

PEACE OFFICERS' STANDARDS AND TRAINING

PUBLIC MEETING

May 5, 2016

8:00 a.m.

The Commission On Peace Officer Standards and Training
Classroom 2
5587 Wa Pai Shone Avenue
Carson City, Nevada

MEMBERS PRESENT:

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

Michele Freeman, Chief
City of LV Department of Public
Safety

Kevin McKinney, Undersheriff
Elko County Sheriff's Office

James Ketsaa, Chief
Clark County School District Police
Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Troy Tanner, Police Chief
Mesquite Police Department

Dan Watts, Sheriff
White Pine County Sheriff's Office

James M. Wright, Director
Department of Public Safety

STAFF PRESENT:

Michael Sherlock, Executive Director,
Commission on Peace Officer
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 Officer
Standards and Training

1 RONALD PIERINI: I'm going to start our
2 meeting today. It's on Thursday, May 5, 2016. Time
3 is right now about 8:03 and we're located at the
4 POST meeting classroom in Carson City.

5 What we'd like to do now is to go over a
6 couple of things. If you haven't signed your name
7 up at the back over here and you're going to be
8 making any comments whatever, we especially need
9 your name here. And if you haven't done that, we'd
10 appreciate that.

11 The other thing is that remind the public
12 that you come up front here, give your name and what
13 agency that you're employed with. We want also to
14 make sure that all the phones are not turned on and
15 if there's anything that we have to disrupt our
16 meeting we'd appreciate you not doing that.

17 As far as the Commissioners, we want you
18 to make sure that -- that when you make a motion,
19 for example, you give your name and then -- so that
20 it's on record exactly who was doing that. And that
21 probably as Commissioners you should not be talking
22 to your Commissioner next to you in case it gets on
23 the recording.

24 So with all that in mind, we'd like to go
25 through, first of all, we're going to do a notice of

1 public meeting in reference to Senate Bill 147.
2 That's going to be the first thing that we're going
3 to be doing right now. But for right now, we should
4 start off with a role call. And we'll start with
5 Dan Watts.

6 DAN WATTS: Dan Watts, White Pine County.

7 KEVIN MCKINNEY: Kevin McKinney, Elko
8 County.

9 JAMES WRIGHT: Jim Wright, DPS.

10 JAMES KETSAA: Jim Ketsaa, Clark County
11 School District.

12 TROY TANNER: Troy Tanner, Mesquite PD.

13 RON PIERINI: Ron Pierini, Douglas County
14 Sheriff.

15 MICHAEL JENSEN: Mike Jensen, Attorney
16 General's Office.

17 RUSSELL PEDERSEN: Russ Pedersen, Washoe
18 County Sheriff's Office.

19 MICHELE FREEMAN: Michele Freeman, City of
20 Las Vegas, Department of Public Safety.

21 MICHAEL SHERLOCK: Mike Sherlock from
22 POST.

23 SCOTT JOHNSTON: Scott Johnston from POST.

24 RON PIERINI: Thank you. For the record,
25 please, Gary Schofield is absent today. Also if we

1 could, Scott, if you could go over and -- go ahead
2 and outline exactly where all this information was
3 given to different locations in the State of Nevada.

4 SCOTT JOHNSTON: Sure. Scott Johnston for
5 the record. The postings for the meetings that
6 we're holding today were posted at the following
7 locations. In Carson City, at the Blasdel Building
8 at 209 East Musser Street, Nevada State Library at
9 100 Stewart Street, Capitol Building at 101 North
10 Carson Street, Nevada POST at 5587 Wa Pai Shone
11 Avenue and at Carson City Sheriff's Office on
12 Musser. In Las Vegas, Grant Sawyer Building at 555
13 Washington Avenue, in Ely at White Pine County
14 Sheriff's Office at 1785 Great Basin Boulevard, and
15 at the libraries, at all 17 main branches of the
16 libraries throughout the state. They were noticed
17 and received confirmations back that it had been
18 posted within the time restriction. E-mailed to all
19 the agency point of contacts for law enforcement
20 agencies in Nevada. Web postings were at POST
21 website at post.state.gov, at state noticed website
22 at notice.nv.gov and at the legislative website at
23 led.state.nv.us.

24 RON PIERINI: Thank you, Scott, appreciate
25 that. Okay, again, we're going to be talking about

1 Senate Bill 147 if I recall right. In Las Vegas at
2 our last meeting we had talked about that. And
3 after the workshop (inaudible) and now we're going
4 to, again, present this information and see whether
5 or not we're going to go forward with it. So,
6 Scott, if you could go over that whole program and
7 what exactly why we're doing it and the issues of
8 that.

9 SCOTT JOHNSTON: Yes, I would be happy to.
10 Scott Johnston for the record. Senate Bill 147 was
11 regarding the minimum standards for training in
12 effective response to incidents involving dogs or
13 where dogs are present. And this bill mandated that
14 the Commission on Peace Officer Standards and
15 Training develop regulation and set those standards
16 and the training requirements for them. Back at the
17 November meeting, November 3rd, that we had a little
18 workshop and language was created and we now have
19 that language from the LCB draft writers.

20 Today is the time for public comment.
21 This is the public comment period. So at this time,
22 Mr. Chairman, we can solicit to see if there's any
23 public that has any comments for this.

24 RON PIERINI: Okay, Scott. Thank you very
25 much. All right, if anybody in the audience would

1 like to come up and talk about this topic. Seeing
2 none, I ask from the Commissioners does anybody here
3 like to make any comments in reference to this? All
4 right, seeing none, I'm going to go ahead and go to
5 the actual meeting, if we could.

6 And we'll go on Number 2 as a regularly
7 scheduled meeting agenda item. And the information
8 right now -- what we're going to do is we were going
9 to recognize a couple people, but -- were
10 commissioners here, but unfortunately, they --
11 they're not here so we could give them some kind of
12 recognize award for all their appreciation. And
13 that was Anthony DeMeo and Claire Morris. Both of
14 those are absent so we don't -- we'll probably
15 sending them a thank you for doing the hard work as
16 they did do for us for the Commissioners.

17 Now we have three new ones. And we're
18 pretty excited about that. We've got James from
19 Clark County School District and then we also have
20 Michele at Las Vegas Detention and Enforcement and
21 then we also have Kevin who is the undersheriff or
22 at least interim for Elko County Sheriff's Office.

23 So I'd like to start off with James. And
24 if you could tell a little bit of history of
25 yourself. And -- it doesn't have to be an hour or

1 anything. Just a couple sentences. Very brief.

2 JAMES KETSAA: In my 26th year with the
3 Clark County School District Police Department. I
4 started as a canvas officer and worked my way up
5 through the ranks to be the Chief. Prior to that, I
6 had about 10 years of public safety experience in
7 the fire service and police in New York State.
8 Executive Certificate. All kinds of training,
9 education and all that stuff. Don't want to bore
10 you with that. But it's a pleasure and an honor and
11 I appreciate the opportunity and the appointment and
12 look forward to working hard to make Nevada POST a
13 better organization.

14 RON PIERINI: Great. Thank you.

15 JAMES KETSAA: You're welcome.

16 RON PIERINI: And also, now we have is
17 Michele

18 MICHELE FREEMAN: Thank you. So I started
19 out in 1992. So I'm on -- I just finished my 24th -
20 - on my 24th, going into my 25th year with the same
21 agency. I worked my -- well, from corrections
22 officer all the way to the Chief. And that's where
23 I am right now. And I was part of the special
24 emergency response team at one point. So I was able
25 to have that in my little packet as well. I was

1 fortunate enough to be able to go to school of
2 police, staff and commands in Northwestern.
3 Graduated at -- in the 206th Academy. And I was
4 also fortunate enough to go to the FBI National
5 Academy and was graduated in 249. So those are two
6 great things that I'm proud about. And then I have
7 a lot of other education as well. So.

8 RON PIERINI: Good.

9 MICHELE FREEMAN: Thanks.

10 RON PIERINI: All right. Welcome again.
11 All right, and Kevin.

12 KEVIN MCKINNEY: Let's see I started at
13 the Elko County Sheriff's Office in 1999, so I've
14 been there 17 years. Part of that I worked 12 years
15 up in Idaho. I -- my experience has run the gamut,
16 done a little bit of everything. I'm currently the
17 interim Undersheriff. Claire retired in April, so I
18 took his place both there and here, I guess. So I -
19 - I attended the (inaudible) I graduated 261 just
20 last year, so I'm just happy to be helpful.
21 Hopefully will.

22 RON PIERINI: Thanks, Kevin.

23 KEVIN MCKINNEY: Help you guys out.

24 RON PIERINI: Thank you. As you probably
25 well know for anybody in the audience who was kind

1 of wondering usually what happens is the Sheriffs'
2 and Chiefs' Association recommends an individual to
3 give that information to the Governor to ask them --
4 him or his people to go ahead and to give them the
5 authority to actually be a Commissioner. So you
6 know, we look at all these good people. We always
7 have people that want to run for that and we
8 appreciate your standing up and saying they want to
9 be part of it. So, we're going to -- we're good.
10 So I appreciate that.

11 All right, we're going to go onto Number 2
12 and that's discussion and public comment, and also
13 for possible action. And that's approval of the
14 minutes of the November 3rd, 2015, regularly
15 scheduled POST Commission Meeting. So has everybody
16 had the time to look at that and review that? Does
17 anybody find anything that's not correct? Do we
18 have anybody in the audience would like to -- that
19 saw that maybe by chance or would like to change
20 that. All right. Seeing none, I need a motion.

21 TROY TANNER: Troy Tanner. I make a
22 motion to approve.

23 RON PIERINI: Do we have a second?

24 DAN WATTS: Dan Watts. Second.

25 RON PIERINI: Thank you, Dan. Any other

1 discussion? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried. All right, now we're going to go to Mr.
5 Sherlock and that is dealing with information for
6 the Director.

7 MICHAEL SHERLOCK: Okay, Mike Sherlock for
8 the record. I'll try to be short. I just want to
9 give a quick update to the Commission on my trip to
10 Washington, DC. It was -- went to a meeting
11 specifically related to the implementation, if you
12 can believe that, of the recommendations in the
13 President's Task Force on policing in the 21st
14 century. The meeting specifically addressed some of
15 those recommendations and then some of the
16 philosophy of that -- that particular document.
17 Frankly, from our perspective, there's been pressure
18 from the federal government through POST entities on
19 ensuring some of those recommendations are
20 implemented.

21 You know, notwithstanding the political
22 tone of that document, there were a few things that
23 were actually relevant to policing and -- and
24 standards of training for us. Some of those were,
25 one, increase decision-based learning at the basic

1 training level. Just so everybody knows, as far as
2 our Academy is concerned, way before this document
3 came out we've added 40 hours of decision-based
4 reality learning to our -- to our Basic Academy
5 anyway.

6 Blue Courage is a big national push,
7 obviously. Many of you know Blue Courage. For
8 those that don't, it's a program related to moving
9 the peace officer mentality from one of a warrior to
10 a guardian. We did, prior to this, send one of our
11 training officers to the train the trainer program
12 for that. And we've been integrating some of those
13 concepts into our Academy and -- and look to
14 schedule some of that training outright.

15 One thing that came up quite often is
16 tightening course and officer certification and
17 revocation statutes. Obviously, we're -- we're
18 limited there. We already have regulations in that
19 area, but I can tell you one thing we are looking at
20 is -- it's called the National Certification
21 Program. Most states have -- have joined that. We
22 have to the extent that our regulations allow. And
23 we'll continue to look at that.

24 One of the big issues that came up and was
25 talked about that nationally field training officers

1 are complaining about new officers unable to make
2 decisions in the field in given situations
3 particular under stress. Obviously, that raises
4 some concerns with some of the civil disturbances
5 and that kind of thing going on right now. You
6 know, my input on that is I think it's a direct
7 result of moving away from stress, we're disciplined
8 academies. These recruits have never had to make a
9 decision under stress and unfortunately they're
10 finding that out in the field where they go. So but
11 that was my input for that particular issue for --
12 for that meeting.

13 RON PIERINI: Mike, can I interrupt you
14 for a second.

15 MICHAEL SHERLOCK: Sure.

16 RON PIERINI: Is this more of a trying to
17 get into a military type of academy?

18 MICHAEL SHERLOCK: You know, I don't know.
19 You get a lot of backlash if you say military. You
20 know, there's -- you know, there's different
21 philosophies on that. For me, it's just discipline
22 and measuring whether -- and you don't have to
23 punish them. Frankly, we don't punish them with
24 physical, you know, drop and give me 20 pushups.
25 But -- but it's also you have to have that

1 discipline and you have to rate their ability to
2 make a decision while under stress. You -- from an
3 Academy standpoint, we don't want the first time an
4 officer has to make a decision of importance be that
5 a time where they're, you know, on the skirmish line
6 and a civil disobedience situation with, you know,
7 someone yelling in their face and they've never made
8 a decision at that point. And I think that's what
9 we're finding nationally. And there's different
10 philosophies on how you deal with that, but that's
11 where we're at on that.

12 And we've tried to make some improvements
13 in our Academy in simulating stress and -- and
14 determining whether they can make decisions under
15 stress (inaudible). I can tell you that I was able
16 to provide some information to the federal
17 government that will hopefully, at least from my
18 perspective, at least from POST, preempt any undue
19 scrutiny from the fed as far as our training and
20 that kind of thing goes. So it was positive from
21 that standpoint.

22 And again, you know, it's one of those
23 things that we're in election year. A lot depends
24 on what happens in November. The intent I think
25 right now from the White House is to tie

1 implementation to money. But and they don't -- they
2 made no bones about that. I mean, that's what
3 they're saying. So. Although they do admit that if
4 there's a change in November, then this document is
5 not going to have any effect. So we'll see what
6 happens with that.

7 And that was my trip. And I'd be happy to
8 answer any questions after the meeting or during the
9 meeting if you like on -- on -- on that particular
10 trip to Washington.

11 We do have an Academy graduation coming up
12 next week, May 12. I know we have confirmation that
13 Sheriff Pierini, Chief Pedersen and someone --
14 another Commissioner, Director Wright are going to
15 be there. If you are going to -- other than that,
16 if you are going to attend, please let me know today
17 so we can make arrangements for your seating at the
18 graduation.

19 One other thing I want to -- to bring up.
20 This fiscal year POST received a grant to purchase
21 and update our physical training room. With that
22 money, we were able to purchase new mats for our --
23 our defensive tactics area over at the main gym. As
24 such, we have decided to dedicate that new mat area
25 to three former defensive tactics arrest control

1 instructors who all three have passed away recently.
2 These three provided training not only here at POST,
3 but throughout the state. Many of you will know the
4 names as I bring them up. But the three who will be
5 honored with a plaque in our training area are
6 Michael Biaggini who was with Douglas County
7 Sheriff's Department from 1981 until 2010 and has an
8 -- had an Executive Certificate. Charles Michael
9 who is with Sparks PD from 1982 to 2002. And John
10 Hamilton who was with the Elko Police Department
11 from 1991 until 2014. So that's over in our main
12 gym. If anyone cares to take a look at the plaque
13 that we're going to put up, I have it here and see
14 me after the meeting. I know many of you did know
15 them.

16 With that, I think that's it for me. If
17 the Commission has any questions on what's been
18 going on at POST or anything like that, I'd be happy
19 to answer them.

20 RON PIERINI: Thank you, Mike. Anyone
21 have questions?

22 TROY TANNER: Yeah, Troy Tanner for the
23 record. Yeah, I just want to -- I talked to Mike a
24 couple times the last few weeks over the last month.
25 A lot of new Commissioners on the board and so I was

1 asking him, he got put in -- into the, I guess,
2 midsummer last year as our new Director. So maybe
3 you can give an update of what you've changed, what
4 you've done different, what's your -- just a -- just
5 a quick synopsis, a brief of what you're looking at
6 in the future.

7 MICHAEL SHERLOCK: Sure. Mike Sherlock
8 for the record. I kind of knew you were going to
9 ask that. And I promise to be short, but it's going
10 to be tough. In the last nine months we have made
11 some changes here at POST. I think we have made
12 some progress in the direction I want to go. You
13 know, as I know, I'm sure you all know, we are
14 always limited by our revenue stream, our budget,
15 some of the bureaucracies working with the state.
16 But, you know, I have to thank my staff because we
17 have definitely made some advances and some positive
18 changes, at least from my perspective.

19 From an administrative perspective, we
20 consolidated our operations. We used to have three
21 operational divisions. We now have two. Clearly,
22 the 15 or 16 employments -- employees. In my mind,
23 we really needed to pool our resources. We just
24 don't have enough bodies here. So we have -- now
25 have two operational divisions; Training and

1 Standards. We were able to convert an
2 administrative position to a training specialist
3 position. This will help us to provide, you know,
4 more training, increase our curriculum library,
5 really increase our effectiveness in our Basic
6 Training Academy and basic training regulations.

7 One of the complaints that we often get is
8 it's not unusual to get a different answer on a
9 question when asking different staff members when
10 they call in. We are working on this. You know,
11 and hopefully we've gotten better. We are in the
12 process right now of creating an administrative
13 manual. It will be available both internally and
14 externally. What that manual will do is provide an
15 overview of those things that POST is tasked with
16 doing. But more importantly, how POST handles those
17 tasks and how we interpret the regulations and the
18 compliance of those regulations which, hopefully,
19 will prevent that, you know, subjective answer that
20 sometimes you get when you call in. We'll see. And
21 we're getting there on that. We're getting close on
22 the PAM manual is what we call it. Again, I think
23 we've made some good progress in that area and we'll
24 get there.

25 Last thing from an administrative

1 standpoint, I think we've made some headway in terms
2 of getting the State to recognize our budget issues
3 and what can be done to improve that budget stream,
4 revenue stream. We'll see how that comes out, but I
5 really want to thank the Commissioners, first of
6 all, for -- for getting us in front of those that
7 care in terms of our budget.

8 Over in the Training Division,
9 specifically with the Academy, our Basic Training
10 Academy, we talked about this a little bit. We're
11 trying to make a philosophy change. We're
12 increasing the discipline, increasing the stress,
13 more practice in decision-making through reality-
14 based training and scenario training.

15 One thing that we did change is training
16 officers are no longer allowed to teach any academic
17 subject. Now that goes back to my experience
18 running academies, but the training officer's job is
19 to ensure that the Academy is running properly,
20 there's discipline, the instructors are doing a good
21 job. They do teach things like practical stuff.
22 You know, car stops, defensive tactics, out in the
23 field type things, scenarios. But that was a big
24 change for us because we've relied so heavily --
25 heavily on the training officers to teach academic

1 subjects. And it is very difficult to maintain a
2 disciplined Academy where you're also the teacher in
3 an academic subject because you want the classroom
4 relaxed. And when you're the one putting on the,
5 you know, stress or the discipline, it's tough to do
6 that when you also teach, so. That's one of the
7 bigger changes.

8 The other thing is we've reached out to
9 the agencies that we service and asked for them to
10 provide their experts to teach. And -- and I think
11 we've done a good job of that. Most agencies now
12 are sending us instructors. They have their input.
13 It's their recruits coming out of the Academy. Now
14 they have some input in our Academy and their own
15 people teaching the Academy. So that's one of the
16 things that we've changed so far.

17 One thing we're doing, you know, it's been
18 one Academy I've had, one and a half, since I was
19 appointed. One thing that glared at us right away
20 is our -- our communication with the agencies we
21 serve. And so, with the new application to get into
22 our Academy, we're including an area where they
23 provide a contact at the agency that's the
24 supervisor of that cadet and we're going to make an
25 effort to regularly communicate with the agency on

1 the progress of their particular cadet. And that's
2 one of the most recent changes.

3 The rules of conduct in our procedure
4 within the Academy has been updated. We're going to
5 tweak that a little more. Obviously, we're going to
6 make that public to the people that -- that attend
7 our academies so they're not surprised when they --
8 when they get there.

9 You know, ethically, we demand discipline
10 in our Academy. You know, I don't want to say
11 stress. Everybody gets nervous when we say stress,
12 but at least discipline in our Academy and we want
13 to increase that discipline. Again, the ability to
14 make a good decision under stress is a minimum of
15 which we should measure our cadets. And, you know,
16 I get a little nervous when the perception is the
17 Academy is, you know, you simply get a participation
18 trophy and you get to show up at the Academy and
19 graduate. It's just unethical to do that. So we're
20 going to have standards and were going to make sure
21 that the cadets meet those standards. I think in
22 the long run I think it's best for those agencies
23 that serve.

24 Finally, in terms of the Academy, we added
25 about 46 hours to our Academy. I think we're at

1 646, something like that in our Academy. And our
2 latest budget proposal, we're looking to at least go
3 to 17 weeks, which would add another 40 hours. Not
4 just to add hours, but there are specific subjects
5 and reasons that we need another 40 hours for that
6 Academy. I know that puts a strain on agencies
7 sometimes, but again, we have an ethical duty to
8 produce the best cadet we can out there.

9 Basic training statewide. We've
10 essentially completed an update on -- on Cat I
11 performance objectives for the Academies. We are
12 working on lesson plans for each NAC subject that is
13 required of all Academies. We hope to have that
14 done very soon. It will be mandatory for all
15 Academies, those lesson plans. The reason we're
16 doing that, and don't get me wrong, every agency is
17 helping us on these across the state, but we used to
18 get questions on the state cert test. We don't know
19 the answer to this particular performance objective.
20 The way you do that is you provide lesson plans for
21 those. So, obviously, agencies can add their own
22 specific take on those lesson plans. They can add
23 to them. They just can't subtract from them. And
24 we're getting close on that. I know most of the
25 academies across the state are pretty excited about

1 that. And we're very close.

2 Let's see, additionally, we're making
3 performance objectives and required subjects in the
4 NAC consistent. I'll be coming back to the
5 Commission to try to adjust our NAC requirements.
6 In terms of titles of those required subjects, they
7 are not consistent right now across the categories.
8 We are working on that. We're very close on that
9 also. So what you'll have is Cat I will cover all
10 subjects and all performance objectives and then you
11 go down from there. Cat II may cover all subjects,
12 but not all performance objectives. Cat III, again,
13 same thing all the way down to reserve for that
14 matter.

15 The Reserve Academy. We had a request to
16 create an easier method. I say easier, less
17 expensive, less burdensome method for agencies to
18 have reserves and create a reserve program. We are
19 creating one right now. It will be a partial online
20 Reserve Academy. Currently, our concept is it would
21 include all academic subjects online. Agencies
22 would take care of critical skills, firearms, DTs,
23 that kind of thing. And then they would come to
24 POST for one weekend in a mini-Academy, do scenario
25 training, and take the Reserve State Cert test at no

1 cost to agencies. And we're getting close on that.
2 I, you know, we were hoping to get it done by July.
3 I think I'm a little bit overly optimistic on that,
4 but we are working on that and -- and we do have
5 pressure to do that from the rurals, by the way. So
6 we're close on that.

7 In terms of advanced rating. Again, we
8 were able to send one officer to Blue Courage
9 training. Budgeting is always an issue for us. We
10 had to get creative. Tim Bunting, my Deputy
11 Director, was able to get creative with the budget
12 and get that done. We hope to soon -- or very soon
13 offer a limited number of Blue Courage 16-hour
14 courses at no cost. That is expensive for us, but
15 we're looking at, hopefully, being able to do that
16 and move some money around and buy the books and
17 that kind of thing.

18 We have offered an increase in management
19 level type training recently. We want to continue
20 that. We want to expand that. We've been reaching
21 out to different executive-type trainers to -- to
22 provide that. And again, we always strive to do it
23 at no cost to the agencies.

24 Over at the Standards Division, course
25 certification, we continue to look at ways to

1 improve our staff time on these issues and find an
2 equitable procedure. Our constant complaint is
3 going to good training that doesn't count to your
4 POST Certificate or your ability to get your
5 Intermediate or Advanced. Based on, you know, what
6 the national climate is and the national
7 certification project that is ongoing. I think we
8 may come back to the Commission and change how we
9 deal with out-of-state vendors of training here in
10 Nevada. At this point, my preference would be to
11 force them into the NCP. Their standards exceed
12 ours anyway. We spent a lot of staff time on out-
13 of-state vendors wanting their courses certified,
14 and then we find no Nevada officers go to those
15 courses. So it would help us deal with that.

16 It would also alleviate some of the issues
17 -- I know Chief Pedersen brought this up with things
18 like FBI, NA or Northwestern, how we get credit.
19 They, from what I understand, both of those vendors
20 or those providers have embraced the National
21 Certification Project, so it would be an easy way
22 for us to accept that training and have that part of
23 your record or anybody's records. So that's what
24 we're looking at there. And we -- we do accept them
25 now. It's just a weird -- with our regulation, it's

1 a little tough. And that's the problem.

2 One of the areas that POST is mandated
3 under NRS is to audit academies annually.
4 Obviously, we're going to do that. It's a budgeting
5 problem again like everything else, but we got close
6 to that. I think we got almost every Academy in the
7 six months ending of last year and we'll continue to
8 do that. And I think that's a good thing for the
9 academies. It keeps them up-to-date and -- and it's
10 not such a burden -- burdensome thing when we show
11 up every three years as opposed to every one year.

12 One thing we're also tasked with is -- is
13 doing inspections to ensure compliance with the
14 regulations. And just have never done that. Other
15 than training. Well, if you think about it, your
16 agencies report training to us at the end of the
17 year. We audit that, essentially, every year
18 electronically. So we are going to start looking at
19 other areas of the regulations whether it's
20 backgrounds or, you know, polygraphs. These things
21 that we often see agencies don't understand and try
22 to help them out with that and ensure that they're
23 doing it.

24 Finally, the last thing I want to mention
25 real quick for Standards is we saw some issues with

1 the Executive Certificate. It's one of the few
2 areas left that still is somewhat subjective for
3 staff. So we're going to use a committee when those
4 applications come in. Instead of one person
5 arbitrarily deciding whether or not the regulation
6 was met, we'll sit down, discuss it and make a
7 decision from there for recommendation to you guys.

8 Finally, I just want to thank our staff,
9 POST staff. We have a lot of changes going on. I
10 have a lot of priorities. We have limited
11 personnel. In spite of that, I think we've done a
12 lot in the last nine months. And I think we're
13 going to continue to move forward. Try to improve
14 our internal operations and at the same time meet
15 our mission, which is to continually raise the
16 professionalism of policing in Nevada. I'll leave
17 it at that.

18 RON PIERINI: Any more questions?

19 DAN WATTS: Real quick. Dan Watts for the
20 record. Mike, I want to thank you and your staff
21 for the changes and everything you're putting into
22 it. Really appreciate it. Thank you.

23 MICHAEL SHERLOCK: Thank you. Thanks --
24 thanks for recognizing us.

25 RON PIERINI: Yeah, I say the same thing.

1 I've got to work with Mike quite a bit and pretty
2 impressed. You've done a great job.

3 MICHAEL SHERLOCK: Thank you.

4 RON PIERINI: And your staff, obviously.
5 All right, we're going to move onto Number 4 if we
6 could. And this is discussion, public comment, and
7 for possible action. This goes back to the
8 Commission discuss and to take possible action to
9 adopt a new regulation LCB File Number R065-15
10 regarding the minimum standards for training in
11 effective responses to incidents involving dogs or
12 where dogs are present. So, Scott, we probably
13 ought to go over that again, if we could please.

14 SCOTT JOHNSTON: Sure. Scott Johnston for
15 the record. Earlier this morning the Commission
16 heard at the public comment hearing, which was the
17 opportunity for the public to speak. And now this
18 is the time and the place to finalize discussions
19 and/or adopt or amend the proposed language.

20 This started last year with regulation
21 from SB 147. And the NRS required that the
22 Commission establish regulations setting minimum
23 standards for peace officers training -- or training
24 of peace officers who are required to be trained in
25 effective responses to incidents involving dogs or

1 where dogs are present.

2 Once this process started on -- on this,
3 the POST staff actually did some research and
4 implemented an online training program that
5 satisfied what the NRS requirement is and which
6 gives the agencies the discretion to determine who
7 must take that and who doesn't need to based on what
8 their duty assignments are, things like that.

9 At the November 3rd meeting, there was --
10 Commission meeting -- there was a workshop that was
11 held that discussed what some of the proposed
12 language is. And behind that tab on Agenda Item
13 Number 4, you have the draft -- or the sample
14 language that was written up by LCB with their
15 recommendation and the -- in order to comply with
16 the NRS.

17 And then, right now what you have before
18 you is, in Section 1 in all the italics language, it
19 makes reference to where that NRS is that requires
20 this. And then the three major areas that establish
21 the minimum standards as different shading between
22 aggressive and non-threatening dog behavior, non-
23 lethal methods of handling potentially dangerous
24 dogs and the role and capabilities of local animal
25 control agencies. So this is what this regulation

1 is -- pertains to, the content of it. So that it
2 has -- gives the Commission the authority under this
3 to set these standards as to who must have the
4 training and also to comply with Senate Bill 147.

5 RON PIERINI: Thank you, Scott. Mr.
6 Jensen. Okay. I just -- I have a simple question
7 is this particular thing that's been already passed
8 by legislature a lot of agencies obviously are doing
9 that. I know that we are as far as Douglas County.
10 And we're not using your system that we have here.
11 But on the other hand we have tapes and stuff and
12 information that we can buy at the national level, I
13 suppose, if you want to call it that. And that's
14 okay with you folks, right?

15 SCOTT JOHNSTON: Yes.

16 RON PIERINI: As long as those items are
17 picked out that we need to make sure that the
18 deputies or police officers understand that, then
19 we're okay. And we keep record of that to give you
20 that information that we actually train our people
21 in that? Or do we just do it ourselves?

22 SCOTT JOHNSTON: Well, you can do it
23 yourself and keep that documentation and I believe
24 the Director would agree that this training would
25 count towards the 12 hours of annual training

1 compliance that each officer is required to have.

2 So --

3 MICHAEL SHERLOCK: Mike Sherlock for the
4 record. I believe the way the NRS was -- was passed
5 and adopted it, it gives the agency head the
6 discretion of deciding who has to attend the
7 training. And then this particular regulation also
8 it directs POST Commission to create a regulation
9 that establishes what that training is and what that
10 training has to contain. And that's what this is.
11 So whatever your training, whether it's our online
12 or your own training or you go somewhere else, as
13 long as it -- it complies with the mandate in that -
14 - in this regulation if it's about that -- per the
15 NRS, you're okay if you keep records there, it would
16 be used for towards the 12-hour compliance.

17 RON PIERINI: And it's not an annual
18 thing, is it? Or is it?

19 MICHAEL SHERLOCK: It's not annually as I
20 recall.

21 SCOTT JOHNSTON: No, it's not.

22 RON PIERINI: Okay. Just wanted to make
23 sure. Any other questions from the Commission?

24 KEVIN MCKINNEY: Yeah. Kevin McKinney.
25 Eventually, will this go into the Basic Training

1 Academy?

2 MICHAEL SHERLOCK: You know, we have a lot
3 of pressure -- Mike Sherlock for the record.
4 There's always pressure to add stuff to the Academy.
5 The availability of it being online, we will -- we
6 will never -- we will likely never put this in the
7 Academy. It's already online. Our time is limited
8 in the Basic Academy. The regulation -- actually,
9 the NRS decides -- says the -- the agency head
10 decides who needs that training. You know, for us,
11 I'd -- I'd be reluctant to -- to add it to the
12 Academy and definitely reluctant to make it
13 mandatory in the Academy at this point because it is
14 covered online very simply.

15 RON PIERINI: Anyone? Yes, Jim.

16 JAMES KETSAA: Jim Ketsaa for the record.
17 On minimum -- minimum standards on Number 3 the role
18 and capabilities of local animal control. So in
19 Clark County, let's just say, or Washoe County with
20 all the different agencies you have to get something
21 from each one of those agencies, correct, and what
22 their role and capabilities are or it's just the one
23 general animal control?

24 MICHAEL SHERLOCK: Yeah, I think in our
25 training online and, you know, I don't want to speak

1 -- I haven't looked at our training in a while, but
2 I think we use the National Humane Society standards
3 for what, you know, what the capabilities are of
4 animal control. And you're good there. I mean,
5 because I -- that's -- you know how that -- that is.
6 They comply with national standards in most cases.
7 Whether it's Clark County or Reno or what have you.

8 JAMES KETSAA: So you'd be good with just
9 one.

10 MICHAEL SHERLOCK: Yeah.

11 RON PIERINI: Anybody else have any
12 questions? Okay, reaching out to the public. Does
13 anybody out here in the audience would like to make
14 a comment on this particular topic? Yes, sir.

15 DANIEL THOMPSON: Yeah.

16 RON PIERINI: You have to come up here,
17 please. Say your name and your agency.

18 DANIEL THOMPSON: Absolutely. Daniel
19 Thompson, RP -- Reno Police Department. I just -- a
20 couple of questions to clarify in regards to the
21 training which has been ongoing since the
22 legislation came up. Sheriff brought up the point
23 that this is not an annual or is there like some
24 sort of that we have to pertain to in regards to
25 continued education for -- for compliance? And also

1 from a POST -- POST standpoint, does there now,
2 since there's a big push for having documented
3 lesson plans for the specific training in regards to
4 the police and canine interaction? And I'm just
5 looking for clarification so that we're on track. I
6 mean, we have -- we have a system already in place,
7 we have all the officers that have interactions in,
8 but we have -- trying to tie it down.

9 MICHAEL SHERLOCK: Mike Sherlock for the
10 record. I would say this, our -- our perspective on
11 this particular NRS in particular is that it puts
12 the onus on the agency --

13 DANIEL THOMPSON: Okay.

14 MICHAEL SHERLOCK: -- in terms of the
15 training. If this regulation is adopted, it does
16 have specifics in terms of what that training must
17 contain. And theoretically, we could inspect to
18 ensure that it meets the regulation which would be
19 within our authority, I think, but it really puts
20 the onus on the agency. From our perspective, as
21 long as you're training contains these particular
22 items, again, should this be adopted, you are in
23 compliance as far as we are concerned. What --
24 determining who has to have that training, again, I
25 think the NRS is pretty clear. That is on the

1 agency and not something POST would get -- would
2 debate or -- or inspect.

3 DANIEL THOMPSON: And then the --

4 MICHAEL SHERLOCK: Does that help?

5 DANIEL THOMPSON: It helps. And then
6 there's a question to the Commission. Don't you
7 think that there should be some sort of statement in
8 the regulations stating that it is annual, biannual
9 or some sort of time frame for the training either
10 in continuing education or is it a one time and then
11 the officer's good for a career? And that -- and
12 that -- and that goes -- I just wanted to make --
13 just get that clarified. Thank you. There's no
14 guidance.

15 RON PIERINI: It's somewhat similar to
16 that of (inaudible).

17 DANIEL THOMPSON: Yeah.

18 RON PIERINI: I mean, you know, it doesn't
19 say that we have to do it all the time. But it's up
20 to the administrator of each one of these agencies
21 to go and say yeah, we want to do it every other
22 year or we want to whatever. I think that's the
23 choice of law enforcement CEOs is that if this is
24 really important for them and they feel that, they
25 can do it every year or they can do it every month

1 if they wanted to. Or they could say it's a one-
2 time event and see you later. So I think it -- I
3 think I like the idea that we don't have such a
4 stringent line; this is what we have to do. It's
5 more should be given up to the -- to the CEOs of --
6 of law enforcement agencies to make those decisions.
7 Everybody's different. Everybody has their
8 different kinds of issues. So I kind of like that
9 idea.

10 DANIEL THOMPSON: And I --

11 MICHAEL SHERLOCK: If I --

12 DANIEL THOMPSON: And I'm --

13 MICHAEL SHERLOCK: Just -- just so at
14 least I think if you read and read into this NRS and
15 the intent is exactly what the Chairman is talking
16 about it is if the Chief wants to come up with a
17 policy that says those assigned to patrol division,
18 for example, must do this training yearly, that's
19 what that statute is for, I think, that's why it
20 puts it back on the agency and to -- to decide who -
21 - who and how often, for that matter, should take
22 this training.

23 DANIEL THOMPSON: Very good. Thank you.

24 RON PIERINI: Thank you, sir. Anybody
25 else in the audience would like to make a comment?

1 All right, seeing none, Commissioners, would
2 somebody like to make a motion?

3 RUSSELL PEDERSEN: Russ Pedersen. I move
4 to approve the -- the agenda item as written.

5 RON PIERINI: Thank you, sir. Do I have a
6 second?

7 TROY TANNER: Troy Tanner. Second.

8 RON PIERINI: Thank you, Mr. Tanner. Any
9 other questions or comments? All in favor?

10 COMMISSIONERS: Aye.

11 RON PIERINI: Anybody opposed? So
12 carried. Thank you. Okay, we're going to go onto
13 Number 5, discussion, public comment, and for
14 possible action, discussion relating to the
15 exception of reciprocity certification requirements
16 to allow for attending an out-of-state academy as a
17 non-affiliate student instead of a full-time
18 certified peace officer. So, Scott, I guess it's
19 your turn again. Or is it Mike?

20 MICHAEL SHERLOCK: And I -- Chief Tanner
21 asked about this and I think wanted some
22 clarification on reciprocity. Is that true, Chief?

23 TROY TANNER: Yes.

24 MICHAEL SHERLOCK: Well, one -- one of the
25 questions that came before me was whether or not an

1 agency could hire someone from out of state who had
2 graduated from a police academy, but out of state.
3 I can tell you under the regulations and related to
4 reciprocity, it is based on employment, not
5 training. So the answer is no. They -- they can't
6 go to training in Utah, in this case, and then be
7 hired here without having to go through one of our
8 academies.

9 I'll tell you, there's a reason for that
10 in terms of reciprocity. It does help us prevent,
11 for lack of a better term, rogue officers moving
12 into our state. It's not uncommon for other -- in
13 other states you don't get your POST certificate
14 till you complete probation. So what it does for us
15 is that the current regulation says they have to be
16 certified and have -- have been employed as a peace
17 officer in that other state. So we get a lot of
18 applicants from California, for example, that don't
19 make probation who want to come here and have an
20 academy in California, but do not have a California
21 certificate because you have to pass probation. So
22 it allows us to kind of weed through those and at
23 the same time recognize reciprocity applies to
24 experience as a peace officer not necessarily
25 training. One thing I would suggest if, for

1 instance, Chief, in Utah, the Utah Academy could get
2 certified by us. And that may be a better way of
3 doing it. I don't know if they want to do that, but
4 if they jump through all our hoops, taught
5 everything that we require, theoretically, they
6 could be certified as a Nevada Academy and their
7 graduates could apply, for instance, from Mesquite,
8 that would not require a regulation change. I don't
9 know if they could comply with our requirements, but
10 that might be an easier way to go.

11 TROY TANNER: I think that's a better
12 route. I agree with you.

13 MICHAEL SHERLOCK: And they might -- if
14 they're a for-profit academy, they might want to try
15 to meet our standards. I don't know. But it's
16 easier than trying to change that -- that
17 requirement right now.

18 TROY TANNER: Troy Tanner. Yeah, I agree.
19 I -- I talked to them and it was one of their main
20 training guys from the state of Utah asked me about
21 it when I went to a meeting up there. So I agree
22 after reading all of it and talking to you. I just
23 wanted to make sure we're on the same page in case
24 he contact you. So.

25 MICHAEL SHERLOCK: Good.

1 KEVIN MCKINNEY: Kevin McKinney. Wouldn't
2 -- wouldn't, though, for example, Utah Academy,
3 wouldn't they be required, then, to teach Nevada
4 Revised Statutes?

5 MICHAEL SHERLOCK: Yes. But they may be
6 willing to -- again, Mike Sherlock for the record.
7 You know, I don't know what they're -- they allow
8 people to put themselves through their academies
9 there. So some of their academies are for-profit.
10 It may be a marketing tool for them to meet our
11 requirements. You know, the issue becomes how do we
12 determine that and that's a different issue. But
13 theoretically, they could do that.

14 KEVIN MCKINNEY: Kevin McKinney again.
15 Wouldn't that create a burden, though, for you to
16 audit those?

17 MICHAEL SHERLOCK: That's what I'm saying.

18 KEVIN MCKINNEY: Especially when --

19 MICHAEL SHERLOCK: There would be some --
20 some -- some issues there.

21 RON PIERINI: Wouldn't it be safe to say
22 that if we allowed that to happen, you could have
23 anywhere in the United States to say this is -- and
24 then you'd have to do all the work behind it.

25 MICHAEL SHERLOCK: Yeah. Yeah, there's

1 definitely some issues. Ain't no doubt about it.

2 RON PIERINI: Yeah. And we're not -- we
3 don't have that amount of manpower to do all that.
4 So.

5 MICHAEL SHERLOCK: Sure.

6 RON PIERINI: Maybe in theory it's good,
7 but in reality I'm not sure we can do it. So I
8 don't know. I guess to the public, do we have
9 anybody here would like to make any comment? Seeing
10 none, do we want to make a motion on this? I don't
11 think we do. Everybody okay with that? All right.
12 Thank you.

13 We'll go onto Number 6, then. Okay.
14 Request from the Las Vegas Metropolitan Police
15 Department for their employee Nicholas Ditusa -- how
16 do you say that -- whatever -- for a six-month
17 extension past the one-year requirement on September
18 2nd, 2016, in order to meet the requirements of the
19 certification. So do we have somebody from Las
20 Vegas Metro? Is Nicholas here? Because our policy
21 usually, and it has been for a long time, unless you
22 have given written information or a phone call or
23 anything, Scott, from you, from Metro saying that
24 they wanted this or --

25 SCOTT JOHNSTON: Yes, we do. Scott

1 Johnston for the record. Under Topic 6, behind that
2 tab you've got a two-page letter written by Captain
3 Forbus who's the administrator in charge of the unit
4 where this person is employed, and it has a detailed
5 description of why they're asking for this. It
6 dealt with communication errors internally within
7 the department that have been rectified. And
8 regarding this gentleman, I believe his last name is
9 pronounced Ditusa.

10 RON PIERINI: I'm glad you say that.

11 SCOTT JOHNSTON: Probably close to that.

12 RON PIERINI: Because I really don't know
13 how to say it.

14 SCOTT JOHNSTON: I don't say it right
15 twice in a row.

16 RON PIERINI: At least it's on the record
17 one time anyway.

18 SCOTT JOHNSTON: And that we did receive
19 this letter back in April requesting to be on the
20 agenda. The problem they run into is getting the
21 reciprocity verification done with Illinois
22 (inaudible). And that was just sent off April 24th
23 or 26th for verification and they have not heard
24 back. Their officer has taken the online training
25 class, has passed the state certification exam and

1 has passed the physical fitness. And they're still
2 trying to work the officer and this extension would
3 be required so that officer could continue to work
4 in the capacity of the deputy and while they wait
5 for the backup documentation to come in from
6 Illinois. Once that's received, staff does not see
7 any obstacles in approving his certification.

8 MICHAEL SHERLOCK: And, Chairman, if I
9 might, just -- Mike Sherlock for the record. Just -
10 - just real quick here -- your decision here. This
11 -- some of this came about because of the dissolving
12 of the Las Vegas Township Constable's Office. Metro
13 was then tasked with taking over those duties. They
14 were kind of hit, blindsided a little bit, I think
15 with this and had to hire a bunch of people, a large
16 number of people, to handle the constable duties.
17 And I think this is one of those

18 SCOTT JOHNSTON: Yes.

19 MICHAEL SHERLOCK: -- persons that they
20 were trying to figure out this whole process. And -
21 - and it kind of fell through the cracks, in their
22 defense. So it came from that.

23 RON PIERINI: So it is safe to say for me
24 to ask you a question is that -- I don't know what
25 God's trying to tell us, but anyway here we go. Are

1 you comfortable with that?

2 MICHAEL SHERLOCK: Yeah, our
3 recommendation would be to --

4 RON PIERINI: Okay.

5 MICHAEL SHERLOCK: -- from staff is to
6 allow the extension.

7 RON PIERINI: All right, anyone else like
8 to make a comment or question?

9 DAN WATTS: Dan Watts for the record. It
10 said in their letter that he was scheduled to take
11 the POST exam within that week. Has he done that
12 since?

13 SCOTT JOHNSTON: Yes, he has.

14 RON PIERINI: All right. Nobody else on
15 the public want to make a comment? Okay. Looking
16 for a motion, please.

17 TROY TANNER: Troy Tanner for the record.
18 I make a motion to approve the extension.

19 RUSSELL PEDERSEN: Russ Pedersen. Second.

20 RON PIERINI: First and second. Any other
21 questions, comments? All in favor?

22 COMMISSIONERS: Aye.

23 RON PIERINI: Anybody opposed? All right,
24 so carried. Thank you. Going to Number 7,
25 discussion, public comment, and for possible action,

1 request from the Washoe County Department of
2 Juvenile Services for their employee Lacey Miller
3 for a six-month extension past the one-year
4 requirement to December 29, 2016, in order to meet
5 the requirements for certification. Do we have
6 anybody from Washoe County who -- please if you
7 could come up and talk to us about this please?

8 FRANK CERVANTES: Good morning. Frank
9 Cervantes, Director at Washoe County Juvenile
10 Services Department. I did author a letter on this
11 case to Director Sherlock requesting a six-month
12 extension as this employee entered the Academy last
13 June, sustained a fracture in her ankle and leg.
14 Subsequently, was placed on light duty with physical
15 therapy until further notice. She was recently
16 cleared from her medical doctor and is actually
17 enrolled in the next Academy coming up down here in
18 Carson for the Category II Academy. So, we were
19 asking for an extension through January of next
20 year, so December of this year to get her to that
21 Academy to meet her standards for POST
22 certification.

23 RON PIERINI: Scott, do you have anything
24 to comment?

25 SCOTT JOHNSTON: If the Commission should

1 -- Scott Johnston for the record -- Commission
2 chooses to approve this, that extension would extend
3 the time parameter for the Director out to 12/29 of
4 '16, which would be plenty of time from when the
5 Academy graduates to process everything.

6 RON PIERINI: Okay, good. Any questions
7 from the Commission? All right, how about out in
8 the public? Anybody like to make a comment? Okay,
9 looking for a motion.

10 KEVIN MCKINNEY: Kevin McKinney. I'll
11 move that we approve it.

12 RON PIERINI: All right, thank you.

13 JAMES WRIGHT: Jim Wright. I'll second.

14 RON PIERINI: Thank you, sir. Any other
15 questions or comments? All in favor?

16 COMMISSIONERS: Aye.

17 RON PIERINI: Any opposed? Thank you,
18 sir.

19 FRANK CERVANTES: Thank you.

20 RON PIERINI: Okay. Why don't we take
21 just about a five-minute break, if we could, please?
22 And see if anybody has to use the restrooms or
23 whatever. It's been an hour. So five-minute break
24 just for a couple minutes.

25 (Off the record.)

1 RON PIERINI: All right, we'll continue
2 now if we could. We're going to go on to Number 8
3 and that's discussion, public comment, and for
4 possible action, request from the Nye County
5 Sheriff's Office for their employee Joshua
6 Armendariz, A-R-M-E-N-D-A-R-I-Z, for a six-month
7 extension past the one-year requirement to June 8,
8 2016, in order to meet the requirements for
9 certification. Can somebody from Nye County here,
10 by chance? Okay, Scott, what do you have on that?

11 SCOTT JOHNSTON: Back on -- Scott Johnston
12 for the record. On March 11th we received a letter
13 that you guys have a copy of it in your book, from
14 the Nye County Sheriff requesting an extension, a
15 six-month extension, for their deputy Joshua
16 Armendariz. The facts on this is that he was hired
17 on December 8th of 2014, his one-year ended on
18 December 8th, 2015. The letter indicates that he is
19 currently attending their Category III Academy and
20 are not working at a law enforcement capacity due to
21 not meeting the one-year requirement. The six-month
22 extension would extend that timeframe to become
23 certified out to June 8th, 2016, which is my
24 understanding that that Academy will have been
25 completed by then. And that's the scope of the

1 information that we've received.

2 RON PIERINI: Okay, Scott, do you feel
3 comfortable with that? And Mike, you, too?

4 MICHAEL SHERLOCK: Mike Sherlock for the
5 record. The only thing I would say is if they're
6 not working on a peace officer status, I'm not sure
7 why they are asking for the extension, to be honest
8 with you. I -- we were under the impression that
9 they were going to be here, but -- so that's the
10 only thing I can say. I don't know anything about
11 the -- the particulars in this.

12 RON PIERINI: So, we're all right if we do
13 it.

14 UNIDENTIFIED MALE: Yes.

15 RON PIERINI: Okay. Any other comments
16 about this issue for Commission? How about to the
17 audience? Anybody in the audience want to comment
18 on that particular topic? Hearing none, okay,
19 looking for a motion.

20 RUSSELL PEDERSEN: Russ Pedersen. Move to
21 approve.

22 RON PIERINI: Thank you, sir. Second?

23 DAN WATTS: Dan Watts. Second.

24 RON PIERINI: We got two at the same time?
25 Dan, you're in charge. There you go. Any other

1 questions or comments? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried. Okay, we'll go to Number 9, discussion,
5 public comment, and for possible action. Request
6 from the Nye County Sheriff's Office for their
7 employee Jose Cintron for a six-month extension past
8 the one-year requirement to June 29, 2016 in order
9 to meet the requirements for certification. Scott.

10 SCOTT JOHNSTON: Scott Johnston for the
11 record. This was a two-part process on the same
12 letter and received on -- letters drafted on March
13 11. We received a request from Sheriff Wehrly for a
14 six-month extension past the one-year requirement to
15 become certified for their deputy Jose Cintron. He
16 was hired on December 29th, 2014. His one-year
17 expired December 29th of '15. Letter indicates that
18 he is currently in the Category III Academy and not
19 working -- is not working in his law enforcement
20 capacity due to not meeting the one-year
21 requirement. Six-month extension would take that
22 time frame out to June 29th of 2016.

23 RON PIERINI: Okay. Any questions from
24 the Commission?

25 DAN WATTS: Dan Watts for the record. I

1 think -- what's the reasoning that all these are not
2 making -- making it in the time period? Do we have
3 any idea?

4 MICHAEL SHERLOCK: Mike Sherlock for the
5 record. I will tell you on -- on this particular
6 officer, they sent him to our Academy and he did not
7 complete our Academy. So they put him -- they had
8 to reevaluate him and put him through a Cat III
9 Academy. So I'm assuming that delayed the time
10 there, you know, coming up here, and then having to
11 go back down. I'm not -- I can't speak for the
12 other one because I'm not sure what the reasoning is
13 there.

14 DAN WATTS: I just think we just kind of
15 need to be careful on -- keep getting all these
16 extensions and we -- we need to start holding the
17 administrators accountable, I think, to get them
18 through.

19 RON PIERINI: I agree with you a lot, Dan,
20 because you've been with me a long time here on this
21 Commission. One of the things that we always tried
22 to talk about was that if you are asking for an
23 extension, they have to be here. There was some
24 real times years ago, probably 15 years ago, and I
25 remember when some of the Commissioners absolutely

1 emphatically said we're not going to do it unless
2 they show up. So, you know, I know that it's
3 difficult for some people to come. We know that.
4 And they, you know, some distance is a long ways.
5 And sometimes things can't, you know, we're --
6 especially in rural Nevada it's very difficult. A
7 good letter like that is -- is okay, but we really
8 need to look at the fact of having them here or have
9 a representative. It could be a sergeant. That
10 would be fine, too. It doesn't matter. So, you
11 know, we need to encourage that. And I don't know,
12 Mike, if we can send another letter to each one of
13 them and saying we're, again, if you're looking for
14 extension or if they ask us they going to do, maybe
15 a phone call to them we expect somebody here.
16 That's -- I think that's what we should do.

17 MICHAEL SHERLOCK: Yeah. I agree with
18 that. And just for the record, we -- we advise them
19 that they have to be here. We don't give them an
20 option. And, again, just assumed that they were
21 going to be here. I don't know why the sheriff is
22 not here.

23 RON PIERINI: You know, and I understand,
24 again, I don't want to be redundant, but if they say
25 there's a good reason they can't make it, I can

1 understand that better than not even getting a phone
2 call saying I'm not going to be here. That's --
3 that's the issue. So, I mean, it's up to the
4 Commission, whatever you wish to do on this
5 particular one.

6 UNIDENTIFIED MALE: They were here
7 yesterday at the meetings, too, so it's unfortunate
8 they didn't come today.

9 RON PIERINI: Okay, with that said,
10 anybody want to make a motion either way?

11 UNIDENTIFIED MALE: I'm still digesting
12 the fact -- he's asked for an extension just because
13 he hasn't taken the test? Is that -- is that what
14 it is? It's a PT test we're talking about?

15 MICHAEL SHERLOCK: No. Mike Sherlock for
16 the record. It's -- it's completion of the Academy.
17 Which is everything. But I believe graduation is
18 beyond their one year. They're already beyond their
19 one year, and so they're looking for that extension
20 to the point that they graduate from the Academy
21 that they are currently attending. The Cat III
22 Academy.

23 TROY TANNER: Troy Tanner for the record.
24 Again, so they didn't attempt to do it during the
25 entire year?

1 MICHAEL SHERLOCK: Again, with this
2 particular officer, they attempted to send them
3 through a Cat I Academy originally within the one
4 year.

5 TROY TANNER: Okay.

6 MICHAEL SHERLOCK: And then didn't make
7 the Academy and so they decided to put him through a
8 Cat III is my understanding. And the Cat III just
9 didn't start because they lost that time of being up
10 here attending our Academy.

11 RUSSELL PEDERSEN: And Russ Pedersen.
12 When -- when do you recall when he was removed from
13 your Academy or left your Academy?

14 MICHAEL SHERLOCK: It was --

15 RUSSELL PEDERSEN: Roughly.

16 MICHAEL SHERLOCK: September. Something
17 like that, would be a guess on that.

18 RUSSELL PEDERSEN: Thank you.

19 RON PIERINI: Okay.

20 UNIDENTIFIED MALE: I'll make a motion not
21 to approve it if no one else can make a motion. I'm
22 glad I'm doing it.

23 JAMES WRIGHT: Second. Jim Wright.

24 RON PIERINI: Thank you. Anybody else
25 want to make any comments?

1 MICHELE FREEMAN: I -- I just have one for
2 comment. Because this is the second one of the two,
3 right? So we already just approved the first one,
4 the (inaudible).

5 RON PIERINI: Yeah, it's a little
6 confusing with that, but we're getting a little
7 tired of it. You know, I'm not sure that it's right
8 to do one and not the other one. Yes, sir?

9 RUSSELL PEDERSEN: Russ Pedersen. The
10 difference, though, on this one is that, from your
11 memory, Jose Citron went through a Cat I was, for
12 whatever reason, unsuccessful for personal reasons
13 or whatever, where the Joshua was not part of that
14 Academy group. So it's a separate issue.

15 UNIDENTIFIED MALE: That's the way I
16 understood it.

17 MICHAEL SHERLOCK: Yeah, I believe that's
18 true. I don't believe the other one was in our
19 Academy. I got to tell you I'm not positive on
20 that. But, well, he was wasn't (inaudible).

21 KEVIN MCKINNEY: Kevin McKinney for the
22 record. Just reviewing this letter, seems very
23 vague. I don't know if we really have enough
24 information to, you know, is this -- is this a
25 department issue or is it the officer issue? I

1 don't know. And with them both being together, it's
2 hard to tell.

3 RON PIERINI: And that's exactly why, you
4 know, Kevin, that want people to be here.

5 KEVIN MCKINNEY: Yeah, it -- that makes
6 sense.

7 TROY TANNER: Troy Tanner for the record.
8 Can we bring up the other one and --

9 RON PIERINI: I was going to ask Mr.
10 Jensen that. Can we go back to that?

11 MICHAEL JENSEN: Yeah. Absolutely.

12 (Inaudible) so back have it start over again.

13 (Inaudible).

14 RON PIERINI: You guys have nothing else
15 to do anyway. So what we'll do -- I think that's a
16 good idea. (Inaudible) back to Number 9 if we
17 could.

18 MICHAEL JENSEN: Yeah, I would say you
19 probably need the person who made that motion to
20 withdraw (inaudible) motion previous.

21 RON PIERINI: Okay. So what we need to do
22 is go back to Number 8. Correct? And if we could
23 open that up again.

24 SCOTT JOHNSTON: Mr. Chairman, Scott --

25 RON PIERINI: And discuss that one more

1 time.

2 SCOTT JOHNSTON: Scott Johnston for the
3 record. The -- Number 8 the motion was made by
4 Commissioner Pedersen. So the way I understood
5 legal is he would have to withdraw that. Is that
6 correct?

7 MICHAEL JENSEN: Yep.

8 RON PIERINI: If you wish.

9 RUSSELL PEDERSEN: Yep. So Russ Pedersen.
10 After further discussion and -- and -- and
11 discussion regarding what past practice and -- and
12 what the feeling of the Board is for moving forward,
13 I will go ahead and change my --

14 RON PIERINI: Motion.

15 RUSSELL PEDERSEN: -- motion. Thank you.
16 And revert back and say I make a motion not to
17 approve.

18 RON PIERINI: Thank you. Who was the
19 second on that?

20 DAN WATTS: Dan Watts for the record. I
21 will rescind my second.

22 RON PIERINI: And how about the rest of
23 the Commission? Everybody okay with that?

24 MICHELE FREEMAN: Yes.

25 RON PIERINI: All right. So why don't we

1 redo that, the Number 8? If you'd like to do that
2 or --

3 RUSSELL PEDERSEN: Russ Pedersen. I make
4 a motion not to approve Joshua Armendariz dates --
5 request for extension.

6 TROY TANNER: Troy Tanner. Second.

7 RON PIERINI: Okay. Any other discussion?
8 Let's go back, maybe what we should do is ask the
9 public if they want to make a comment on it? Seeing
10 none, then all in favor?

11 COMMISSIONERS: Aye.

12 RON PIERINI: Anybody opposed? So
13 carried. Then we'll go to Number 9. And Scott, how
14 we doing on --

15 SCOTT JOHNSTON: We were at the point
16 where Mr. Tanner had made a motion, Commissioner
17 Wright had seconded it, but there was no follow up.
18 So it has not been voted on or we can change it.
19 We're at that point.

20 RON PIERINI: All right. So would we like
21 to start over with that motion?

22 UNIDENTIFIED MALE: I make a motion not to
23 approve the extension on Number 9.

24 UNIDENTIFIED MALE: Second.

25 RON PIERINI: Thank you. Any other

1 discussion? We should ask the public again. Seeing
2 none, all in favor?

3 COMMISSIONERS: Aye.

4 RON PIERINI: Anybody opposed? All right,
5 so carried. Thank you. So we're done with those
6 three.

7 UNIDENTIFIED MALE: Mr. Chairman, comment.
8 Maybe when we get these requests from the agencies
9 instead of doubling them up, because most likely
10 they're going to be different anyway, it would help
11 us determine, you know, the differences of these.
12 So maybe they need to send two agenda requests next
13 time and delineate the differences between the two.
14 That's what led my -- to my confusion on is what the
15 deal with them. So.

16 MICHAEL SHERLOCK: We can certainly do
17 that. And that's what the sheriff tried to do. She
18 sent that letter twice. You know. To get on the
19 agenda.

20 TROY TANNER: Troy Tanner for the record.
21 For sure make sure your staff encourages them to be
22 here so they can explain. They're really vague.
23 Like, he said, I have a hard time -- I went up and
24 down. There wasn't much attached, so there's not a
25 lot to draw from.

1 KEVIN MCKINNEY: Yeah, I mean -- Kevin
2 McKinney. I mean, you can see the difference
3 between the letter submitted by Washoe County
4 Juvenile Services. I mean, it was detailed, they
5 explained what the situation was, gave us good cause
6 to extend it versus this one.

7 UNIDENTIFIED MALE: And (inaudible).

8 RON PIERINI: Okay. So, yeah, that's what
9 we're going to do, we're going to work on that. We
10 can also, don't forget, we can always use a phone.
11 If they can't come here personally, we can use a
12 phone (inaudible). So we're going to go with Number
13 10 please. Discussion and public comment, and for
14 possible action. Request from the Justice Court, Las
15 Vegas Township for their employee Mark F. Castle,
16 for a six-month extension past the one year
17 requirement to September 3rd, 2016, in order to meet
18 the requirements for certification. And we actually
19 have a person here. Thank you.

20 TIM SHAY: Yeah, I'm going to be here now.
21 But hello, my name is Tim Shay and I'm the
22 supervising Marshall for the Las Vegas Justice
23 Court. And I have a person named Mark Castle. He's
24 a reciprocal from Virginia. He was a police officer
25 in Virginia. He'd be equivalent to a Category I.

1 He was also a trainer at the Northern Virginia
2 Police Law Enforcement Academy, which is the major
3 academy for the northern part of Virginia, if you're
4 familiar with Virginia.

5 Anyway, I put him through the physical
6 POST physical test multiple times. He has just
7 barely passed -- not passed every time. One sit up
8 short, one second short on a run. We couldn't
9 figure out what was wrong with him. He went to the
10 doctor, they found something wrong, but he had
11 surgery in January. I thought he was going to pass
12 long before this. He assures me he will once he
13 recovers. The doctor hasn't released him yet. Once
14 he is released, he will take the test every three
15 weeks until he passes. If he doesn't pass, I need
16 an extension. There's just absolutely nothing we
17 can do.

18 And I've made changes to the hiring
19 process so this will not happen again. They now
20 have to take the test as part of the hiring process
21 and pass at least the Academy entrance level. They
22 will then take it again three weeks after -- three
23 weeks after until they pass. So I'll never come
24 before you again and ask for something like this for
25 these conditions. I find it embarrassing. And your

1 staff was absolutely clear that I needed to be here
2 to talk to you. So.

3 RON PIERINI: And we appreciate that.
4 Thank you.

5 TIM SHAY: I would not have asked for such
6 a thing without coming in and seeing you all. So
7 anyway, that's where we're at with him. And we have
8 a critical staffing shortage. Otherwise, again, I
9 wouldn't be asking. As you all know, right now
10 there are a lot of agencies in the Las Vegas area
11 hiring and our young folks, they want to go be a cop
12 instead of hanging around a court. I don't blame
13 them. So they're leaving left and right.

14 RON PIERINI: Any questions that the
15 Commissioners have? How about to the public? Any
16 questions? Scott, what do you think? What do you -
17 - what do you got on yours?

18 SCOTT JOHNSTON: He's covered everything
19 in detail.

20 RON PIERINI: Okay. Good. So we're all
21 right? All right. Looking for a motion.

22 KEVIN MCKINNEY: Kevin McKinney. I move
23 we approve this six-month extension.

24 RON PIERINI: All right. Thank you.
25 Second?

1 UNIDENTIFIED MALE: Just a correct. This
2 says 16-week extension.

3 MICHAEL SHERLOCK: Mr. Chairman, for the
4 record, I can clarify that. It is a reciprocity and
5 under the regulations the reciprocity has 16 weeks
6 to pass the PT test. Mr. Shay already had gotten an
7 extension of that within the year, which was --
8 staff does that. So now he needs to extend the year
9 requirement, which is a separate regulation. It
10 gets confusing because of the reciprocity issue, is
11 16 weeks, but you do have a year to get certified
12 and he's looking to extend that here. He's already
13 gotten an extension on that 16-week PT test. So
14 he's looking for the six-month extension on the one
15 year.

16 TIM SHAY: He's passed the online POST in
17 lieu course. I can't give him the POST
18 certification test because he had to take the PT
19 test first. And then, had I known this, I would
20 have brought this to the November 5th meeting, but I
21 certainly thought he was going to pass. And then
22 when he didn't pass by November 5th, my extension
23 was still in force for the 16 weeks, but I couldn't
24 come before you before this meeting to ask for any
25 more of an extension. I find myself in a pickle.

1 TROY TANNER: Troy Tanner for the record.
2 So he's already had one extension is what you're
3 saying. This would be his second extension.

4 MICHAEL SHERLOCK: Unlike other hires that
5 the reciprocity is only 16 weeks and under the
6 regulations, the Executive Director can extend that
7 up to one year. Beyond the one-year they have to
8 come before you.

9 RON PIERINI: Okay, just to make sure
10 we're clear, we're within the regulations that we
11 have?

12 SCOTT JOHNSTON: Yes.

13 MICHAEL SHERLOCK: Yes.

14 RON PIERINI: Are we okay with that.

15 MICHAEL SHERLOCK: Yes.

16 RON PIERINI: If we do approve that, we're
17 not going outside the (inaudible).

18 MICHAEL SHERLOCK: Not at all.

19 UNIDENTIFIED MALE: What's the past
20 practice for you guys? How many extensions do you
21 give? Is it unlimited or --

22 MICHAEL SHERLOCK: We get -- internally,
23 we can only we can only do one. And that's within
24 that one-year requirement. It's really -- it's an
25 anomaly in the regulation, bottom line, because

1 everybody else has a year. These -- reciprocity
2 only has 16 week to do the PT test. That's the --
3 that's the anomaly in there and that's why you kind
4 of see these sometimes on reciprocity. You -- you
5 don't see these on regular hires, new hires, because
6 they -- you don't have that 16-week requirement.
7 They have one year. Difference is with reciprocity,
8 they still have one year only to be certified. And
9 so he was unable to complete that in one year even
10 with the extension of the 16 weeks. That's where
11 you guys come in, the Commission comes in and as the
12 authority to extend that another six months for them
13 to be able to complete that.

14 MICHELE FREEMAN: So, I'm sorry.

15 RON PIERINI: Go ahead. No, go ahead.

16 MICHELE FREEMAN: I have a clarity
17 question. Michele Freeman. So he's taken the
18 physical agility test several times and just barely
19 missed it?

20 TIM SHAY: Yes.

21 MICHELE FREEMAN: But it's a medical
22 condition?

23 TIM SHAY: Yes.

24 MICHELE FREEMAN: Because I'm feeling a
25 little conflicted with that statement.

1 TIM SHAY: Purely, yeah, purely medical.
2 He couldn't figure out what was wrong. Most of it
3 had to with abdominal. And he would miss by one
4 sit-up. He missed the -- the sprint -- 300-meter
5 sprint by a second. And he -- he failed. And they
6 found out what it was in December. He had surgery
7 in January. And the doctor said he should have a
8 complete recovery. He hasn't been released to take
9 the test yet. I'm hoping that's any day. And then
10 I'll start the process again every three weeks.

11 MICHELE FREEMAN: As I'm sensitive to the
12 medical issue, it just seems interesting to me that
13 he can almost get it. Because is it just that he
14 didn't condition himself? Or is it the medical
15 issue?

16 TIM SHAY: It's the medical issue. They -
17 - he had had a surgery previously where they severed
18 all the abdominal muscles from just below his
19 sternum down to below his beltline and he was having
20 trouble with the sit-ups. They had to reopen that
21 to get into where the problem was and that was in
22 January. So he's expected to be able to do it. The
23 doctor said he should be able to. I -- I don't
24 know.

25 TROY TANNER: Troy Tanner for the record.

1 Just one more time. I'm not trying to draw this
2 out, but I just want to make sure we're consistent,
3 not just with past practice, but we have several
4 contacts by e-mail that come up in the future, too.
5 I think we need to be consistent whatever we do.
6 You know, if we're going to do two extensions, one
7 extension, whatever it is because there's several
8 people that have come before us on extensions the
9 last few months and said hey, I want one more
10 extension and then they still haven't got physically
11 fit and we're going on two years. So I -- I tend to
12 want to stay with the regulation and have them -- I
13 just -- I'm not trying to be strict or mean. I just
14 want to be consistent. It's hard. Like we just
15 talked about in the last one, we, you know, we're
16 doing one for one and not for another. I just want
17 to be consistent. That's all I -- so that's why
18 past practice.

19 MICHAEL SHERLOCK: Yeah. Mike Sherlock
20 for the record. Again, it would only be one
21 extension. I don't want to confuse you with that 16
22 week. I know it's (inaudible). That's unusual, not
23 really an extension. It's just powers of the
24 Director here to allow that 16 weeks, but beyond
25 that, your authority is that one year and it would

1 only be one extension if you granted this. And only
2 one available. If that makes sense.

3 RUSSELL PEDERSEN: Russ Pedersen. It
4 sounds like we're, if we grant this extension, we're
5 really giving the same amount of time really as the
6 other individuals, because that first, quote,
7 unquote, extension was 16 weeks where,
8 theoretically, non -- out-of-state type stuff is a
9 one-year issue and we give them another six months
10 to 18 months. It sounds like we're still giving
11 approximately the same time if we grant this one.

12 MICHAEL SHERLOCK: Yes.

13 RUSSELL PEDERSEN: Even though it may be
14 two extensions you granting the first one at 16
15 weeks and then us as the second, but time-wise,
16 they're getting about the same amount of time.

17 MICHAEL SHERLOCK: Right. And --

18 RUSSELL PEDERSEN: If I'm understanding it
19 correctly,

20 MICHAEL SHERLOCK: Yes. And so to put it
21 in simple terms, no matter how you get certified in
22 the state of Nevada, with that extension would be --
23 the maximum is 18 months with the Commission's
24 approval. So it doesn't matter if it's reciprocity
25 or not. He's not getting any more than -- than any

1 other applicant for certification in the state of
2 Nevada with the extension it would be the same.

3 RUSSELL PEDERSEN: Thank you.

4 TROY TANNER: Troy Tanner. In saying
5 that, I'll second the motion.

6 RON PIERINI: Thank you. Do we have any
7 questions or comments? All in favor?

8 COMMISSIONERS: Aye.

9 RON PIERINI: Anybody opposed? Okay.
10 Thank you, sir.

11 TIM SHAY: Thank you very much.

12 RON PIERINI: Number 11. Discussion with
13 public comment and possible action. Request from
14 Henderson Police Department for their employee
15 Captain Michael Mattoon for an Executive
16 Certificate. I don't know if anybody from Henderson
17 is here to represent that? That's not really
18 required in any event. Scott, what do you have?
19 Scott, are you -- Mike?

20 MICHAEL SHERLOCK: Mike Sherlock for the
21 record. Staff received and reviewed the application
22 for an Executive Certificate from -- for Captain
23 Michael Mattoon of the Henderson Police Department.
24 Staff finds that all requirements under the NAC have
25 been met for the certificate and we recommend

1 awarding the Executive Certificate to Captain
2 Mattoon.

3 RON PIERINI: Thank you, Mike. Appreciate
4 that. Any comments, questions? How about in the
5 public? Anybody like to make comment on that
6 particular topic? Seeing none, looking for a
7 motion.

8 TROY TANNER: Troy Tanner. Motion to
9 approve Captain Michael Mattoon --

10 RON PIERINI: Thank you.

11 TROY TANNER: -- for Executive
12 Certificate.

13 JAMES KETSAA: Jim Ketsaa. Second.

14 RON PIERINI: All right, Chief, thank you.
15 Any other questions or answers -- comments? All
16 right. All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed? So
19 carried. Thank you. I don't know about the next
20 one. Discussion, public comment, possible action.
21 Request from Washoe County Sheriff's Office Chief
22 Deputy Russell Pedersen for Executive Certificate.
23 And I understand you have to come up here.

24 RUSSELL PEDERSEN: I'd be more than happy
25 to, sir.

1 RON PIERINI: What we're doing. I
2 wouldn't do that. But, however, you do know that
3 you're not going to vote for yourself.

4 RUSSELL PEDERSEN: I will be abstaining,
5 sir.

6 RON PIERINI: All right. Mike, what do
7 you got?

8 MICHAEL SHERLOCK: Mike Sherlock for the
9 record. Staff received and reviewed the application
10 for an Executive Certificate for Chief Deputy
11 Russell Pedersen Washoe County Sheriff's Department.
12 Staff finds that all requirements under the NAC have
13 been met for the certificate and we recommend
14 awarding the Executive Certificate to Chief Deputy
15 Pedersen.

16 RON PIERINI: Thank you, sir. Any
17 questions or comments from the Commission? How
18 about to the public? Do we have a motion?

19 DAN WATTS: Dan Watts for the record.

20 MICHELE FREEMAN: Michele Freeman.

21 RON PIERINI: Okay, we got --

22 DAN WATTS: Defer to the -- to our new
23 member.

24 RON PIERINI: Okay.

25 DAN WATTS: I'll second.

1 MICHELE FREEMAN: Michele Freeman. Move
2 to --

3 RON PIERINI: Michele, are you second?

4 MICHELE FREEMAN: I'll second.

5 RON PIERINI: Are you first?

6 MICHELE FREEMAN: I'll first or second.

7 DAN WATTS: I gave her a first. I'll
8 second.

9 RON PIERINI: Okay. All right. All in
10 favor?

11 COMMISSIONERS: Aye.

12 RON PIERINI: And for the record --

13 RUSSELL PEDERSEN: For the record I will
14 abstain.

15 RON PIERINI: You didn't vote yourself.
16 Okay. Great. Okay. And then finally, I did see on
17 Number 13, you're up. All right, come on up.
18 Request from Reno Police Department their employee
19 Deputy Chief Tom Robinson for an Executive
20 Certificate. Thank you for coming today. We
21 appreciate that.

22 THOMAS ROBINSON: Thank you. Just for the
23 record, let me say that I'm glad I came.

24 RON PIERINI: All right. Mike, what do
25 you got?

1 MICHAEL SHERLOCK: Mike Sherlock for the
2 record. Staff received and reviewed the application
3 for an Executive Certificate for Deputy Chief Thomas
4 Robinson Reno Police Department. Staff finds that
5 all requirements under the NAC have been met for the
6 certificate and we recommend awarding the Executive
7 Certificate to Deputy Chief Robinson.

8 RON PIERINI: Would you like to make a
9 comment? You're welcome.

10 THOMAS ROBINSON: Boy, I didn't prepare
11 any comments. I just want to thank you all for the
12 consideration. I've worked hard to achieve this.
13 It's been important for my career to improve my
14 education and my training and it's an experience.
15 So this is something that I've strove to achieve and
16 I'm just happy to be before you. Thank you all for
17 your consideration.

18 RON PIERINI: Now as Executive Certificate
19 is the highest one that we do have, and it is one of
20 honor. So, yeah, you're right, it's really a neat
21 thing to have. All right, any comments from the
22 Commission? How about to the public? You don't
23 have any enemies out there, so --

24 THOMAS ROBINSON: Well, Russ. He's
25 sitting here just dying to --

1 RUSSELL PEDERSEN: I'm just dying to make
2 -- no.

3 RON PIERINI: Watch that guy. All right -
4 -

5 THOMAS ROBINSON: We had an agreement. If
6 I wouldn't get up for his, he wouldn't say anything
7 (inaudible).

8 RON PIERINI: Do I have a motion?

9 DAN WATTS: Dan Watts for the record. I
10 make a motion that we approve the Executive
11 Certificate for Deputy Chief Thomas Robinson.

12 RON PIERINI: All right. Thank you. And
13 James you did the second.

14 JAMES KETSAA: Second.

15 RON PIERINI: All right. Any other
16 discussion? All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed?
19 Congratulations.

20 THOMAS ROBINSON: Thank you, sir. Thank
21 you all. Appreciate it.

22 RON PIERINI: We do have them -- we do
23 have them here.

24 MICHAEL SHERLOCK: Stay -- stay -- stay
25 around.

1 THOMAS ROBINSON: Okay, I will.

2 RON PIERINI: We have them here for you.

3 MICHAEL SHERLOCK: Get some pictures.

4 THOMAS ROBINSON: Thank you.

5 RON PIERINI: All right, we're going to go
6 on to Number 14 now. Request from Nevada Department
7 of Public Safety for employee Natalie Wood for
8 Executive Certificate. And I don't know. Jim.

9 JAMES WRIGHT: Due to -- due to
10 conflicting meetings Chief Wood could not be here
11 today.

12 RON PIERINI: Okay. We're okay with that.
13 All right, why don't we go with you, Scott?

14 SCOTT JOHNSTON: Mike.

15 MICHAEL SHERLOCK: Mike Sherlock for the
16 record.

17 RON PIERINI: I keep doing that. Sorry.

18 MICHAEL SHERLOCK: Staff received and
19 reviewed the application for an Executive
20 Certificate for Chief Natalie Wood Nevada Department
21 of Public Safety. Staff finds that all the
22 requirements under the NAC have been met for the
23 certificate and we recommend awarding the Executive
24 Certificate to Chief Wood.

25 RON PIERINI: Thank you. Any comments,

1 questions from the Commission? What about the
2 public? Seeing none, looking for a motion.

3 MICHELE FREEMAN: Michele Freeman. I'll
4 move to approve.

5 RUSSELL PEDERSEN: Russ Pedersen. Second.

6 RON PIERINI: Thank you. And I don't
7 know, Mr. Wright, if you're going to vote or not on
8 this?

9 JAMES WRIGHT: I kind of asked counsel. I
10 --

11 MICHAEL JENSEN: He can go either way.

12 JAMES WRIGHT: Yeah, I'll vote for it.

13 RON PIERINI: All right. All in favor?

14 COMMISSIONERS: Aye.

15 RON PIERINI: Anybody opposed? So
16 carried. Thank you. Number 15. All right. Here
17 we go. This is discussion, public comment, and also
18 for possible action. Hearing pursuant to NAC
19 289.290(1)(h) is revoking Ronald Hunt. Familiar
20 with the Nevada Department of Corrections
21 certification based on a felony conviction for
22 furnishing a controlled substance to a state
23 prisoner. The Commission will decide whether or not
24 Mr. Hunt's Category III Basic Certificate. So it's
25 up to you, Mr. Jensen.

1 MICHAEL JENSEN: Thank you, Mr. Chairman.
2 We had some new Commissioner training yesterday and
3 explained in that training that one of the things we
4 do as part of this -- this particular job is to put
5 on these different hearings for revocation. Just
6 for the new Commissioners understanding, we go
7 through the documents that we received in support of
8 the particular potential action that may be taken.
9 We do this so that we provide the -- the individual
10 who the action is being taken against due process to
11 appear and contest if they so desire. In all three
12 of these cases I don't believe that -- that any of
13 the individuals has indicated that they will be
14 appearing today at the hearing. So what I'll be
15 doing is going through the documents on each
16 individual case for your consideration.

17 First, with regards to Mr. Hunt's where
18 the Commission is acting pursuant to NRS 289.510.
19 It provides for the Commission to adopt regulations
20 establishing minimum standards for certification and
21 decertification of officers. Particular ground for
22 revocation, potential revocation here would be found
23 in NAC 289.290 which establishes that the Commission
24 can revoke, refuse or suspend a certificate --
25 certificate of an officer for a felony conviction.

1 And so, we'll go to the exhibits. Exhibit
2 A is the Notice of Intent to Revoke, which is
3 required both by the Commission statutes and by the
4 Open Meeting Law to let the person know that there
5 may be action taken against their POST certificate
6 today. That notice informs him of the law that
7 provides for -- for revocation for a felony
8 conviction, the time, place and location of this
9 particular hearing and his right to appear at the
10 hearing, the legal requirements that the Commission
11 has that he inform us if he intends to appear within
12 15 days of that service of that Notice of Intent.
13 It is my understanding he had not indicated his
14 intent to appear today. He was also told the scope
15 of the hearing was whether or not to revoke his
16 certificate for a felony conviction.

17 Exhibit B shows that he was served with
18 this Notice of Intent to revoke on March 23. And so
19 the Commission has complied with the legal
20 requirements both in your regulations and the Open
21 Meeting Law for providing notice of this potential
22 action today.

23 Exhibit C is the Personnel Action Report
24 from the agency that he worked for showing his
25 employment as a peace officer. He separated from

1 his employer effective some time ago, December 5th
2 of 2014.

3 Exhibit D is the Category III Basic
4 Certificate for Mr. Hunt.

5 And now get into the -- to the court
6 documents that deal with this particular crime
7 involved and conviction of this case. The first is
8 the information that is the charging document
9 against Mr. Hunt, which shows that he was originally
10 charged with one count of furnishing a controlled
11 substance to a state prisoner. The factual basis of
12 that charge was that he attempted to furnish
13 marijuana to a particular prisoner in the High
14 Desert State Prison and were actually furnished
15 marijuana to a second prisoner at that same prison,
16 which is a Category B felony.

17 The next document is a certified copy of
18 his guilty plea agreement showing that he agreed to
19 plead guilty to furnishing a controlled substance to
20 a state prisoner. The terms of that agreement were
21 that the state would not oppose probation at the
22 time of sentencing and that they would jointly
23 recommend probation be set for a three-year term.
24 Also the state and the defendant agreed that upon
25 successful completion of probation that the state

1 wouldn't oppose his motion to withdraw the plea in
2 favor of entering a plea to conspiracy to furnish, a
3 gross misdemeanor.

4 The next document is the -- a Judgment of
5 Conviction showing that he, in fact, was convicted
6 of the felony of furnishing controlled substance to
7 a state prisoner committed on September -- on or
8 about September 1st, 2014. Through that he was
9 sentenced to a maximum of 30 months, a minimum of 12
10 months. He -- that was suspended. He was placed on
11 probation for a fixed term of three years with
12 certain terms and conditions.

13 You also have with that the order that
14 admits him to probation, which contains a number of
15 different conditions, which are clearly inconsistent
16 with being a police officer. Including not being
17 able to associate with individuals who might be on
18 probation or have felonies and not to possess
19 weapons or have access to weapons.

20 I'd ask, Mr. Chairman, that we -- that you
21 would make those exhibits part of the record for any
22 action that may be taken by the Commission.

23 RON PIERINI: Yes, I will.

24 MICHAEL JENSEN: Based on the -- the
25 evidence that shows that Mr. Hunt has been convicted

1 of a serious felony conviction, it's for furnishing
2 a controlled substance to people who are in prison,
3 inmates in prison. Clearly, that's a very serious
4 charge for an individual who's in the position to be
5 able to do that. And clearly violates the trust
6 that was placed in him as a peace officer by the
7 public, by his agency. And the recommendation would
8 be that his POST certificate be revoked.

9 RON PIERINI: Thank you, Mr. Jensen. Any
10 questions from the Commission? And the public?
11 Anybody out there in the audience would like to make
12 a comment on this particular topic. Okay.

13 (Inaudible) for a motion.

14 DAN WATTS: Dan Watts for the record. I
15 make a motion that we revoke the POST certificate of
16 Ronald Hunt.

17 RON PIERINI: Thank you, Dan. Do we have
18 a second?

19 RUSSELL PEDERSEN: Russ Pedersen. Second.

20 RON PIERINI: All right. I have a second.
21 Any other questions or comments? All in favor?

22 COMMISSIONERS: Aye.

23 RON PIERINI: Anybody opposed? So
24 carried. Thank you. Go on to Number 16.
25 Discussion, public comment, and for possible action.

1 Hearing pursuant to NAC 289.290(1)(e) on the
2 revocation of Michael Kitchen formerly of the Las
3 Vegas Metro Police Department certification based on
4 a gross misdemeanor convicted of attempted theft.
5 The Commission will decide whether to revoke Mr.
6 Kitchen's Category I Basic Certificate. Mr. Jensen.

7 MICHAEL JENSEN: Thank you, Mr. Chairman.
8 Again, we'll go through some documentation that was
9 received from the courts and the agency in support
10 of any action that the Commission may take today.
11 The NRS section supporting the action is the same as
12 the previous, which is NRS 289.510 where the
13 Commission is given authority to set regulations for
14 the decertification of peace officers. And the
15 specific ground for potential revocation would be
16 NAC 289.290, which establishes under Section (1)(e)
17 that a person's POST certification can be revoked or
18 suspended for a conviction or plea of guilty or no
19 contest to a gross misdemeanor.

20 The exhibits that I would present today in
21 support of any action taken by the Commission, we
22 would look at first Exhibit A, again, is the Notice
23 of Intent to Revoke. You can see that that's -- is
24 Exhibit A under the tab for this particular action.
25 It again, informs Mr. Kitchen that the Commission

1 intends to initiate action to revoke his Basic
2 Certificate and informs him of the information on
3 the conviction on which any revocation action would
4 be based. Which, in this case, is -- is a count of
5 attempted theft in violation of NRS 193.330. It's a
6 felony gross misdemeanor crime out of the District
7 Court in Clark County. It informed him of his
8 opportunity to attend this hearing today and the
9 need to inform the Commission within 15 days if he
10 intends to do so. It's my understanding, again, on
11 this particular one that Mr. Kitchen did not request
12 to be here and contest the action today.

13 The scope of the hearing today would be
14 whether his POST certification should be revoked for
15 a plea of guilty or conviction for gross
16 misdemeanor.

17 Exhibit B is the affidavit showing that he
18 received notice of this potential action today. It
19 shows that he was served with that on March 7th of
20 2016, which shows that the Commission complied with
21 all the legal requirements for notice.

22 Exhibit C is the Personnel Action Report
23 showing Mr. Kitchen separated from his employment as
24 a peace officer effective October 5th of 2015.

25 Exhibit D is the Basic Certificate for Mr.

1 Kitchen for a Category I Basic Certificate.

2 Exhibit E is the -- are the beginning of
3 the court documents showing the -- the original
4 charge. Mr. Kitchen was charged with a number of
5 counts as you can see in that certified copy of the
6 information. It began with charges of battery with
7 intent to commit sexual assault resulting in bodily
8 harm, attempted sexual assault is another felony
9 account, battery with intent to commit a crime,
10 another felony count and robbery, another felony
11 account for conduct that occurred in January of 2015
12 -- is alleged to have occurred in January of 2015.

13 Exhibit F is the Amended Information.
14 From all of those original charges, the information
15 was amended to attempted theft, a Category E felony
16 gross misdemeanor. Again, it states that on -- on
17 or about January 22nd of 2015, Mr. Kitchen did
18 willfully, knowingly, feloniously and without lawful
19 authority attempt to obtain money in the amount of
20 \$650 or more belonging to DT who from the context
21 appears to be a prostitute, for material
22 misrepresentation with intent to deprive a person of
23 that property by attempting to take money in the
24 amount of \$100 from that individual.

25 The next exhibit is the certified copy the

1 guilty plea agreement again showing that Mr. Kitchen
2 agreed to plead pursuant to Alford, which is
3 essentially a no contest plea to the charge of
4 attempted theft. He -- the parties stipulated that
5 this would be treated as a gross misdemeanor as
6 opposed to a felony and it's -- if defendant
7 successfully completed probation that he would be
8 allowed to withdraw the plea to the gross
9 misdemeanor and plead to a misdemeanor.

10 Exhibit H is the -- the conviction
11 document showing that he, in fact, was convicted of
12 attempted theft which is treated in this case as a -
13 - as a gross misdemeanor. It shows that he was
14 sentenced to 364 days in the Clark County Detention
15 Center. That was suspended. He was placed on
16 probation for indeterminate period. Those
17 conditions of probation, again, include terms that
18 are inconsistent with working as a peace officer
19 including non-association with felons or individuals
20 who are on parole or probation and, again, the
21 restriction on possessing or access to weapons.

22 And those are the -- all of the court
23 documents and employment documents related to this
24 case. I would ask that those be made a part of the
25 record to -- in support of any action the Commission

1 may take today.

2 RON PIERINI: Absolutely. Accepted.

3 MICHAEL JENSEN: The evidence in those
4 documents shows that Mr. Kitchen pled guilty
5 pursuant to Alford, to the gross misdemeanor in
6 connection with conduct involving attempting to
7 steal money from an individual. This is, again,
8 very serious conduct that is inconsistent with being
9 a peace officer and acting as a peace officer in the
10 future and would recommend that Mr. Kitchen's
11 certificate be revoked.

12 RON PIERINI: Thank you. Any questions
13 from the Commission? How about to the public?
14 Okay.

15 KEVIN MCKINNEY: One quick question.

16 RON PIERINI: Sure.

17 KEVIN MCKINNEY: Kevin McKinney. Part of
18 the plea agreement is that later on he can actually
19 withdraw his plea to gross misdemeanor to -- lower
20 it to a misdemeanor. Will that affect the
21 certification revocation?

22 MICHAEL JENSEN: No, in fact, probably a
23 year ago the regulations were changed to provide the
24 individuals whose POST certification could be
25 revoked for guilty plea or no contest plea to a --

1 to a felony or gross misdemeanor. And so it doesn't
2 affect your authority to be able to take that action
3 just based on a plea. It appears here, though, that
4 he actually -- the -- there was an actual entry of a
5 conviction for the gross misdemeanor. So that would
6 be at the end of the process, he would have to come
7 back and make a motion to have that withdrawn.

8 KEVIN MCKINNEY: Thank you.

9 RON PIERINI: Okay, any -- we're looking
10 for a motion, I guess.

11 UNIDENTIFIED MALE: Motion to (inaudible).

12 RON PIERINI: Okay, we got a --

13 MICHELE FREEMAN: Michele Freeman.
14 Second.

15 RON PIERINI: First and second. Okay.

16 Any other discussion? All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed? So
19 carried. Okay, Number 17. Discussion, public
20 comment, and for possible action. This hearing
21 pursuant to NAC 289.290(1)(e) for revoking Jessie
22 Fikes formerly of Nevada Department of Corrections
23 certification based on a gross misdemeanor
24 conviction for open and gross lewdness. The
25 Commission will decide whether to revoke Mr. Fikes'

1 Category III Basic Certificate. Mr. Jensen.

2 MICHAEL JENSEN: Thank you, Mr. Chairman.

3 This is the final of the three. I won't put you
4 through any more pain after this one in terms of
5 having to listen to me. This is the time and place
6 scheduled for the hearing for potential revocation
7 of Mr. Jessie Fikes' POST certification. Same
8 authority underlying any action taken by the
9 Commission. In this specific case it would be based
10 on NAC 289.290 Section (1)(e), again, authorizing
11 revocation or suspension for a plea of guilty or
12 conviction to a -- or no-contest to a gross
13 misdemeanor.

14 Just to go through the documents that any
15 action being taken today would be based on. We
16 start with the Notice of Intent which shows that Mr.
17 Fikes was notified of the Commission's intent to
18 initiate action to revoke his Basic Certificate,
19 again, informing him of the law that provides for
20 that to take place in the particular conviction
21 which is a conviction for open or gross lewdness, a
22 gross misdemeanor in violation of NRS 201.210, his
23 ability to appear at this hearing today, the time,
24 place and location of this hearing. It's my
25 understanding that he did not contact the Commission

1 to appear today.

2 The scope of this hearing is whether or
3 not his POST -- Mr. Fikes' POST certification should
4 be revoked for a plea of guilty or -- or no contest
5 to that gross misdemeanor, open and gross lewdness.

6 Exhibit B is our proof of service on Mr.
7 Fikes, which shows that he received this Notice of
8 Intent to Revoke on February 26, 2016, which
9 complies with all legal requirements for notice for
10 this particular hearing and any action taken by the
11 Commission.

12 Exhibit C is the Personnel Action Report
13 which shows that Mr. Fikes separated employment with
14 his agency effective, again, some time ago in May of
15 2014.

16 Exhibit D is his Category -- I believe
17 it's Category III POST Basic Certificate, which
18 would be the certificate that action would be taken
19 against today if any.

20 The court documents begin with Exhibit E.
21 The original information has a number of counts
22 which you can see begin with child abuse or neglect
23 of a child under age 14 causing substantial mental -
24 - mental harm and unjustifiable pain. You can see
25 in looking at those documents each of those relates

1 to sexual conduct with that -- with that juvenile.

2 Exhibit 2 -- or Count 2 is lewdness with a
3 child under 14. Count 3 is child abuse or neglect
4 of a child under age 14. And you can see -- I won't
5 read through the allegations. Basically, it's
6 sexual conduct with a juvenile.

7 Exhibit 4 is the lewdness count with a
8 child under 14. Again, if you -- you can read
9 through and see that that involved some sexual
10 conduct and touching of a -- of a child, a juvenile.

11 The next exhibit is Exhibit F, which is
12 the Amended Information, which is two counts.
13 You'll see in this case it actually went through two
14 amended informations. The first he was -- the
15 charges were reduced down to lewdness with a child
16 under 14 and two counts of lewdness with a child
17 under 14. And finally, the information that he
18 ended up pleading guilty no contest under Alford,
19 too, was a Second Amended Complaint which is Exhibit
20 G, the open or gross lewdness count. Again, you can
21 see the -- the allegation there is sexual in nature
22 with this juvenile, a gross misdemeanor.

23 Exhibit H is the no-contest plea pursuant
24 to Alford. Again, in our context the no contest
25 plea doesn't matter. It's still a plea of guilty

1 under -- under Alford. And he's agreeing to plead
2 guilty to that gross misdemeanor of open or gross
3 lewdness. The parties agree that he would be
4 sentenced to time served as a recommendation from
5 the parties.

6 The final document is the judgment
7 sentence. That particular judgment shows that he
8 was convicted of open or gross lewdness with that
9 individual, that juvenile. He received a sentence
10 of 364 days which was time served for him in -- in
11 the White Pine County Jail and was required to pay a
12 fine of \$1,000.

13 And the final document that's part of that
14 exhibit shows that he was given credit against his
15 fine for additional time past that 364 days that he
16 served in jail. So -- to cover the fine.

17 This particular case, I think, is pretty
18 straightforward in terms of the kind of conduct
19 involved. So that it's clearly inconsistent with
20 anyone who is a peace officer or who wishes to be a
21 peace officer in the future. Serious inability to
22 control himself and serious adverse effects on a
23 juvenile. So I would recommend that his POST
24 certification be revoked and that his conduct has
25 disqualified him from being able to act as a peace

1 officer in the future.

2 RON PIERINI: I also want to mention that
3 the exhibits are approved (inaudible). Any
4 questions from the Commission? How about in the
5 public? I'm looking for a motion.

6 TROY TANNER: Troy Tanner. I make a
7 motion to revoke Mr. Fikes' Category III Basic
8 Certificate.

9 RON PIERINI: Thank you, Chief. Do I have
10 a second?

11 JAMES WRIGHT: Jim Wright. I'll second.

12 RON PIERINI: Thank you. Any other
13 questions or comments? All in favor?

14 COMMISSIONERS: Aye.

15 RON PIERINI: Anybody opposed? So
16 carried. Thank you. Okay, Number 18 is the comment
17 -- public comments. This is, obviously, items that
18 -- that we can't take action on. Is there anybody
19 in the audience that would like to make a question
20 or a comment here? All right, seeing none, we're
21 going onto the scheduling of upcoming Commission
22 meeting, which I imagine will be in July. It will
23 be in Dan Watt's country.

24 DAN WATTS: Come on down.

25 RON PIERINI: And so I guess that's what

1 we're going to be doing, isn't that true, Mike?

2 MICHAEL SHERLOCK: At this point we
3 haven't been able to confirm with Bob Roshak on
4 which day and what's available, but it will be in
5 conjunction with the Sheriffs and Chiefs.

6 RON PIERINI: Usually it's on the third
7 week of July. So kind of count on that pretty much
8 I think.

9 MICHAEL SHERLOCK: And then depending on,
10 you know, what rooms he has and what -- which day,
11 we'll get a notice out on that.

12 RON PIERINI: Okay. We can't do really a
13 motion on that because we don't have a date, so
14 we're fine with that. But I do have to have a
15 discussion, public comment, possible action for
16 adjournment. So who had -- who wants to do that?
17 Dan, you do want that, right? A motion.

18 UNIDENTIFIED MALE: Go ahead, I'll let you
19 make the motion.

20 DAN WATTS: I move we adjourn.

21 RON PIERINI: Okay and second.

22 RUSSELL PEDERSEN: Russ Pedersen. Second.

23 (Several people speaking at the same
24 time.)

25 RON PIERINI: Okay, thank you.

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(MEETING ADJOURNED AT 10:07 a.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
Trustpoint Reporting

5/16/16

DATE