

PEACE OFFICERS STANDARDS AND TRAINING

PUBLIC MEETING

August 24, 2016

10:01 a.m.

The Commission on Peace Officer Standards and Training
Nevada Gaming Control Board
Room 100
1919 East College Parkway
Carson City, Nevada

And

Grant Sawyer Building
Suite 2450
555 East Washington Avenue
Las Vegas, Nevada

MEMBERS PRESENT:

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

Michele Freeman, Chief
City of LV Department of Public
Safety

James Ketsaa, Chief
Clark County School District Police
Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Gary Schofield, Deputy Chief
Las Vegas Metropolitan Police
Department

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 Officers
Standards and Training

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

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

1 RONALD PIERINI: All right. What we'd
2 like to do now is we'd like to say it is I got it
3 about one minute after ten a.m. here on the August
4 24th, and we're divided actually in two different
5 locations for our video conference, and what I'd
6 like to do now is say that we have these two
7 locations, one where we're at right now, which is
8 Nevada Gaming Control Board, Room 100, at 1919 East
9 College Parkway in Carson City, Nevada. The second
10 one is a commission meeting is also at the video
11 conference at the Grant Sawyer Building, Suite 2450
12 at 555 East Washington Avenue, Las Vegas, Nevada.
13 And so what I'd like to do right now if we could is
14 to call for order and start with, Scott, if we
15 could.

16 SCOTT JOHNSTON: Scott Johnston, POST.

17 MICHAEL SHERLOCK: And Mike Sherlock from
18 POST.

19 MICHAEL JENSEN: Mike Jensen with the
20 Attorney General's Office.

21 RON PIERINI: Ron Pierini, Douglas County
22 Sheriff.

23 RUSSELL PEDERSEN: Russ Pedersen, Washoe
24 County Sheriff's Office.

25 JAMES WRIGHT: Jim Wright, DPS.

1 RON PIERINI: And now if we could go to
2 Las Vegas start with you, Dan.

3 DAN WATTS: Dan Watts, White Pine County.

4 GARY SCHOFIELD: Gary Schofield, Las Vegas
5 Metropolitan Police Department.

6 JAMES KETSAA: Jim Ketsaa, Clark County
7 School Police.

8 TROY TANNER: Troy Tanner, Mesquite
9 Police.

10 MICHELE FREEMAN: Michele Freeman, Las
11 Vegas Department of Public Safety.

12 RON PIERINI: Okay. And the only one that
13 (inaudible) have right now is the Undersheriff
14 McKinney from Elko County Sheriff's Department is
15 not present.

16 I'd like to maybe have Scott, if you could
17 explain a little bit about the -- how this works
18 with the mics.

19 SCOTT JOHNSTON: Yeah. Yeah, thank you.
20 Scott Johnston for the record. As many of you have
21 already figured out, there's a switch on your
22 console there that activates the mic, so it will be
23 heard at both ends of the state, and then you can
24 turn it off after you're done speaking, if you wish,
25 so that your conversation doesn't get out.

1 RON PIERINI: Okay, Scott. Thank you.
2 All right. We'd like to do this, is start off with
3 members of the public, and I stated that we have
4 four in this location, you've got one in yours, and
5 if you came into this at this room, would you please
6 -- if you haven't done, put your name down. There's
7 a list over there to do such. Remember if you come
8 up here to make a comment, you have to have your
9 name and the agency that you work for. I want to
10 also make sure for all the Commissioners that, and
11 especially for this event, is when we have a motion
12 or a question, make sure it's clear that your name
13 is given to that and what agency you're from. Also
14 remind the Commissioners that the mics are very
15 sensitive, and so that it could be recorded if
16 you're talking to the Commissioner next to you.

17 So on those we'd like to go from there.
18 And Scott, if we could go and list exactly where
19 this information as far as posting that we have this
20 meeting today, if you could list all the locations.

21 SCOTT JOHNSTON: Thank you, Mr. Chairman.
22 Scott Johnston for the record. As part of the
23 compliance with the open-meeting law on posting
24 meetings, the agenda was posted at the POST
25 Administrative Offices in Carson City, Nevada State

1 Capitol Building in Carson City, Blasdel State
2 Building in Carson City, Nevada State Library and
3 Archives in Carson City, Grant Sawyer Building in
4 Las Vegas, the Carson City Sheriff's Office, the
5 White Pine County Sheriff's Office, and it was also
6 posted on the POST website at post.state.nv.us, and
7 the state notice website at notice.nv.gov, and it
8 was e-mailed to all law enforcement agency point of
9 contacts that we have listed on an ongoing list.

10 RON PIERINI: Okay, Scott. Thank you very
11 much.

12 We're going to start off with Number 3 if
13 we could now discussion and public comment and for
14 possible action. And approval from the minutes from
15 the May 5th, 2016, regularly scheduled POST
16 Commission meeting. Does anybody from the audience
17 would like to -- maybe looked at those particular
18 minutes that we had on that particular day. Okay.
19 Anybody would like to make a comment on that? Okay.
20 Seeing none, how about the Commissioners? Do we
21 have any commissioners might have any corrections
22 that they saw from the minutes on May 5th? Okay.
23 Not seeing any, do we have a motion?

24 RUSSELL PEDERSEN: Russ Pedersen, motion
25 to approve.

1 RON PIERINI: Okay. Do I have a second?

2 JAMES WRIGHT: Jim Wright, second.

3 RON PIERINI: Thank you. Any other
4 discussion? All in favor? Aye.

5 COMMISSIONERS: Aye.

6 RON PIERINI: Any opposed? So carried.

7 All right. Now, Mike Sherlock, it's your
8 turn to talk about executive (inaudible). Boy, this
9 button thing is really weird. (Inaudible) record.
10 Mike.

11 MICHAEL SHERLOCK: For the record, Mike
12 Sherlock from POST. Real quick, I'm going to try to
13 be brief. I'm not going to lie. This is our chance
14 to kind of let the Commissioners know what's going
15 on at POST. Even though we do a lot of outreach
16 with our newsletter and that kind of thing, we use
17 this time to at least let the commissioners know
18 what's going on at POST and what things we are
19 doing. I'm going to just go by division real quick.

20 For the Training Division we are working
21 on what we originally called statewide lesson plans.
22 Really what that is is student material that we're
23 going to provide all academies to make sure that all
24 basis are covered in terms of state certification
25 tests, and we're nearing completion with that

1 project, and that'll be rolling out hopefully by
2 January.

3 One of the big programs that we were ask
4 to develop and we're nearing a completion with that,
5 actually it's done, is the Post Reserve Academy. I
6 just want to let the commissioners know that
7 priority will be given to Category I agencies with
8 the understanding that the -- the State Reserve
9 Training requirements under the NAC are based on
10 Category I agencies, and that's why the emphasis
11 there. This new academy will include a component,
12 but that must be provided by the hiring agency, you
13 know, range, arrest control, that kind of thing, an
14 online component, and a three-day stay at POST to
15 finish that academy over the weekend.

16 Our goal was to increase the standard of
17 training for reserves while at the same time
18 recognize that reserves are often voluntary in
19 nature and agencies have a limited budget in terms
20 of training reserves. This program will be free to
21 our -- to the agencies across the state that -- that
22 with to use that. We are having a roll-out meeting
23 and presentation on September 7 at ten a.m. at POST
24 in Carson City for anyone that would like to -- to
25 come and learn what that program is. We have a lot

1 of people coming already, but we do have room for
2 agencies to come hear about that program. We're
3 pretty excited about it, and I think it'll be a
4 benefit across -- across the state.

5 As we've been talking about a lot, we've
6 kind of changed focus at our academy, more
7 structure. We've updated curriculum, added quite a
8 bit of performance based learning, scenario
9 training, that kind of thing. Again, we've had
10 another request to include Category III, which we do
11 not do right now. We will be doing that in January.
12 Our Cat III program will emphasize detention, not
13 state prison type training, but will be the first
14 eight weeks of our academy. Cat II will be included
15 as it is now at 10 weeks, and then Cat I will expand
16 to 17 weeks beginning in January.

17 If you have any questions on that, I would
18 suggest you get a hold of our training staff. They
19 put a lot of work into integrating Cat III subjects
20 and -- and marrying those up with Cat I. There were
21 some issues, and there still remain some issues in
22 the NAC, but we're -- we're working hard to -- to
23 clean those. So we're -- we're there on that, and -
24 - and we're pretty excited about that. And again,
25 that came from a request from agencies across the

1 state.

2 In the standards division, academy audits
3 are on schedule. We wanted to meet the NRS. It
4 says we are to inspect them yearly. We've done
5 that, and we will continue to do that. We're trying
6 to change our focus a little bit in terms of audits
7 and inspections to look at all requirements under
8 the NAC whether it's standards of appointment rather
9 than just simply training, and a lot of the training
10 issues in terms of Continuing Ed fixed themselves
11 throughout the year, because we do it every year in
12 looking at those records. So we're on track there.

13 We continue to look at personnel
14 assignments within POST looking for the best
15 combination we can come up with. We are getting
16 close on a -- an administrative manual that we're
17 going to roll out that will provide agencies a
18 resource on -- on what is required under the NAC and
19 -- and most importantly how POST really interprets
20 or looks at compliance with those regulations and
21 how agencies can work better with POST, and we hope
22 to get that done very soon.

23 In terms of the budget, I think we do a
24 good job with the -- the funds that we receive right
25 now. With this budget season coming up, we've been

1 asked, as every other state agency, to budget at
2 five percent less on our cap on our case budget for
3 the biennium. Again, it's a bit frustrating. We
4 are a 100 percent fee-based agency. We receive no
5 general funds, but we are building our budget with
6 that requirement, which would be a loss of one
7 position, so we'll see what happens there. We are
8 hopeful that that will be restored and the
9 government -- governor's budget recommendation
10 includes additional resources for us, and so we're
11 just waiting to see on that.

12 On a national issue, you know, in terms of
13 POST, the National Certification Project is -- is
14 moving quickly across the country. We hope to be --
15 be able to update our regulations to fall within
16 that, and this about core certification, not officer
17 certification, and -- and we've worked out a plan
18 with NCP to be able to do that hopefully fairly soon
19 and -- and they may require a small change in our
20 regulation.

21 We're being tasked constantly to help with
22 this project dealing with a National Use of Force
23 Model policy. We continue to take the stand that
24 it's not a POST issue, and frankly it's an issue for
25 local agencies, so honestly we're trying to push the

1 back onto the agencies. When I say them, I'm
2 talking about Washington, DC.

3 We continue to have to be involved in
4 studies related to training dealing with mentally
5 ill and also DS relation, and we continue to do
6 that. And -- and here in Nevada, as you know, we do
7 a pretty good job. Our basic training requirements
8 include both CIT and dealing or handling those with
9 mental illness, which covers a lot of what is being
10 suggested nationally and -- and -- and our academy
11 in house we've included -- added about 40 hours of
12 scenario-based training dealing with decision making
13 and DS relation, that kind of thing.

14 So in a nutshell, that is what's been
15 going on at POST. Be happy to answer any questions
16 and feel free to get a hold of us at any time.

17 RON PIERINI: Okay. Thank you very much,
18 Mike. And anybody have any questions or comments?

19 RUSSELL PEDERSEN: Russ Pedersen. Mike, I
20 just want -- you said September 7th is the rollout.
21 I'm sorry. What time for the reserves?

22 MICHAEL SHERLOCK: It's September 7th at
23 ten a.m. is the meeting.

24 JAMES WRIGHT: For the record Jim Wright.
25 Comment for Mike and his staff. DPS is standing up

1 a basic academy in Las Vegas and -- and Mike, you
2 and your staff was a tremendous help to us in
3 getting that certified for us to -- to launch that
4 class down there, and we certainly appreciate it.
5 We know it was a rush thing. We were rushing to get
6 an agreement in place where we're going to have that
7 academy at one of the National Guard facilities down
8 there, and we're hoping to have up to 35 cadets into
9 that class. So it starts September 12th, but it was
10 getting that POST certification and the location
11 that made all that happen, so thank you. Thank you
12 and your staff for helping us with that.

13 RON PIERINI: Las Vegas, any questions or
14 comments? I'm going to make one, and I tell you
15 what. You're doing a great job.

16 MICHAEL SHERLOCK: Thank you.

17 RON PIERINI: It's been a year now that
18 Mike has taken over that Executive Director
19 position, and I think we've -- we've really done
20 very well. People working hard and you're really
21 tackling some of the questions that we've always had
22 in the past and doing something to fix it, so I just
23 wanted to say, Mike, appreciate it.

24 MICHAEL SHERLOCK: Thank you.

25 RON PIERINI: Anybody from the comment --

1 out in the public would like to make a comment?

2 Question?

3 TROY TANNER: I have a quick comment.

4 Troy Tanner for the record. I just want to thank
5 Mike (inaudible) the academy and a little bit more
6 quality training that we asked (inaudible). So I
7 appreciate (inaudible).

8 MICHAEL SHERLOCK: Thank you.

9 RON PIERINI: Does that mean your ego is
10 going up?

11 MICHAEL SHERLOCK: Not at all.

12 RON PIERINI: Go on to Number 5 if we
13 would now, please. Discussion, public comment, and
14 for possible action, discussion of possible action.
15 Establish Commissioners' interpretation of NAC
16 289.300, which sets the standards of certification
17 and operation of basic training course as presented
18 by the law enforcement agencies in other areas
19 approved by the Commission. Commission to
20 discussion and -- and possibly take action determine
21 whether it will -- what am I trying to say? Where
22 am I at? Okay. Well, anyway NAC 289.300(1) which
23 permits an entity approved by the Commission to
24 present basic training courses to include private
25 nongovernmental entities.

1 So I think, Mike, that's up to you.

2 MICHAEL SHERLOCK: Mike Sherlock for the
3 record. The reason this is on the agenda is staff
4 has had some inquiries as to whether a private
5 entity can present a Basic Training Peace Officer
6 Academy.

7 Just to give you some background, under
8 the current regulation NAC 289.300 states that,
9 "POST shall certify basic training courses that meet
10 the minimum standards on our -- and are presented by
11 an agency," and there's a definition in there of an
12 agency. Real quick, it simply is a state or local
13 entity that employs peace officers. But the second
14 part of that reg or of the sentence and -- and who
15 may present says, "Or approved by the Commission."
16 So the inquiry is where it says, "approved by the
17 Commission," does that mean a private entity could
18 come before the Commissioners and ask to -- to be
19 able to present a basic training academy.

20 So real quick what I'd like to do is give
21 you just the history of that wording. I think in
22 your books there's a portion of a meeting and
23 workshop from 2002 when that language was changed
24 and "or approved by the Commission" was added. So
25 as you can see back then the issue at hand was that

1 POST does not meet the definition of an agency. And
2 I'm talking about POST staff. And yet we are tasked
3 with presenting basic training academies. So back
4 in 2002, if you look at the comments, the language
5 was updated to ensure POST was within its own
6 regulation.

7 Even more to put it in context, if you
8 look at that meeting and the comments there
9 Commission was not Commissioners, but Commission was
10 staff; whether or not staff could present or the
11 Commission staff could present an academy not being
12 an agency by definition. And that -- and that seems
13 to be the reason that wording was -- was placed in
14 there.

15 So the question I think today is do the
16 Commissioners interpret that regulation to mean law
17 enforcement agencies and POST staff may run an
18 academy, or is it a broader interpretation that
19 would allow private entities to present a peace
20 officer academy. Again, in -- in terms of getting
21 you as much information as I can, I did check with -
22 - we pulled states from the western states to
23 determine what -- how they handled peace officer
24 academies, and none of the westerns states, and
25 frankly none of the United States that I could find,

1 but specifically in the western states none of them
2 allow private entities to present academies. In
3 fact, a couple of states specifically prohibit
4 private entities, but most of them their language is
5 very similar to ours in that law enforcement
6 agencies are authorized to run academies, not
7 private entities. So that's kind of the basis of
8 this and -- and some of the confusion with this
9 particular regulation.

10 I will say regardless of the
11 Commissioners' interpretation of that language,
12 staff has looked at this pretty thoroughly and for
13 some time now. Staff's recommendation would be
14 regardless of the interpretation is to not open the
15 door for police academies, peace officer academies
16 to private entities.

17 And I believe Mike was going to -- going
18 to give you some information in terms of the
19 regulation.

20 MICHAEL JENSEN: This is Mike Jensen for
21 the record. Just from the -- from the legal aspect
22 on this particular question, why -- why it's coming
23 to you as a question of interpretation of your
24 regulation, with an entity like the POST Commission
25 that has rule-making authority, with that comes the

1 ability because of your expertise in a particular
2 field to interpret your regulations. And in this
3 particular case where there is some ambiguity as to
4 whether or not, you know, your regulation when it
5 talks about other courses approved by the Commission
6 where there's some ambiguity about what kinds of
7 entities would be appropriate to come forward and
8 request those certification, the -- the Commission
9 has the authority to interpret that regulation based
10 on expertise and your policy considerations to
11 determine whether you want to interpret that way so
12 that the whole field would be covered as opposed to
13 potentially if you didn't make an interpretation
14 having to deal case by case as particular
15 applications for a certification came in. So the
16 thinking is to give the Commission the opportunity
17 to make -- potentially make an interpretation on
18 whether or not that could include private entities.

19 The other thing that's important is that
20 the Courts recognize that when an agency makes an
21 interpretation of its own regulations that that
22 interpretation is given deference by the Court. So
23 if there were a challenge to that interpretation,
24 the Court would give deference, meaning it would --
25 it would recognize the expertise of the Commission

1 in making those kinds of determinations when
2 deciding whether or not that was appropriate.

3 And so I think -- I think from a legal
4 perspective, that's -- that's a couple of the
5 important points to consider.

6 RON PIERINI: Thank you. Any of the
7 Commission like to make a comment?

8 GARY SCHOFIELD: Gary Schofield for the
9 record. I think for my fellow Commissioners
10 (inaudible) when it comes to this regulation is
11 background checks. The reality is that those
12 individuals that go into our academies be it
13 (inaudible) open this up to a private entity
14 (inaudible) not be the same (inaudible).
15 (Inaudible) refer to what staff has recommended for
16 the (inaudible) trailblazer decision (inaudible).

17 RON PIERINI: Thank you.

18 TROY TANNER: Troy Tanner for the record.
19 A question, Mike Sherlock. Do we have any private
20 entities at this point inside of Nevada?

21 MICHAEL SHERLOCK: No, we do not. We --
22 all academies are associated with and sponsored by a
23 law enforcement agency across the state currently.

24 UNIDENTIFIED MALE: I agree with Gary's
25 comments.

1 RON PIERINI: Okay. Any more from the
2 Commissioners?

3 RUSSELL PEDERSEN: Yes, (inaudible). Russ
4 Pedersen. I just absolutely agree with them. I
5 think we should stay away from the private entity.
6 I don't think for one we're trying to control our
7 regulations and -- and I don't believe POST is set
8 out to expand that with personnel budget as we try
9 to, you know, make sure that we adhere to a much --
10 a higher standard what's expected of us especially
11 across the nation. I -- to me agency is law
12 enforcement. I think that still gives the
13 flexibility to an agency or a department who may
14 want to partner with an entity, be it a school or a
15 private, they can go ahead and sponsor, but the
16 background issue, all of those things come into
17 play, so I -- my recommendation is agency is law
18 enforcement or as -- just as it's defined.

19 RON PIERINI: Thank you. Anybody else
20 like to -- any other Commissioners? Let's go to the
21 public. Is there anybody from the public would like
22 to make comment on this agenda item?

23 Interpretation, if I could to Mike
24 Jensen, because we go and we make, for example, a
25 possible action on this that we believe this is what

1 we want to have done or not to do, do we -- should
2 we make it more clear in doing (inaudible), you
3 know, some kind of in -- in our regulations that
4 this is what it really means or how would we do
5 that?

6 MICHAEL JENSEN: Well, certainly the
7 Commission has the option to -- to go through rule
8 making and -- and clarify that particular section of
9 the regulation for purposes of where you're at right
10 now. It's also appropriate in a circumstance like
11 this to -- to have a motion where you would say, you
12 know, the Commission interprets other entities
13 approved by the Commission to mean something, you
14 know, whether it means in this particular case that
15 it doesn't apply to private entities. That could be
16 one potential way that you could deal with that.

17 RON PIERINI: All right. Any other
18 comment from the Commissioners? Looking for a
19 motion. Gary, I think I see her or Chief, do you
20 see her?

21 JAMES KETSAA: Jim Ketsaa for the record.
22 I make a motion define the agency as a law
23 enforcement (inaudible).

24 TROY TANNER: Second. Troy Tanner,
25 second.

1 RON PIERINI: Does everybody understand
2 that okay? Was it loud enough for everybody? I
3 think need you to clarify it.

4 MICHAEL SHERLOCK: Mike Sherlock for the
5 record. If I could clarify, in the regulation
6 agency is -- is defined fairly well. Actually
7 really well. The -- the question is the second part
8 of that sentence says or approved by the Commission,
9 so what we were looking for is an interpretation of
10 the meaning. Does that mean that a private entity
11 can be approved by the Commission? If the answer to
12 that is no, I think the motion would be just that,
13 that the second part of that sentence does not allow
14 for private entities, if that makes sense.

15 RON PIERINI: I think we're all okay on
16 that. We want to make sure that it's better motion
17 on this if we could maybe with you, Gary, or maybe
18 Mike Jensen. I don't know. You can't do that, but
19 you understand what we're trying to do to make sure
20 that we're correct in what we're doing.

21 MICHAEL JENSEN: Yes. Yeah.

22 RON PIERINI: I guess that's what I'm
23 reaching to do.

24 GARY SCHOFIELD: Gary Schofield for the
25 record. I think that since Chief Ketsaa has a

1 motion on the floor that you clarify that
2 (inaudible).

3 JAMES KETSAA: Yeah, I'd like to clarify,
4 Jim Ketsaa for the record, that the specified
5 language in the second part -- should the attorney
6 general give us some (inaudible) appropriate or not
7 (inaudible) proper language or just basically say
8 that (inaudible) not -- not allow private entities
9 or (inaudible) academy (inaudible)?

10 MICHAEL JENSEN: This -- this is Mike
11 Jensen for the record. Yeah, in terms of
12 clarifying, that makes sense, you -- you just want
13 to make sure that in -- in your motion you're not
14 limiting the term "agency" to how it's defined in
15 the NAC, because that would exclude POST from
16 presenting a basic training course. So yeah, I
17 think the clarification that you've made for the
18 record it -- it -- it sounds like what you're saying
19 is that the interpretation of that regulation would
20 be that private entities would not be entities that
21 would be approved for certification.

22 RON PIERINI: So are we good enough on
23 that right now and should be going with a clear
24 second on it on that? I think we're okay on that?

25 TROY TANNER: Troy Tanner for the record.

1 I'll second the motion.

2 RON PIERINI: Okay. Any other comments or
3 information? All in favor?

4 COMMISSIONERS: Aye.

5 RON PIERINI: Anybody opposed? So
6 carried. Okay. Thank you.

7 Well, I -- I think that we did public. I
8 think we're okay on the public end of it. I did ask
9 that and I didn't see (inaudible), so we're okay on
10 that.

11 UNIDENTIFIED MALE: Sorry.

12 RON PIERINI: That's okay. I appreciate
13 you getting me squared away. That's all right. Any
14 time you want to do that is fine with me.

15 We're going to go on Number 6, discussion,
16 public comment, and for possible action as result
17 the Nevada Department of Public Safety for their
18 employee Captain Charles Powell for the executive
19 certificate, and I would think that is probably you,
20 Mike.

21 MICHAEL SHERLOCK: Mike Sherlock for the
22 record. Yes, staff received and reviewed the
23 application for an executive certificate for Captain
24 Charles Powell, Nevada Department of Public Safety.
25 Staff finds that all requirements under the NAC have

1 been met for the -- for the certificate, and we
2 recommend awarding the executive certificate.

3 RON PIERINI: Make it official (inaudible)
4 have any questions? (Inaudible) the public. Anyone
5 being in the public would like make a comment on
6 this, Number 6? And do we have Charles here today?
7 I thought that was you. Why don't you come on up
8 front, please? Thank you, sir. That's fine right
9 there. Okay. Is there anybody who'd like to make
10 any more comments? Seeing none, do I have a motion?

11 RUSSELL PEDERSEN: Russell Pedersen move
12 to approve the executive certificate for Captain
13 Charles Powell.

14 RON PIERINI: Do we have a second?

15 DAN WATTS: Dan Watts for second.

16 RON PIERINI: Okay, Dan. All in favor?

17 COMMISSIONERS: Aye.

18 RON PIERINI: Anybody opposed? So
19 carried. Captain, we want to congratulate you very
20 much.

21 CAPTAIN POWELL: (Inaudible).

22 RON PIERINI: Thank you.

23 CAPTAIN POWELL: Thank you, sir.

24 RON PIERINI: Charles, what we do is we
25 have the certificate here, so be more than glad to

1 get that to you. And we just want to congratulate
2 you with one of the things that I want to say and
3 we're going to have to say it for the next couple
4 more, because the fact it's really an important
5 thing to receive. You've worked hard for it, and we
6 really appreciate your profession and that you
7 really count that as a positive thing and being able
8 to get as much training and education possibly could
9 get. That certificate is sometimes very difficult,
10 but you made it out (inaudible), so we want to thank
11 you very much.

12 Okay. We're going to go onto Number 7 of
13 the agenda. This is a discussion, public comment,
14 and for possible action, we request the Las Vegas
15 Metropolitan Police Department for their employee
16 Captain Christopher (Inaudible) for the executive
17 certificate. So I guess Mike, you're up on that one
18 again.

19 MICHAEL SHERLOCK: Mike Sherlock for the
20 record. Again, staff received and reviewed the
21 application for an executive certificate for Captain
22 Christopher Tomaino, Las Vegas Metropolitan --
23 sorry, go ahead.

24 UNIDENTIFIED MALE: (Inaudible).

25 MICHAEL SHERLOCK: Okay. Las Vegas

1 Metropolitan Police Department. Staff finds that
2 all requirements under the NAC have been met for the
3 certificate, and staff recommends awarding the
4 executive certificate.

5 RON PIERINI: Thank you, Mike.

6 UNIDENTIFIED MALE: (Inaudible).

7 RON PIERINI: Did anybody --

8 UNIDENTIFIED MALE: No.

9 RON PIERINI: Are we okay? I guess, but
10 anyway, what I wanted to say is comments from any
11 Commissioners? Seeing none, do we have Christopher
12 in the audience? Okay. Thank you, Gary. All in
13 favor? Oh, let's make a motion first. Let's do
14 that, huh? There we go.

15 GARY SCHOFIELD: Gary Schofield
16 (inaudible) for the record make motion to award
17 (inaudible).

18 RON PIERINI: Thank you, Gary. Second?

19 MICHELE FREEMAN: Michele Freeman. I
20 second.

21 RON PIERINI: Thank you. Any other
22 discussion? All in favor?

23 COMMISSIONERS: Aye.

24 RON PIERINI: Anybody opposed? So
25 carried.

1 We're going go on Number 8. Discussion,
2 public comment, and for possible action request from
3 Las Vegas Metropolitan Police Department for
4 employee Captain James J. Seebock for the executive
5 certificate. Mike?

6 MICHAEL SHERLOCK: Mike Sherlock for the
7 record. One more time, staff received and reviewed
8 the application for an executive certificate for
9 Captain James J. Seebock of the Las Vegas
10 Metropolitan Police Department. Staff finds that
11 all requirements under the NAC have been met for the
12 certificate, and we recommend awarding the executive
13 certificate.

14 RON PIERINI: Thank you, Mike. Questions
15 from the Commission? (inaudible) to the public
16 then. Does anybody (inaudible) make comment on
17 Number 8? Seeing none, we'll now look for a motion.

18 RUSSELL PEDERSEN: Russell Pedersen --

19 MICHELE FREEMAN: Michele Freeman --

20 Michele Freeman. I make a motion to approve.

21 RON PIERINI: Thank you. Do I have a
22 second?

23 RUSSELL PEDERSEN: And Russell Pedersen
24 move to second.

25 RON PIERINI: All right. Any other

1 comment? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Is anybody opposed? So
4 carried.

5 Number 9 is (inaudible) discussion and
6 public comment and possible action. Request from
7 Washoe County Sheriff's Office for employee Captain
8 Frank Schumann for the executive certificate. Mike?

9 MICHAEL SHERLOCK: Mike Sherlock for the
10 record. Staff received and reviewed the application
11 for an executive certificate for Captain Frank
12 Schumann of the Washoe County Sheriff's Department.
13 Staff finds that all requirements under the NAC have
14 been met for the certificate and staff recommends
15 awarding the executive certificate.

16 RON PIERINI: Thank you, Mike. Any
17 comments or questions from the Commission? How
18 about to the public? Anybody who would like to make
19 a comment on this particular Number 9 (inaudible)?
20 All right. Looking for a motion. Somebody should
21 really make a motion. I'm sorry.

22 TROY TANNER: Troy Tanner for the record.
23 I'll make the motion to approve Captain Frank
24 Schumann for executive certificate.

25 RON PIERINI: Thank you. Do I have a

1 second? Second? Okay. Any other comments from the
2 Commissioners? All in favor?

3 COMMISSIONERS: Aye.

4 RON PIERINI: Anybody opposed? And did
5 you want to make any comment?

6 RUSSELL PEDERSEN: Yeah. Russell Pedersen
7 just for the record (inaudible).

8 RON PIERINI: Thank you very much.

9 Okay. Number 10 (inaudible) discussion,
10 public comment, and for possible action. Hearing
11 pursuant to NAC 289.290(1)(g) Patrick Gale Taylor
12 (inaudible) Las Vegas Metropolitan Police Department
13 certification based on a felony conviction for the
14 possible or visual presentation (inaudible) sexual
15 conduct of a child. Commission will decide whether
16 to revoke Mr. Taylor's Category I Basic Certificate.
17 And Mr. Jensen?

18 MICHAEL JENSEN: Mr. Chairman, this is
19 Mike Jensen for the record. We have two of these
20 revocation hearings scheduled for this morning. If
21 you recall from the last hearing I was sort of new
22 on the Commission. We will be going through some of
23 the -- the exhibits that we've received -- that POST
24 has received in support of any action that the
25 Commission might take this morning and -- and would

1 ask that any exhibits be made part of the record for
2 each of these hearings.

3 The hearings are proceeding under the
4 authority of NRS 289.510 that provides for the
5 Commission to adopt regulations establishing
6 standards for the certification and decertification
7 of officers. In regulation, the Commission has
8 adopted and established those causes to revoke,
9 recuse, or suspend a certificate in 289.290. The
10 specific section that we're dealing with today is
11 Section (1)(g) that authorizes the revocation or
12 suspension of a certificate for a -- either a --
13 entry of plea to or a conviction for a felony.
14 Under your Tab Number 10 there are a number of
15 documents that I'll just go through real -- real
16 briefly so you can see the basis for the action that
17 you may take today.

18 Starting with Exhibit A, which is the
19 Amended Notice of Intent to Revoke, which is
20 required by the Commission's regulations. It
21 informed Mr. Taylor of his ability to appear this
22 morning and to present any evidence, cross examine
23 any witnesses.

24 He was served with this Notice of Intent
25 shown in Exhibit B, which is the Declaration of

1 Service on July 25th of 2016, and that satisfies
2 requirements for notice both in the Commission's
3 regulations as well as in the other statutes here in
4 Nevada.

5 Exhibit C is the Personnel Action Report
6 from the Agency showing that Mr. Taylor retired from
7 his employment effective May 13th of 2015.

8 Exhibit D is the Basic Certificate that
9 was issued to Mr. Taylor which is a Category I Basic
10 Certificate.

11 The next series of documents are the court
12 documents that set out the criminal conviction and -
13 - and the original charging documents.

14 Exhibit F or Exhibit E is the certified
15 copy of the -- of the information which charged Mr.
16 Taylor with that. It's a Category D felony of
17 possession of a visual presentation depicting sexual
18 conduct with a child, which is a Category D felony.

19 To give you -- if you look at that
20 particular exhibit, you can see basically the
21 factual allegation of the charge, which was that Mr.
22 Taylor willfully and lawfully, feloniously, and
23 knowingly had in his possession in a film,
24 photograph, or other visual presentation depicting a
25 child under the age of 16 years of age as the

1 subject of a sexual portrayal or engaging in,
2 simulating, or assisting others in engaging in or
3 simulating sexual conduct to whit two prepubescent
4 female children in bed wearing shirts and underwear.
5 The children are seen taking off their underwear and
6 the camera zooming in on one of the child's
7 genitals. So that's the factual allegation in the
8 charge against Mr. Taylor.

9 The next document, Exhibit F, is the
10 Guilty Plea Agreement where Mr. Taylor agreed to
11 plead guilty to that particular charge, that
12 Category D felony.

13 You then have in your documents the actual
14 conviction documentation, which is the Judgment of
15 Conviction, which is Exhibit G showing that he was
16 convicted of that charge, felony charge.

17 As his sentence he received a -- a minimum
18 term of 24 months, a maximum term of 72 months in
19 the Nevada Department of Corrections. That sentence
20 was suspended. He was placed on probation for an
21 indeterminate period not to exceed three years with
22 a number of stated special conditions that you can
23 see there in that document.

24 Mr. Chairman, I would ask that those
25 Exhibits A through G be admitted as part of the

1 record in support of any action that would be taken
2 by the Commission today.

3 RON PIERINI: (Inaudible) Mr. Jensen
4 (inaudible) Exhibits are approved and accepted.

5 MICHAEL JENSEN: The evidence in this
6 particular case, I think, is pretty clear and
7 straightforward. Mr. Taylor has been convicted of a
8 extremely serious felony. The type of criminal
9 activity that's inconsistent and incompatible with
10 him being in a position of a peace officer. It
11 certainly has violated public trust that was placed
12 in him as a peace officer, and based on that
13 evidence it would be the recommendation that his
14 Basic Certificate be revoked.

15 RON PIERINI: Thank you, Mr. Jensen. Any
16 comments from the Commissioners? We want to reach
17 out. Is there a Mr. Taylor in the audience or his
18 representatives? Seeing none. Any public comment
19 (inaudible)? Not seeing any, looking for a motion.

20 RUSSELL PEDERSEN: Russell Pedersen, move
21 to revoke Patrick Gale's Category I Basic
22 Certificate.

23 RON PIERINI: Do I have second?

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

25 RON PIERINI: Thank you. Any other

1 questions or comment? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried. Thank you.

5 GARY SCHOFIELD: Gary Schofield for the
6 record (inaudible).

7 RON PIERINI: Okay. Thank you, Gary.

8 Number 11, discussion, public comment, and
9 possible action. Hearing pursuant to NAC
10 289.290(1)(g) revocation of Michael Anthony Horne
11 formerly of the Nye County Sheriff's Office.
12 Revocation based on two felony convictions
13 (inaudible) conduct of a public officer in
14 possession of controlled substance. The Commission
15 will decide whether to revoke Mr. Horne's Category I
16 Basic Certificate. Mr. Jensen?

17 MICHAEL JENSEN: Thank you, Mr. Chairman.
18 This is the second in -- in our revocation hearings
19 for today. Again, we're proceeding -- you would be
20 proceeding under the two statute -- the statute
21 regulation previously cited. 289.510 (inaudible) and
22 also 289.290, which provides as a cause for
23 revocation a plea of guilty or a conviction for a
24 felony or felonies.

25 Again, just would go through these --

1 quickly through these exhibits. The first of which
2 is Exhibit A, which, again, is the Amended Notice of
3 Intent to Revoke. It informs Mr. Horne of the
4 intent to initiate action to revoke his Basic
5 Certificate. It informs him of the law that
6 provides all the information about his convictions
7 and which provide for revocation for those
8 convictions. The date, time, and location of the
9 hearing was set out in that -- is set out in that
10 notice, as well as his rights to appear and to cross
11 examine and present witnesses.

12 It also informed him of the requirement to
13 inform the Commission within 15 days of the letter
14 of his intent to appear at the hearing today, and
15 it's my understanding that he did not notice the
16 Commission on his intent to appear and I don't
17 believe that he's present here today. As well as
18 the scope of the hearing, which would be whether his
19 -- his certification should be revoked for that
20 felony or conviction or convictions.

21 Exhibit B is the Declaration of Service.
22 It shows that he was -- he was served with that
23 Amended Notice of Intent on August the 4th and that
24 service complies with both the -- the Commission's
25 and the state's regulations for notice.

1 Exhibit C is the Personnel Action Report
2 showing Mr. Horne retired from employment as a peace
3 officer effective December 1st of 2014.

4 Exhibit D is the start of -- is his Basic
5 Certificate, and Exhibit E is the beginning of the
6 court documents that set out both the criminal
7 charge and conviction.

8 Exhibit E is the certified copy of the
9 original information, which you can see charged that
10 multiple both gross misdemeanor and felony charges
11 including the two charges for which he ultimately
12 pled guilty. The first of those charges is
13 misconduct of a public officer, which is one he pled
14 guilty to, as well as possession of a controlled
15 substance.

16 Exhibit F is the order which bound him
17 over for trial on those charges.

18 Exhibit G is Amended Information or
19 Charging Document that was -- that was filed by the
20 prosecuting authority, and you can see in there the
21 two charges for which he ultimately did plead guilty

22 To give you an idea of the factual basis
23 for this particular -- these particular convictions.
24 The first under if you look at Count 1 under Exhibit
25 G, that's misconduct of a public officer, which is a

1 Category E felony. It indicates that the defendant
2 in the time period indicated in the charging
3 document used his public officer official control or
4 direction or his -- or items within his official
5 custody for his private benefit or gain, which in
6 essence is obtaining prescription medications
7 intended -- that were intended to be destroyed
8 through a medication disposal program, which he,
9 instead, appropriated for his own use and benefit or
10 gain.

11 The second is that -- a charge that he
12 pled guilty is Count 3, which is the possession of
13 controlled substance, which shows that during the
14 time period indicated in the charging documents he
15 willfully and unlawfully and knowingly had in his
16 possession and under his dominion and control a
17 Schedule II controlled substance morphine and/or
18 hydrocodone.

19 Moving on to the next documents, his
20 Guilty Plea Agreement in which he pled to -- or he
21 agreed to plead guilty to both of those counts, both
22 Count 1 and Count 3. As part of that he agreed with
23 the state that they would recommend Veterans
24 Diversion for him, and would not request any jail
25 time and posed as a condition of probation if he was

1 granted probation. The state also further agreed
2 that if the defendant was placed in a diversion
3 program on both counts and received an honorable
4 discharge from probation that the -- that he could
5 withdraw his plea to the felonies and the case would
6 be dismissed.

7 Exhibit I is a certified copy of the
8 Judgment of Conviction. It shows that he was
9 convicted of those two counts, those felony counts,
10 both the -- the misconduct of a public officer and
11 possession of controlled substance, both of which
12 are Category E felonies. The court deferred
13 sentencing on Count 3 under the Drug Diversion
14 Program, and on Count 1 they sentenced him to a
15 minimum of 19 months, a maximum of 48 months in the
16 Nevada Department of Corrections, and on Count 1 the
17 sentence was suspended. He was placed on probation
18 for a term of five years with the special conditions
19 that you can see are set out in the Judgment of
20 Conviction.

21 Mr. Chairman, I would ask that you would
22 admit into evidence and make a part of the record
23 Exhibits A through I to support any action taken by
24 the Commission today.

25 RON PIERINI: Absolutely. Exhibits are

1 included and accepted.

2 MICHAEL JENSEN: Would submit that the
3 evidence in this case shows that Mr. Taylor has been
4 convicted of two felony offenses, one of which or
5 both of which relate to using his authority as a --
6 as a peace officer for his own private benefit or
7 gain. Certainly that type of conduct is
8 incompatible with the position of a peace officer,
9 and it's a clear violation of the trust that was
10 placed in him. And based on the evidence that's
11 presented, the recommendation would be that Mr.
12 Horne's Basic Certificate be revoked.

13 RON PIERINI: Thank you, Mr. Jensen. Any
14 comments or questions from the Commissioners?
15 Seeing none. Reaching out Mr. Horne present or any
16 of his representatives here? Okay. How about to
17 the public? Is there anybody from the public here
18 that would like to make a comment or question
19 (inaudible)? Okay. Looking for a motion.

20 GARY SCHOFIELD: Gary Schofield. I make a
21 motion (inaudible).

22 RON PIERINI: Thank you, Gary. Do I have
23 a second?

24 DAN WATTS: Second.

25 RON PIERINI: Okay, Dan Watts. Any other

1 questions? Comments? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried.

5 Okay. We're going go on to Number 12
6 (inaudible) public comments or anybody in the
7 audience would like to make a comment (inaudible)
8 any items that were not discussed -- discussed
9 today. Seeing none, we move on Number 13, which is
10 scheduling of our next meeting. Sherlock?

11 MICHAEL SHERLOCK: Mike Sherlock for the
12 record. Right now what we have is Tuesday, November
13 1st, at South Point Hotel in Las Vegas, Sonoma Room
14 A at four p.m. That is the first day of the
15 Sheriff's and Chief's Annual Conference. It's
16 always a struggle to get around their agenda and
17 still be able to, you know, have our meetings, so
18 that's we've come up with at this point.

19 RON PIERINI: (Inaudible) you mind if I
20 could just ask a couple of questions. One of which
21 that we have an agenda that's growing. In other
22 words, there's quite a few items that we have to
23 discuss.

24 MICHAEL SHERLOCK: I only know of one
25 right now, and Chairman is aware of that one. And

1 probably why we need to -- to figure out that date
2 so we can get notice out to these tentative agenda
3 items, but that's the only pending agenda item right
4 now is the one item.

5 RON PIERINI: Okay. Thanks, Mike. At the
6 same time (inaudible) there might be a -- a change
7 of interest on this or they may not want to ask
8 (inaudible). But we'll find out, and if it does
9 happen that way, then certainly notify you. We'll
10 notify you regardless one way or the other.

11 Okay. So we've got that time down, and we
12 need to end discussion, public comment, and for
13 possible action we're adjourned. Got to be somebody
14 who'd want to do that.

15 RUSSELL PEDERSEN: Russ Pedersen move to
16 adjourn.

17 RON PIERINI: Thanks, Russ.

18 Can I have a second?

19 DAN WATTS: Dan Watts, second.

20 RON PIERINI: Thank you, Dan.

21 All right. Any other questions? All
22 right. All in favor?

23 COMMISSIONERS: Aye.

24 RON PIERINI: Anybody opposed? So
25 carried. Thank you very much.

(MEETING ADJOURNED AT 11:02 a.m.)

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