMISSIONERS: Aye.

3 RONALD PIERINI: And does anybody want to
4 adjourn?

5 COMMISSIONERS: Aye.

6

7 (MEETING ADJOURNED AT 3:52 p.m.)

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

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

Michele Boyles

5/20/13

MICHELE BOYLES
COURT REPORTING SERVICES

DATE