

PEACE OFFICERS' STANDARDS AND TRAINING

WORKSHOP

October 28, 2013

3:32 p.m.

Peace Officers' Standards And Training
Station Hotel and Casino
2411 W. Sahara
Salons F&G
Las Vegas, Nevada

MEMBERS PRESENT:

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

Gary Scofield, Las Vegas
Metropolitan Police Department

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

Jim Wright, Nevada Department of
Public Safety

Troy Tanner, Chief of Police
City of Mesquite Police Department

Dan Watts, Sheriff
White Pine County Sheriff's Office

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

Elaine Moore-Cerda
Commission on Peace Officers'
Standards and Training

1 RONALD PIERINI: Good afternoon. What
2 first I'd like to do is say that we're having a
3 workshop notice that's been posted and meeting right
4 off the bat. If I could ask Scott Johnston to at
5 least list those areas that we didn't have this
6 posted.

7 SCOTT JOHNSTON: Thank you, Mr. Chairman.
8 Scott Johnston for the record. The notice for the
9 workshop was posted at the P.O.S.T. Administrative
10 Office in Carson City, Nevada State Capitol in
11 Carson City, Blasdel State Building in Carson City,
12 Nevada State Library and Archives in Carson City,
13 Grant Sawyer Building, Las Vegas, White Pine County
14 Sheriff's Office, Ely, Carson City Sheriff's Office
15 in Carson City, our P.O.S.T. website at
16 www.post.state.nv.gov and the new requirement, the
17 legislative website at www.leg.state.nv.us.

18 RONALD PIERINI: Thank you, Scott. I'd
19 like to also, just for the public that's here more
20 than anything, is to remind the public to sign in
21 the attendance, which is in the back as what I
22 understand over there, if you -- especially if
23 you're going to make any comments, we'd appreciate
24 your name and the agency you work for.

25 Remind the public to state their name and

1 agency before speaking at the public table, which we
2 have right here, a comment table right in front of
3 me. And, as a courtesy of others, we ask that you
4 if you turn off your phones, we would appreciate
5 that. And remind the Commissioners that when you
6 are speaking, please say your name, so we can record
7 that, and remind the Commissioners that all the
8 microphones that we have in front of us are very
9 sensitive and anything you say can be picked up to
10 the public.

11 And, finally, is to make sure that we're
12 not going to have any motions at this time, so
13 that's irrelevant. Tomorrow we'll have another
14 P.O.S.T. Commission meeting. We'll deal with any
15 motions, but as a reminder that when that does
16 occur, you have to say your name clearly so we can
17 have the recording.

18 Even though it's not listed on the
19 workshop as an agenda here, I'd still like to do a
20 roll call, and if would start with Dan Watts.

21 DAN WATTS: Dan Watts, White Pine County.

22 GARY SCOFIELD: Gary Scofield, Las Vegas
23 Metropolitan Police Department.

24 RONALD PIERINI: Ron Pierini, Douglas
25 County.

1 JIM WRIGHT: Jim Wright, Nevada Department
2 of Public Safety.

3 TROY TANNER: Troy Tanner, Mesquite Police
4 Department.

5 KAREN COYNE: Karen Coyne, City of Las
6 Vegas.

7 RICHARD CLARK: Dick Clark, P.O.S.T.

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

10 MICHAEL SHERLOCK: Mike Sherlock, P.O.S.T.

11 SCOTT JOHNSTON: Scott Johnston, P.O.S.T.

12 ELAINE MOORE-CERDA: Elaine Moore-Cerda,
13 P.O.S.T.

14 RONALD PIERINI: This workshop that we're
15 doing today is something that we would like to have
16 feedback from the public of dealing with this issue
17 that we're trying to change on the NAC, and I would
18 like to have Mike Jensen to go over an overview of
19 what a workshop really is and why we're doing this
20 today.

21 MICHAEL JENSEN: Thank you, Mr. Chairman.
22 At our meeting in Ely I gave you the long version.
23 Today I'll give you the short version, if you're
24 okay with that, of what we're doing here today.

25 Under the Commission's statute, you have

1 the authority to adopt regulations setting standards
2 for peace officers in the State of Nevada, and any
3 time that you engage in adopting, amending, or
4 repealing Commission regulations, you're required to
5 follow the procedure set out in the Administrative
6 Procedure Act, which is found in NRS 233B. As part
7 of that procedure, there are two hearings that have
8 to be held at which the public has an opportunity
9 and other stakeholders and people that have interest
10 in the subject matter have an opportunity to be here
11 and to provide comment. The first is a workshop,
12 then the second is a public comment hearing and, of
13 course, today is a workshop.

14 The purpose of the workshop is to give,
15 again, people an opportunity to come forward and for
16 the Commission to have an opportunity to discuss
17 general topics related to their regulations that may
18 or may not need to be amended. And I believe Scott
19 is going to talk a little bit more about the history
20 on this specific workshop.

21 RONALD PIERINI: Thank you, Mike. I
22 appreciate that. For the record, a couple of other
23 things that I should've mentioned that is today is
24 August 28th, 2013. It's about 3:30 in the
25 afternoon. Our location is at the Palace Station

1 Hotel and Casino and -- on Sahara Avenue here in Las
2 Vegas. Also make note, please, that Tony DeMeo is
3 absent along with James Cox, and Jim Wright is our
4 -- our new Commissioner. We welcome you here.

5 JIM WRIGHT: Thank you.

6 RONALD PIERINI: We're glad you're here.

7 Today what our topic is and we're dealing
8 with NAC 289.230, and the topic is of the Commission
9 to consider amending that NAC 289.230, which
10 establishes requirements for mandatory annual
11 continuing education to include proposed changes to
12 the annual 24 hour continuing education training
13 requirement. Regulation changes are to be
14 considered in order to provide agencies more
15 flexibility in meeting individual training needs and
16 increasing overall professionalism.

17 And, Scott, if you could give a little bit
18 of history about that, I'd appreciate it.

19 SCOTT JOHNSTON: Thank you, Mr. Chairman.
20 Scott Johnston for the record. As the Commission
21 may recall back in May of this year we held a
22 workshop and that was the first stage in the
23 workshop discussion on visiting this NAC requirement
24 and taking input and discussions regarding which way
25 they wanted to try and go with this, whether it was

1 strictly compliance with regulation by demonstrating
2 proficiency or hours or the combination thereof and
3 how that might be restructured.

4 At the July meeting in -- of this year in
5 Ely, staff brought forth some -- several examples to
6 present for discussion amongst the Commissioners,
7 and from that it actually sparked some good
8 discussion that we took some of those
9 recommendations and took them back at the conclusion
10 of that meeting and we're here today to have a third
11 workshop and we have some more revisions to what we
12 had been discussing to incorporate, what seems to be
13 the Commission's desire.

14 And so that's what this workshop here is
15 -- where we're at at this point is the third
16 workshop, third revision, and I would like to turn
17 this over to Mike Sherlock to go into some more
18 details regarding our new information.

19 MICHAEL SHERLOCK: Thank you. And just to
20 remind the Commission and for those who have not
21 been at the previous workshops, under the current
22 NAC 289.230 the regulation states, to maintain a
23 basic certificate, the officer must annually
24 complete 24 hours of additional training. The
25 regulation goes on to change that to continuing

1 education, and then mentions minimum levels of
2 proficiency, and the proficiency levels counted
3 towards the 24 hours. We're having some issues with
4 interpretation by agencies on how to comply, you
5 know, given the difference between demonstrating
6 proficiency, whether it's training or whether it's
7 education, which really got us to the point of the
8 previous two workshops and trying to clean up that
9 language and give agencies a better opportunity to
10 understand what compliance is to maintain a basic
11 certificate from P.O.S.T.

12 As we said, there were two previous
13 workshops. Again, we were looking to create
14 consistency for agencies and their ability to comply
15 with the regulation. Based on those workshops and
16 direction and from the Commission, the staff --
17 P.O.S.T. staff attempted to incorporate both the
18 need to emphasize that this particular regulation
19 deals with maintaining a basic certificate while at
20 the same time mandating at least a minimum number of
21 training hours to maintain that basic certificate.

22 Again, at the July meeting, P.O.S.T.
23 Commission directed staff to enter the rule making
24 process and bring proposed language. If you look in
25 item -- agenda item number 1 is the proposed

1 language. The changes are in bold and, basically,
2 if you look at the regulation, what we've done there
3 is separated the requirement from -- for proficiency
4 from hourly total to clear up that confusion between
5 proficiency and actual training. And so those
6 critical perishable skills are still there to
7 maintain the basic certificate. Peace Officers
8 would have to demonstrate proficiency yearly on
9 those perishable skills, critical skills, twice
10 yearly again for firearms.

11 And then, in addition to that, complete 12
12 hours of training yearly to maintain their basic.
13 We did include kind of a laundry list of areas of
14 training just, if nothing else, to reinforce the
15 idea that the base -- that this regulation deals
16 with maintaining the basic certificate, and so you
17 can see that in there. Things like legal issues,
18 CPR, blood-borne pathogens, CPR, sexual harassment
19 training, those type of trainings, but again, also
20 leaving it open so agencies can train to their
21 specific needs where -- whether it's policy driven
22 type training or driving, whatever that agency felt
23 was, you know, a need of that particular agency,
24 would remain in the language for this regulation.

25 These changes, again, allow agencies to

1 direct their training at their individual needs.
2 But also provides direction, so those who read the
3 regulations understand that it's about the basic
4 certificate and gets away from some of the confusion
5 over the intermediate and advanced requirements and
6 that kind of thing.

7 I think that's about it.

8 RONALD PIERINI: It is, and I, you know, I
9 think an easiest way to maybe to summarize what he
10 had to say was the 12 hour -- we used to have 24
11 hours and a lot of people wanted it to demonstrate
12 proficiency would absorb most of those 24 hours just
13 in that and not looking at other educational
14 programs that we would like to see done and to be
15 able to give law enforcement officers the
16 opportunity to have training in their organization
17 or outside that organization.

18 One thing that you've got to remember too
19 is that it's up to the CEO of that agency to make up
20 their thoughts on what kind of training they want to
21 give to their employees. It's not what we're
22 suggesting only in here, Mike. Is that we're
23 suggesting these are typical topics that you may
24 want to pick from. On the other hand is, your
25 agency may want to say we're weak in this area

1 that's not listed here, that's fine, and you can
2 have those 12 hours included into that -- part of
3 that or all of it to make your 24 hours. What we
4 didn't want to do is to see, again, that would be a
5 little redundant is to have all the 24 hours dealing
6 with demonstrating proficiency only without
7 education and training.

8 So it really is going to be easier for CEO
9 of agencies in a lot of respect to say that, you
10 know, somebody comes in and has to do some training
11 on those proficiency aspects and absorb all that
12 time and I've got to pay all that overtime, it's
13 going to be more economical for agencies to say,
14 you're done with it, you fired your weapon, you're
15 done, you're out of there in 15 minutes, whatever it
16 could be, and you walk away and you don't have to
17 pay overtime, where a lot of them just stay there
18 for a long period of time and get their 24 hours. I
19 hope that makes sense.

20 So I think that's what we've done. I hope
21 I'm correct on what my thoughts are, and I think
22 it's pretty easy on us.

23 However, on the other side of it is, I'd
24 like to first start off with the Commissioners and
25 see if there's anyone here who would like to make

1 comment on the suggested wording here or that's what
2 a workshop is to say, no, this isn't what we want,
3 we want to move onto a different level. So is there
4 somebody here, as a Commissioner, who would like to
5 make any comment on that particular topic?

6 Okay. Seeing none, I'm reaching out to
7 the public in the audience here. If there's
8 somebody from any agency in the State of Nevada who
9 would like to come up or in the public in general
10 would like to make comments on this particular
11 topic? Thank you, Sheriff.

12 JIM PITTS: Jim Pitts, for the record,
13 Elko County Sheriff. I've reviewed this. I like
14 this change you guys are doing. Like Sheriff
15 Pierini said, it gives us back to the department the
16 latitude to train where we need to be -- where we
17 think we're weak at, where training not necessarily
18 for Las Vegas won't work for Elko. I mean, we won't
19 -- work, like I say, the standards, but we need to
20 do some extra on the stuff we need up in Elko. So I
21 really am for this.

22 It also, like I say, gives us -- I mean,
23 I've attended classes before I was Sheriff where we
24 stood around well, you know, took coffee breaks
25 every 10 minutes just so we can get our eight hours

1 in that subject, so I think this will make it
2 better. We can, you know, get in, get our training
3 done. We've gone to where we have our team
4 training, so we pick a day, and now I'm not like the
5 bigger departments, have 30 - 40, I have 10 in my
6 class. Now, I can do that, my DT instructor can
7 take it and we can do that 10 guys in four hours
8 maybe, and so we can get it done faster and not, for
9 lack of a better word, kill four hours just so we
10 can say we have eight hours.

11 So I am for this. I think it's a good
12 move by this board.

13 RONALD PIERINI: Thank you very much,
14 Sheriff. Appreciate that. Sheriff?

15 RICHARD MACHADO: Good afternoon. For the
16 record, Richard Machado, Pershing County sheriff. I
17 also am in favor of what is projected to be 12 hours
18 of continuing education and 12 hours for the
19 recertification or keep the certification of basic
20 P.O.S.T. I think what we're doing here allows us,
21 as sheriffs, to regulate the training a little
22 better, be better able to financially budget for
23 this. I have a small department, I have 12 people,
24 and to budget training is difficult, especially
25 after you have to have everyone attend. I have gone

1 about getting my own instructors, and I have
2 instructors in most of the topics that you're
3 talking about, which is beneficial to me. But what
4 you're proposing budgetarily for me, and given the
5 flexibility that this provides me as a Sheriff, is
6 very, very beneficial. I just wanted to make that.

7 RICHARD PIERINI: Thank you very much.
8 Appreciate it. Reaching out to the public, is there
9 anybody else that would like to make a comment?
10 Okay. Public comment is then closed. I'd like to,
11 again, to ask any of the Commissioners if they'd
12 like to make any comments.

13 Seeing none, at this point the workshop is
14 now closed. Tomorrow morning or tomorrow afternoon
15 at 5:30, if I'm correct, the same location, same
16 station right here, we will have a regular P.O.S.T.
17 Commission meeting and this will be included at that
18 point.

19 Meeting adjourned.

20

21 (MEETING ADJOURNED AT 3:50 p.m.)

22

23

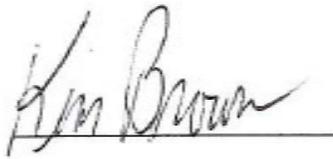
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I certify that the foregoing is a true and accurate transcript of the electronic audio recording from the meeting in the above-entitled matter.



KIM BROWN

11/18/13

DATE

COURT REPORTING SERVICES