



Nevada Commission on Peace Officer  
Standards and Training

**WORKSHOP and  
POST COMMISSION MEETING**

THURSDAY, FEBRUARY 9, 2017 – 9:30 AM

THE COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING OFFICE  
5587 WA PAI SHONE AVENUE, CLASSROOM 2  
CARSON CITY NEVADA





STATE OF NEVADA

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

5587 Wa Pai Shone Avenue  
CARSON CITY, NEVADA 89701  
(775) 687-7678 FAX (775) 687-4911

BRIAN SANDOVAL  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

**AMENDED NOTICE OF PUBLIC MEETING (NRS 241)**

NOTICE IS HEREBY GIVEN THAT STARTING AT 9:30 A.M. ON THURSDAY FEBRUARY 9, 2017, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, CLASSROOM 2, 5587 WA PAI SHONE AVENUE, CARSON CITY, NEVADA.

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

**I. WORKSHOP**

1. Call to order
2. Roll call of Commission Members

THE PURPOSE OF THE WORKSHOP IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING GENERAL TOPIC THAT MAY BE ADDRESSED IN THE PROPOSED REGULATIONS (WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

**TOPIC**

**NAC REGULATION**

- |   |  |
|---|--|
| A. The Commission to discuss revisions to the Category I, II, III, and Reserve Basic Training topics. This revision would align similar topics covered in each category with Category I requirements. | <b>289.140</b><br><b>289.150</b><br><b>289.160</b><br><b>289.170</b><br><b>289.200(2)(d)</b> |
|---|--|

**3. PUBLIC COMMENTS**

*The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.*

## II. AMENDED REGULARLY SCHEDULED MEETING AGENDA ITEMS

### 1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Approval of minutes from the November 1, 2016 regularly scheduled POST Commission Meeting.

### 2. **INFORMATION** Executive Director's report.

a. Basic Training

b. Advanced Training

c. Standards

d. Report: Voluntary Surrender of Basic Certificate

1) Andrew Casacca, formerly with the Washoe County Sheriff's Office. Surrendered his Category I Basic Certificate to POST pursuant to NAC 289.235(1)(b), as part of a guilty plea agreement to a misdemeanor charge of Misconduct by Public Officer.

### 3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and take possible action to continue the rule making process to revise training subjects for Categories I, II, III, and Reserve Basic Training programs by consolidating similar topics in each category with Category I.

### 4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the 11<sup>th</sup> Judicial District Youth And Family Services for their employee Nicole Mathias, for a 6 month extension past the one year requirement, to November 30, 2017, in order to meet the requirements for certification.

### 5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Nevada Gaming Control Board for their employee Justin Yuhas, for a 6 month extension past the one year requirement, to November 2, 2017, in order to meet the requirements for certification.

### 6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Las Vegas Metropolitan Police Department for their employee Captain Fred W. Meyer for an Executive Certificate.

### 7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Henderson Police Department for their employee Captain Brian K. Dunaway for an Executive Certificate.

### 8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Kaleo L. Gedge, formerly of the Nevada Department of Corrections, certification based on two Felony Convictions for Furnishing A Controlled Substance To A State Prisoner and Transport Of A Controlled Substance. The Commission will decide whether to revoke Mr. Gedge's Category III Basic Certificate.

### 9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Carson City Sheriff's Office for their employee Karlyn Jones, for a 6 month extension past the one year requirement, to August 19, 2017, in order to meet the requirements for certification.

10. **PUBLIC COMMENTS**

*The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.*

11. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming commission meeting.

12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.

**POSTED AT THE FOLLOWING LOCATIONS:**

POST Administrative Office, Carson City  
Nevada State Capitol, Carson City  
Blasdel State Building, Carson City  
Nevada State Library and Archives, Carson City  
Grant Sawyer Building, Las Vegas  
Carson City Sheriff's Office  
White Pine County Sheriff's Office  
<http://post.nv.gov>  
<http://notice.nv.gov>

Electronically Posted pursuant to NRS 241.020(4)

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting Rick Radecki, Administrative Assistant III, POST Standards Division, at (775) 687-3326, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

*NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Scott Johnston at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.*



## **WORKSHOP AGENDA ITEM 1 & 2**

1. Call to order
2. Roll call of Commission Members

**WORKSHOP AGENDA ITEM# A**

THE PURPOSE OF THE WORKSHOP IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING GENERAL TOPIC THAT MAY BE ADDRESSED IN THE PROPOSED REGULATIONS (WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

**TOPIC**

**NAC REGULATION**

- |   |  |
|---|--|
| A. The Commission to discuss revisions to the Category I, II, III, and Reserve Basic Training topics. This revision would align similar topics covered in each category with Category I requirements. | <b>289.140</b><br><b>289.150</b><br><b>289.160</b><br><b>289.170</b><br><b>289.200(2)(d)</b> |
|---|--|



**NAC 289.140 Minimum standard of training: Training category I. (NRS 289.510, 289.600)** The minimum standard of training for officers in training category I is successful completion of a basic course that includes 480 hours of training in:

1. Law and legal procedures, specifically:
  - (a) Civil liability;
  - (b) Constitutional law;
  - (c) Crimes against persons;
  - (d) Crimes against property;
  - (e) Juvenile law;
  - (f) Laws governing coroners;
  - (g) Laws relating to arrest;
  - (h) Laws relating to drugs, including, without limitation, current trends in drugs;
  - (i) Miscellaneous crimes;
  - (j) Probable cause;
  - (k) Rights of victims;
  - (l) Search and seizure;
  - (m) Searches of offender institutions;**
  - ~~(n)~~ **(n) Traffic laws; and**
  - ~~(o)~~ **(o) Use of force; and**
  - (p) Laws relating to correctional institutions.**
  
2. Patrol operations and investigations, specifically:
  - (a) Abuse of ~~elderly~~ **older** persons;
  - (b) ~~Accident-Crash~~ investigations;
  - (c) Basic patrol procedures;
  - (d) Child abuse and sexual abuse of a child;
  - (e) Domestic violence, ~~and~~ **stalking and aggravated stalking;**
  - (f) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
  - (g) Principles of investigation;
  - (h) Techniques of interviewing and interrogation;
  - (i) The DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration; and
  - (j) Unknown-risk and high-risk vehicle stops.
  
3. Performance skills, specifically:
  - (a) ~~Health, fitness and wellness;~~ **Lifetime fitness**
  - (b) Interpersonal communications;
  - (c) Operation of emergency vehicles;
  - (d) Provision of emergency first aid and cardiopulmonary resuscitation;
  - (e) Searching of buildings;
  - (f) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
  - (g) Training concerning active assailants;
  - (h) Training in the use of firearms; ~~and~~
  - (i) Writing of reports;
  - (j) Fire safety and use of equipment; and**
  - (k) Public and media relations.**
  
4. The functions of a peace officer, specifically:
  - (a) Care of persons in custody;
  - (b) Community policing;
  - (c) Counter-terrorism and weapons of mass destruction;
  - (d) Courtroom demeanor, including, without limitation, the giving of testimony;

- (e) Crisis intervention;
- (f) Ethics in law enforcement;
- (g) Handling of persons with mental illness;
- (h) History and principles of law enforcement;
- ~~(i) Management of stress;~~
- ~~(j) National Crime Information Center procedures;~~
- ~~(k) Survival of peace officers;~~
- ~~(l) Systems of criminal justice; and~~
- ~~(m) The realities of law enforcement.~~
- (n) Gangs and cults;**
- (o) Supervision of offenders;**
- (p) Classification and receiving of offenders;**
- (q) Records of offenders in institutions;**
- (r) Games offenders play;**
- (s) Modern correctional philosophy; and**
- (t) Cultural awareness.**

5. Course administration and examinations.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R100-02, 11-12-2002; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008)

**NAC 289.150 Minimum standard of training: Training category II. (NRS 289.510, 289.600)** The minimum standard of training for officers in training category II is successful completion of a basic course that includes 200 hours of training in:

1. Law and legal procedures, specifically:
  - (a) Civil liability;
  - (b) Constitutional law;
  - (c) Crimes against persons;
  - (d) Crimes against property;
  - (e) Juvenile law;
  - (f) Laws relating to arrest;
  - (g) Laws relating to drugs, including, without limitation, current trends in drugs;
  - (h) Miscellaneous crimes;
  - (i) Probable cause;
  - (j) Rights of victims;
  - (k) Search and seizure;
  - (l) Searches of offender institutions; and**
  - ~~(m) Use of force; and~~
  - (n) Laws relating to correctional institutions.**
  
2. Operations and investigations, specifically:
  - (a) Abuse of ~~elderly~~ **older** persons;
  - (b) Child abuse and sexual abuse of a child;
  - (c) Domestic violence, ~~and~~ **stalking and aggravated stalking;**
  - (d) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
  - (e) Principles of investigation; and
  - (f) Techniques of interviewing and interrogation.
  
3. Performance skills, specifically:
  - (a) ~~Health, fitness and wellness;~~ **Lifetime fitness**

- (b) Interpersonal communications;
- (c) Provision of emergency first aid and cardiopulmonary resuscitation;
- (d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
- (e) Training concerning active assailants;
- (f) Training in the use of firearms; ~~and~~
- (g) Writing of reports;
- (h) Fire safety and use of equipment; and**
- (i) Public and media relations.**

4. The functions of a peace officer, specifically:

- (a) Care of persons in custody;
- (b) Counter-terrorism and weapons of mass destruction;
- (c) Courtroom demeanor, including, without limitation, the giving of testimony;
- (d) Crisis intervention;
- (e) Ethics in law enforcement;
- (f) Handling of persons with mental illness;
- (g) History and principles of law enforcement;
- ~~(h) Management of stress;~~
- (h) National Crime Information Center procedures;**
- (i) Survival of peace officers;**
- (j) Systems of criminal justice; and**
- (k) The realities of law enforcement;**
- (l) Gangs and cults;**
- (m) Supervision of offenders;**
- (n) Classification and receiving of offenders;**
- (o) Records of offenders in institutions;**
- (p) Games offenders play;**
- (q) Modern correctional philosophy; and**
- (r) Cultural awareness.**

5. Course administration and examinations.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; R024-97, 10-1-97; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008)

**NAC 289.160 Minimum standard of training: Training category III. (NRS 289.510, 289.600)** The minimum standard of training for officers in training category III is successful completion of a basic course that includes 160 hours of training in:

1. Legal subjects, specifically:

- ~~(a) Civil rights of offenders;~~ **Civil Liabilities**
- ~~(b) Searches of offender institutions;~~
- ~~(c) Laws relating to correctional institutions; and;~~
- ~~(d) Laws relating to stalking, and aggravated stalking; and~~
- ~~(e)~~ **(d) Use of force.**

2. Procedures in the field, specifically:

- (a) Gangs and cults;
- (b) Supervision of offenders;
- (c) Classification and receiving of offenders;
- ~~(d) Transportation of offenders~~ **Care of persons in custody;**
- (e) Crisis intervention;

- (f) Records of offenders in institutions; and
  - (g) Games offenders play.
3. Skills of officers, specifically:
- (a) Writing of reports ~~for correctional institutions;~~
  - (b) Fire safety and use of emergency equipment;
  - ~~(c) Fingerprinting;~~
  - ~~(d) (c) Defensive tactics~~ ***Tactics for the arrest and control of suspects, including, without limitations, methods of arrest and the use of less than lethal weapons;***
  - ~~(e) Introduction of restraints;~~
  - ~~(f) (d) Physical conditioning~~ ***Lifetime fitness;*** and
  - ~~(g) (e) Training concerning active assailants-;~~ ***and***
  - (f) Training in the use of firearms.***
4. Investigation, specifically:
- (a) ~~Crime scene and evidence~~ ***Investigation of crime scenes, collection and preservation of evidence and fingerprinting;***
  - (b) ~~Investigation of narcotics and abuse of controlled substances~~ ***Laws relating to drugs, including, without limitation, current trends in drugs;***
  - (c) ~~Investigation of allegations of~~ ***Domestic violence,*** stalking and aggravated stalking; and
  - (d) ~~Personality disorders and prevention of suicide~~ ***Handling of persons with mental illness.***
5. Community relations, specifically:
- (a) Ethics ~~for correctional officers~~ ***in law enforcement;***
  - (b) Cultural awareness;
  - (c) Interpersonal communications; and
  - (d) Public and media relations.
6. Miscellaneous subjects, specifically:
- (a) Modern correctional philosophy;
  - (b) ~~First aid;~~ ***Provision of emergency first aid and cardiopulmonary resuscitation;***
  - ~~(c) Cardiopulmonary resuscitation;~~
  - ~~(d) Criminal justice system~~ (c) ***Systems of criminal justice;*** and
  - ~~(e) (d) Counter-terrorism and weapons of mass destruction.~~
7. Course administration and examination.
- (Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90, eff. 7-1-91; R024-97, 10-1-97; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R110-08, 8-26-2008; R066-12, 9-14-2012)

**NAC 289.170 Minimum standard of training: Reserve officers. (NRS 289.510, 289.600)** The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hours of training in:

- 1. Law and legal procedures, specifically:
  - (a) Civil liability;
  - (b) Constitutional law;
  - (c) Crimes against persons;
  - (d) Crimes against property;
  - (e) Juvenile law;
  - (f) Laws relating to arrest;
  - (g) Laws relating to drugs, including, without limitation, current trends in drugs;
  - (h) Miscellaneous crimes;
  - (i) Probable cause;

- (j) Search and seizure;
  - (k) Traffic laws; and
  - (l) Use of force.
2. Patrol operations and investigations, specifically:
    - (a) Abuse of ~~elderly~~ **older** persons;
    - (b) Basic patrol procedures;
    - (c) Child abuse and sexual abuse of a child;
    - (d) Domestic violence, ~~and~~ stalking **and aggravated stalking**;
    - (e) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
    - (f) Principles of investigation; and
    - (g) Unknown-risk and high-risk vehicle stops.
  3. Performance skills, specifically:
    - (a) ~~Health, fitness and wellness~~ **Lifetime fitness**;
    - (b) Provision of emergency first aid and cardiopulmonary resuscitation;
    - (c) Searching of buildings;
    - (d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
    - (e) Training concerning active assailants;
    - (f) Training in the use of firearms; and
    - (g) Writing of reports.
  4. The functions of a peace officer, specifically:
    - (a) Community policing;
    - (b) Counter-terrorism and weapons of mass destruction;
    - (c) Courtroom demeanor, including, without limitation, the giving of testimony;
    - (d) Crisis intervention;
    - (e) Ethics in law enforcement;
    - (f) Handling of persons with mental illness;
    - (g) History and principles of law enforcement; and
    - (h) Survival of peace officers.
  5. Course administration and examinations.  
 (Added to NAC by Peace Officers' Standards & Training Comm'n by R066-03, eff. 12-4-2003; A by R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008)

## CERTIFICATES

**NAC 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)**

1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:
  - (a) Satisfactorily completed the basic training course for basic certification;
  - (b) Passed the state certification examination with a score of at least 70 percent; and
  - (c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

- (1) Abuse of ~~elderly~~ **older** persons;
- (2) **Training concerning** ~~A~~ active assailants;
- (3) Child abuse and sexual abuse of a child;
- (4) Civil liability;
- (5) Constitutional law;
- (6) Counter-terrorism and weapons of mass destruction;
- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence, ~~and~~ **stalking and aggravated stalking**;
- (11) Ethics in law enforcement ~~or for correctional officers~~;
- (12) Juvenile law;
- (13) Laws relating to arrest;
- (14) Laws relating to drugs, including, without limitation, current trends in drugs;
- (15) Miscellaneous crimes;
- (16) Probable cause;
- (17) Rights of victims;
- (18) Search and seizure;
- (19) ~~Sexual harassment~~; **Searches of offender institutions; and**
- (20) Use of force.
- (21) **Searches of offender institutions**;
- (22) **Laws relating to correctional institutions**;
- (23) **Fire safety and use of equipment**;
- (24) **Public and media relations**;
- (25) **Gangs and cults**;
- (26) **Supervision of offenders**;
- (27) **Classification and receiving of offenders**;
- (28) **Records of offenders in institutions**;
- (29) **Games offenders play; and**
- (30) **Modern correctional philosophy.**

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

(a) Satisfactorily completed the basic training course for a reserve certificate;

(b) Passed the state certification examination with a score of at least 70 percent; and

(c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2, not later than 16 weeks after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

↳ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. If the certification of such a person is on inactive status for more than 5 consecutive years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

10. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.

[Peace Officers' Standards & Training Com., § VI, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R005-01, 11-1-2001; R100-02, 11-12-2002; R066-03, 12-4-2003; R127-04, 11-8-2004; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008; R118-09, 1-28-2010; R079-14, 10-24-2014)



**WORKSHOP AGENDA ITEM 3**

**PUBLIC COMMENTS**



## **COMMISSION MEETING AGENDA ITEM 1**

### **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Approval of minutes from the November 1, 2016 regularly scheduled POST Commission Meeting.

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**PEACE OFFICERS STANDARDS AND TRAINING**

**PUBLIC MEETING**

November 1, 2016

04:00 p.m.

The Commission on Peace Officer Standards and Training  
South Point Hotel & Casino  
9777 Las Vegas Boulevard  
Las Vegas, Nevada

1 **MEMBERS PRESENT:** **Ronald Pierini**, Sheriff - Chairman,  
2 Douglas County Sheriffs' Office  
3  
4 **Michele Freeman**, Chief  
5 City of LV Department of Public  
6 Safety  
7  
8 **Kevin McKinney**, Undersheriff  
9 Elko County Sheriff's Office  
10  
11 **James Ketsaa**, Chief  
12 Clark County School District Police  
13 Department  
14  
15 **Gary Schofield**, Deputy Chief  
16 Las Vegas Metropolitan Police  
17 Department  
18  
19 **Troy Tanner**, Police Chief  
20 Mesquite Police Department  
21  
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23  
24 **STAFF PRESENT:** **Michael Sherlock**, Executive Director,  
25 Commission on Peace Officers  
26 Standards and Training  
27  
28 **Michael Jensen**, Senior Deputy  
29 Attorney General  
30 Department of Motor Vehicles and  
31 Department of Public Safety  
32  
33 **Scott Johnston**, Bureau Chief,  
34 Commission on Peace Officers  
35 Standards and Training  
36

1                   RONALD PIERINI:   POST Commission meeting,  
2   November 1, 2016.   Test.

3                   It is at 4:02 and today is on November 1,  
4   2016, the Commission on Police Officer Standards and  
5   Training is held here at South Point Hotel and  
6   Casino in Las Vegas, Nevada.   I'd also like to  
7   mention to our commissioners we have, before we get  
8   started, reminder to the public, anyone in here that  
9   hasn't signed in the back over there, we would  
10   appreciate it if you did so and also to mention what  
11   agency you are from.   I remind the public that their  
12   name and their agency before speaking to the public  
13   table and this is where that is up here if you wish  
14   to make any comment.   I remind the commissioners to  
15   state their name before speaking and don't forget  
16   that all the information that we are going to have  
17   here is going to be recorded and we ask you that  
18   your cell phones are going to be turned off.   We  
19   would appreciate that.

20                  When we make a motion, the most important  
21   thing for the Commissioners, if they share, that  
22   they list their name or mention their name.

23                  I would like to go right now with a call  
24   of order and if we could start with on the left over  
25   here if we could.

1                   JAMES KETSAA: Jim Ketsaa, Chief, Clark  
2 County School District Police.

3                   KEVIN MCKINNEY: Kevin McKinney, Elko  
4 County Sheriff's Office.

5                   TROY TANNER: Troy Tanner, Mesquite  
6 Police.

7                   MICHELE FREEMAN: Michele Freeman, City of  
8 Las Vegas Department of Public Safety.

9                   GARY SCHOFIELD: Gary Schofield, Las Vegas  
10 Metropolitan Police Department.

11                  RON PIERINI: Ron Pierini, Douglas County  
12 Sheriff.

13                  MIKE JENSEN: Mike Jensen, Attorney  
14 General's Office.

15                  MICHAEL SHERLOCK: Mike Sherlock from POST.

16                  SCOTT JOHNSTON: Scott Johnston, POST.

17                  RONALD PIERINI: Okay, thank you. And we  
18 have three that are not here, Commissioners, at  
19 leastwise at this point, James Wright, Director of  
20 Department of Public Safety; Dan Watts, the Sheriff  
21 in White Pine County; Russell Pedersen from -- the  
22 Chief Deputy from Washoe County Sheriff's Office,  
23 are absent.

24                  And if we could, Scott Johnston, if you  
25 could give us an idea of where we have posted this

1 information?

2                   SCOTT JOHNSTON: Thank you. Scott  
3 Johnston for the record. The postings for the  
4 notice for this meeting in Carson City was at the  
5 Blasdel Building at 209 East Muster Street, Nevada  
6 State Library at 100 Stewart Street, the Capitol  
7 Building at 101 North Carson Street, POST  
8 Administrative Building at 5587 Wa Pai Shone Avenue.

9                   In Las Vegas, it was posted at the Grant  
10 Story Building at 555 Washington Avenue. In Ely at  
11 the White Pine County Sheriff's Office at 1785 Great  
12 Basin Boulevard. The notice was also e-mailed to  
13 all the agency point of contacts that we have listed  
14 in our system and the web postings were done at the  
15 POST website of POST.state.gov and the state notice  
16 website at notice.nv.gov.

17                   RONALD PIERINI: Thank you, Scott. Okay.  
18 We're going to go onto number 3, discussion of  
19 public comment and for possible action, approval of  
20 the minutes from the August 24, 2016 regularly  
21 scheduled POST Commission Meeting. I am hoping that  
22 the commissioners have all taken the time to look at  
23 that and has anybody found any kind of errors or  
24 mistakes?

25                   Asking to the public, if you had the



1 opportunity to do so, you can make a comment.

2 All right. I'm looking for a motion.

3 Commissioner?

4 TROY TANNER: Troy Tanner, motion to move.

5 RONALD PIERINI: Thank you, Mr. Tanner.

6 How about a second?

7 KEVIN MCKINNEY: Kevin McKinney, I'll

8 second.

9 RONALD PIERINI: All right. Thank you  
10 very much. Any other questions or comments? Okay.

11 All in favor?

12 MULTIPLE VOICES: Aye.

13 RONALD PIERINI: Anybody against it? No.  
14 Okay. So it goes through.

15 Information, this is for Executive  
16 Director, Mike Sherlock, and this section is for  
17 you.

18 MICHAEL SHERLOCK: All right. Mike  
19 Sherlock from POST. I'll just give a real quick  
20 update of what we've got going on with staff. In  
21 the training division, academy class 2016-2  
22 graduates November 10 up at POST in Carson City, our  
23 keynote speaker will be Deputy Chief Scott Taylor  
24 from Mesquite PD. We thank him for doing that. The  
25 next academy begins the last week in January.

1 Beginning in January, we will be including Category  
2 3 training in our Basic Academy program with an  
3 emphasis on detention rather than prison-type stuff.  
4 It adds about one week to our academy as it is now.

5 The new Reserve Officer Training Program  
6 was rolled out. We have a date set for December and  
7 January. We really believe the program will  
8 increase the quality of training for reserves across  
9 the state and provide a better more cost-effective  
10 option for agencies in training reserves so we're  
11 pretty happy with that program.

12 Standards Division, audits continue. We  
13 really appreciate those agencies who have  
14 participated in an audit this year and we truly are  
15 pleased with the level of compliance we've been  
16 seeing across the state.

17 Administratively, it's budget season. We  
18 have submitted our budget with the recommendation of  
19 reducing it by 5%. We'll see what happens at this  
20 point. 5% for us is a loss of one position which is  
21 a pretty large impact on our small staff so we'll  
22 see how that goes.

23 We were chosen as a host state for the  
24 Western State IADLEST Conference which will be held  
25 December 4, 5, and 6 here in Las Vegas. I've been

1 trying to put that together. I have to thank Metro.  
2 Metro will hold part of the -- or host part of the  
3 conference over at the academy. They're going to  
4 provide some training in terms of basic training  
5 programs. Their new PT program within the basic  
6 program, presentation on fair and impartial police  
7 training. We will include some -- a presentation on  
8 incorporating reserve officer training, utilizing  
9 your current base of training staff and the national  
10 organization will be here to present on Blue Courage  
11 and the national certification project.

12           The training in December is really geared  
13 towards academy commanders, academy staff, and POST  
14 directors but we invite any Nevada law enforcement  
15 officer with some interest to attend. It is free.  
16 Just get a hold of POST if you are interested in  
17 attending that.

18           The last thing I just want to talk about  
19 again and I know I speak of this every time but I  
20 don't want to beat a dead horse but we continue to  
21 get Public Record Act requests. Many are from the  
22 media. I'm sure, as the Commission knows, the  
23 requests are often related to three areas and those  
24 are, do we require DS relation training, do we  
25 revoke, and how often do we revoke cops who do bad

1 things and do we have standards and how do we ensure  
2 standards from that. Often, the media seeks this  
3 information by requesting officer training records.  
4 This makes me nervous. We do not necessarily have  
5 every individual officer's entire training record.  
6 What we're afraid of is our POST training records  
7 will be misinterpreted as the officer's entire  
8 training package so we have placed -- put into  
9 policy that -- and, again, not to put this off on  
10 individual agencies but we want to make sure that  
11 these public record requests are legitimate and  
12 we've simply been including a statement where it's  
13 appropriate that -- it says the employing agency is  
14 the true custodian of record for the entire complete  
15 training record. POST records contain those  
16 training records related to POST certification and  
17 per professional certificates and only include POST-  
18 certified training. We just don't want to get  
19 caught in the middle or have our training records  
20 used as evidence of the officer's entire training  
21 record.

22 And that's all I have.

23 RONALD PIERINI: Would any commissioners  
24 like to make any questions or comment?

25 I'd like to make one. So now it's

1 outstanding as far as the reserve training program  
2 that you have put together. I know our agency has  
3 been there and others have been making comments that  
4 this was going to be a positive thing for us.

5           MICHAEL SHERLOCK: Thank you.

6           RONALD PIERINI: The second on the list is  
7 on the budget that we're going to be dealing with  
8 starting in February. I certainly would like to  
9 have the strength of others to show that our POST  
10 agency is not doing well on the budget that we have.  
11 It's pretty small. So anybody that wants to help  
12 with that and certainly, it was mentioned, I  
13 believe, at the last time we had a meeting was we  
14 were hoping that the Governor's office is going to  
15 supply more or at leastwise make a presentation to  
16 increase the budget at a different stigma area so  
17 we're hoping that's going to work and we're going to  
18 certainly be asking others to participate if they  
19 wish.

20           And, again, anybody from the Commission  
21 like to make any comment?

22           Okay. We're going to move on to the next  
23 one if I could and that is number 5. Information is  
24 a presentation of the Las Vegas Metro Police  
25 Department MACTAC and the unit on what MACTAC next

1 generation active shooter response is and how their  
2 agencies are integrating this process so if we can  
3 have Metro come up.

4 FRANK CLARKSON: Well, we have a  
5 PowerPoint presentation but police technology  
6 doesn't go with HMI so we will do our best to kind  
7 of explain what we have for you. Let's see if a  
8 service tech will set that up and kind of talk about  
9 it.

10 So for everybody -- so MACTAC is, what we  
11 do is we are preparing our officers and our valley  
12 for an active assailant. I'm sorry.

13 RONALD PIERINI: I just wonder because the  
14 audio audience that's here. But would it be better  
15 then if we moved our location over on the side and  
16 then you could turn and have all of us look that way  
17 or would you rather --

18 GARY SCHOFIELD: Whatever is easier for  
19 you. This is my first one.

20 RONALD PIERINI: Well, there is a lot of  
21 law enforcement people here that probably would like  
22 to hear that. So why don't we do that if we don't  
23 mind? Move over here on the wall so now we can all  
24 face that way. All right? You folks get in.

25 UNIDENTIFIED MALE: And I have my -- one

1 of my guys to come with my mobile projector if it  
2 gets here in time and we'll throw it up there. It  
3 will only take a second but -- so the MACTAC  
4 session, for those who don't know what MACTAC is,  
5 the Multiple Assault Counter Terrorism Action  
6 Capability and what we do is we train and prepare  
7 our officers and our civilian employees and our  
8 state holders in the event of a critical incident  
9 and something along those lines.

10           The good thing about the training is that  
11 we are preparing for an assailant and advise them to  
12 [INAUDIBLE 4:13]. This is -- my name is Sgt. Frank  
13 Clarkson with the MACTAC section and this is Officer  
14 Dean Hennesy with the MACTAC section. He's been  
15 with the MACTAC section since its foundation so I'm  
16 going to turn it over to Officer Hennesy and you can  
17 kind of just -- we'll discuss until we get this  
18 projector going and you guys can just - the  
19 pictures, I promise you, it's really good but we'll  
20 go from here.

21           DEAN HENNESY: All right. Like he said,  
22 I'm Officer Dean Hennesy. We started MACTAC late  
23 2009, early 2010 [INAUDIBLE] 4:13-37 attacks that we  
24 had. Our department looked into the future and saw  
25 that we probably needed to have some way to mitigate

1 any kind of terrorist incident that will happen in  
2 our valley, being as Las Vegas Valley, you know,  
3 funds pretty much everything. Mubi is their  
4 regions, Las Vegas, so to speak, a lot of  
5 entertainment and things like that. We realized,  
6 especially after 9/11 which happened on the East  
7 Coast that, you know, we shut down a little bit so  
8 we could withstand a 96-hour standoff in a hotel.  
9 So not only was it just a Metro thing but we went to  
10 L.A. and met with a couple of their agencies out  
11 there, LAPD, LASO, Orange County and things like  
12 that and got some ideas from them. I'm not ashamed  
13 to tell you we kind of stole their name, the MACTAC  
14 name from Chief Bratton. He came up with it and we  
15 thought it sounded pretty good so we kind of stole  
16 that name from him.

17 But, when we got back here, the first  
18 thing that we knew is that this could not be just  
19 the Las Vegas Metro Police program. All right? We  
20 are the big dog on the block, so to speak, down  
21 here, and we have the most bodies to throw at things  
22 if we need to. However, if there was a major  
23 incident and it was a true multiple assault and we  
24 look at that worst-case scenario so, say it's a  
25 multiple assault by a terrorist organization or



1 other organization, Metro Assault is going to run  
2 out of resources pretty quick. All right.

3           So we decided that, since we don't want  
4 this to be just a Metro program, we needed to  
5 involve everyone else in the valley so we went to  
6 all the other state holders, so to speak, all the  
7 other law enforcement agencies here in the valley  
8 and went to them and said, look, this is a program  
9 we're going to push out. We want to know if you  
10 want to be on-board with it and if you want to help  
11 out with it and we got a very overwhelming response  
12 on that. NHP, North Town, Henderson, school police.  
13 I could name hundreds of them. The FBI, Secret  
14 Service themselves have all been through our  
15 training and they all respond the same way we do  
16 when they're here so it truly is a Valley-wide  
17 program. It's not just us and that's how we really  
18 like it.

19           We start off training in the academy with  
20 them. We have a day course that we do for all the  
21 academy officers when they come in, nothing real  
22 intense. We know they drinking from a fire hose at  
23 that time so we do put on a long, one-day course for  
24 them. We get into core team concepts and how to  
25 operate as a team and not just an individual officer

1 because this will be a team effort, a team approach  
2 to it. We talk to them with the teamwork, the  
3 mindset. We talk to them about over-convergence.  
4 Over-convergence is a big thing. We've seen that  
5 here in Las Vegas on many critical incidents. A lot  
6 of officers take one area and now we have no one  
7 else to protect the rest of the Valley so we came up  
8 with a program for that too. I'll get into that  
9 here in a minute but we talked about over-  
10 convergence, standing in your area responsibility.  
11 If you're on one side of the Valley and something's  
12 happening on the other side, getting over there, by  
13 the time you get there, it may be done and now we  
14 have no one for you left so I'll get into that a  
15 little bit more here. We talked about  
16 communication. In fact, the radio channels that  
17 we've got, our new radio system. We talked about  
18 the SNACC system and NCORE. How are we all going to  
19 talk to each other. We take some pages and pardon  
20 me if we need to say anything. That's not the fire  
21 department because that's not my side of the house  
22 but they're really good at things like that so we  
23 took some lessons from them as well as far as  
24 communication and things or how to have  
25 accountability for our officers.

1           We get into the policies of it. We get  
2 into what our three activations are, our three  
3 response protocols are, our activation on  
4 notification. We get into those with them.

5           We do rally points for our officers. We  
6 teach them where to go to get rallied up. It works  
7 really good for our department because we've got  
8 nine substations now and we have some bodies to do.  
9 North Las Vegas handles it just a little bit  
10 differently but along the same lines, the same  
11 protocols that we do. It works really well. When  
12 we had our shooting in 2010 at the Federal Court  
13 House, North Las Vegas showed up rather quickly to  
14 get the team ready to go and that's the big thing  
15 about our rally points, is having a team that's  
16 cohesive, they know their mission. They're - they  
17 have the same running orders, if you will.

18           We -- what we're doing in this academy  
19 training, we also go over down officer arresting  
20 drill, citizen arresting drill is one of the  
21 programs we run into. We talk about hand and arm  
22 signals in situations that they're not going to be  
23 able to hear. Formation and movements -- a lot of  
24 police departments have always trained, you know,  
25 right here at the breach, we're going in. Let's do

1 our job. Well, how do we get our officers up to  
2 that so that's what we teach them as well in there.  
3 Formation of movements, team movements. You know as  
4 well as I do, if something happens on the strip,  
5 take a Saturday night on the strip, driving down the  
6 strip, it's busy. So what happens if we can't get -  
7 - drive right up to that area? How are we going to  
8 get up through there?

9           We go over reactive contact with them and  
10 how to handle that if they are heading to their  
11 incident and all of a sudden something comes up from  
12 the side or something comes up and they don't know  
13 how to deal with that. The one thing that we're  
14 really pushing right now is Rescue Task Force.  
15 That's something that we've been working on, the  
16 fire departments here in the Valley for the last  
17 probably about three and a half to four years now  
18 have took a little bit to get, you know, policies  
19 all lined up and make sure that the fire  
20 department's on-board with it but, again, they don't  
21 make just great chili. They really do a great job  
22 and they're helping us out quite a bit here.

23           And then we used to have a big scenario  
24 for them at the end where everything that we taught  
25 them that day they can put together and run through

1 to get to the end of the scenario. When that's all  
2 done, we go to a squad level training. What we'll  
3 do is we'll go out to the squads on a regular basis  
4 where, when they call us and come down to our  
5 training center but we'll teach those squads  
6 everything. We'll run through all of that. If they  
7 want to come down for a four-hour active assailant  
8 class, will take them through a four-hour active  
9 assailant class. Everything we do is the walk,  
10 crawl, run kind of method. We walk them through it,  
11 we let them move around a little bit on their own  
12 and then we start running them through the scenarios  
13 on the tougher stuff for them to get on board with  
14 it.

15           We have a one- to two-day course that we  
16 train so not only in the academy do we have it but  
17 we have a one- to two-day course that they can come  
18 to and train as well. They just got the projector  
19 up. They really are some great pictures.

20           We have ambush training that we come up  
21 with them so the officers kind of reacting to ambush  
22 and things like that, how to get themselves out of  
23 it and now we have a new thing coming up here  
24 shortly that's a patrol shield briefing so our  
25 patrol officers will have the ability to get a

1 little more protection for themselves during some  
2 kind of a critical incident.

3           If you will give me a second or two, I'll  
4 let them put this up on the board if you don't mind.  
5 Can everyone see this? All right. We can set it  
6 here.

7 [SETTING UP PROJECTOR.]

8           OFFICER DEAN HENNESY: So as you can see,  
9 we put them through all that training. Like I said,  
10 squad level training, the one- or two-day course,  
11 some ambush training, patrol shield training that we  
12 spend task force so we're going to go ahead and get  
13 that pushed out here as quickly as possible.

14           All right. So testing -- kind of separate  
15 to Metro, we have in the box squads, we have stay-  
16 at-home squads. We test our in-the-box squads. We  
17 do notice tests on them. When we first started it,  
18 we were looking at, what do we do to get the  
19 officers from rally point to get them here up at the  
20 [INAUDIBLE 4:21:30] whatever the mission calls for,  
21 give them a good briefing so they're all on the same  
22 page and they know exactly what the mission is at  
23 hand and they can get there. We are looking at 30  
24 minutes, right? Figuring the commands and all this.  
25 Well, this last summer, we took that all the way

1 down to 12 to 15 minutes and that's 12 to 15 minutes  
2 from the onset of the call to when we can get  
3 officers to a rally point, gear, in the proper gear  
4 for that mission, give good, solid briefings so they  
5 know what's going on and then get them out to the  
6 call and ready to leave. We've really stepped it up  
7 and then had some good timing on those.

8           FRANK CLARKSON??: So one thing that we  
9 discussed too in these -- during the testing is that  
10 we discussed current trends with them, why we have  
11 them. We have to do every squad. So with every  
12 squad, we talk about the Rescue Task Force concept,  
13 we reinforce that, if they had to deploy, convoy  
14 operations, how they're going to get there. We  
15 discuss kind of a maps for each or our critical  
16 infrastructure. We discuss the Rescue Task Force  
17 model and then we kind of throw up different  
18 scenarios at them if they had to react to something,  
19 how they're team element is set up, how they're  
20 going to react to different situations and it's one  
21 of the times we can get the group together and we  
22 test our equipment too. We talk about the  
23 [INAUDIBLE 4:22:43].

24           DEAN HENNESY: We have cadre. There's  
25 only four of us in our section, our sergeant and the

1 three of us so we're kind of limited on manpower.  
2 We have developed some cadre members that will come  
3 out and they've gone through our instructor class,  
4 train the trainer, if you will. Basic stuff with  
5 these things. Usually, there's one of us with them  
6 and we use them as a fourth rule to get the message  
7 out, so to speak.

8           That's not only with just our department.  
9 We have cadre from North Las Vegas, we have cadre  
10 from Henderson, and NHP and I'm here to tell you,  
11 NHP has been really good with us. They've helped us  
12 out a lot and they seem to help us to help us with  
13 these but those are the people who are the ones who  
14 help get this message out.

15           As far as exercises and drills, what do we  
16 do? We did - just did an exercise for City Hall  
17 recently where we actually cleared out City Hall and  
18 had some of their people be role players for us and  
19 we did an assault on City Hall. We didn't train  
20 just Metro for that. We actually brought in City  
21 Marshals, we brought in North Las Vegas, Henderson  
22 again, NHP, some school police, things like that.  
23 We've got a video if you would like to watch that  
24 works really well. Let me show you. This is what  
25 we did.



1           FRANK CLARKSON: Well, I imagine a lot of  
2 gunshots.

3           DEAN HENNESY: Gunshots. Thank you. We  
4 had two assailants. The two assailants go through  
5 this building. They basically take over City Hall  
6 kind of is what the scenario was. They go up and  
7 find the commissioners. And what we did during this  
8 whole thing is all of our assault teams that came  
9 in, North -- just Metro assault team -- we actually  
10 integrated them with the other agencies so this  
11 truly is not just a Las Vegas Metro program. We  
12 headed it up. We kind of had the say on it but, for  
13 the most part, everybody else is involved with it  
14 and helps us out with this.

15           The realism that we put into it is to get  
16 those officers the ability to function through  
17 these. I liken it to when I was an MPO and I had my  
18 very first trainee and we started out on the road  
19 running cold. Okay. I don't know if anybody's ever  
20 done it but, as you know, those trainees get very  
21 focused, straightforward and [INAUDIBLE 4:25:05]  
22 like you've done it a hundred times. It's - you're  
23 very [INAUDIBLE 4:25:06] and it's a lot more  
24 relaxing for you, I guess to say. So that's what we  
25 do with them. We want to run through it and make it

1 as realistic as possible. This year's Rescue Task  
2 Force, which we work with all the local fire  
3 departments here in the Valley as well. We'd like  
4 to get that pushed out, definitely statewide, if not  
5 further. But that is a collaboration with the fire  
6 departments here. We will actually take the fire  
7 department into the situation even if the assailant  
8 has not stopped yet. We have some protocols here in  
9 place before it can be implemented but we are  
10 getting them in there faster so we can save lives  
11 which is the bottom line of what we do. You guys  
12 are fairly well aware that protocols across the  
13 country are usually the firemen are pulled short to  
14 wait until SWAT comes in. It could take hours. We  
15 don't want to do that. We looked at Aurora,  
16 Colorado and a couple of other places and said, hey,  
17 we need to get you guys in quicker. What can we do  
18 to get you in there? We came up with this Rescue  
19 Task Force.

20 FRANK CLARKSON??: And the reason for  
21 these drills and exercises is to, one, these are  
22 cadre. They're out there training the officers.  
23 We're gauging our response time. We're gauging our  
24 communication skills. We used our in-core and I-Op  
25 channels for this to test the response, the

1 coordination working together. And the most  
2 important thing, I think, is for a unified command.  
3 We're really good at setting up ICS, especially in  
4 law enforcement, but incorporating our medical  
5 branch into the unified command or that ICS concept  
6 and really getting a take on it. Like Officer  
7 Hennesy had mentioned, they're really good at ICS  
8 incidents. Every incident they go to is a mini-ICS.  
9 So incorporating it, bringing it into the fold is  
10 really dividends for us.

11 DEAN HENNESY: Okay. So our cadre course.  
12 What do we do when we teach our cadres real quick,  
13 real simple. We have a three-day course for them.  
14 The first day, these are the things we work on.  
15 Again, core team concepts. How do we work together  
16 as a team? How do we work together as a unified  
17 group to get in there and mitigate the incident. We  
18 work on communication procedures, rally points, what  
19 we expect at rally points, what we want them to look  
20 for and how to properly perform one.

21 Again, mindset and response. It's all  
22 about the mindset of it. We work on down officer  
23 rescue and, again, active assailant as much as we  
24 can. On that second day, we bring them back in and  
25 we do more hand and arm signals, movement

1 formations, react to contacts, individual movement  
2 techniques, things like that. The fire department  
3 comes in and we do their hostile MCI or rescue task  
4 force for us. MCA stands for mass casualty incident  
5 so they're hostile mass casualty incident. We go  
6 over the FD roles and what their policies are on  
7 it. We work on that Rescue Task Force which we used  
8 to call Force Pro. Now it's Rescue Task Force. And  
9 then we go over some rally point procedures, what we  
10 want them to do and how they do it.

11           On the third day, we bring them back in  
12 and they have to teach all that back to us. We take  
13 them into groups and they've got to show us that  
14 they're proficient in it. They've got to show us  
15 that we're all on the same message. One thing that  
16 we say in MACTAC, it doesn't matter what color  
17 uniform you're wearing. You can [INAUDIBLE 4:28:01]  
18 and that's what we want. We want those tactics  
19 standardized throughout the Valley. We'd love to  
20 see it standardized throughout the state so we -- it  
21 just doesn't matter. Everybody knows what  
22 everyone's doing and I've got to handle something  
23 and Mesquite's there and a guy from Laughlin and  
24 maybe Nye County guy just happens to be there. We  
25 can work tactically together and move in instead of

1 the whole dance of what are we going to do and how  
2 are we going to do this and nobody knows what's  
3 going on.

4           FRANK CLARKSON: So with the Cadre course  
5 too, it gives us an extra force multiplier with all  
6 the scenarios that we do, all the academy training  
7 we do. I mean, the academy training is pretty  
8 extensive so are some of the scenarios that we've  
9 done and put them into different groups. We have  
10 large academies that are coming through. I believe  
11 we have a large academy is around 82 people right  
12 now so we split them up in a couple of days but, if  
13 it wasn't for that, our extra cadres, it would be  
14 hard for us to get this done and we're able to send  
15 our cadre out to help us with exercises because this  
16 is drills. The squad level training is another  
17 thing. We have cadre within each of our area  
18 commands as a force multiplier and we're making sure  
19 that they're receiving some type -- that same type  
20 training, especially Task Force training in  
21 partnership with our MD. So it's a huge resource  
22 for us in our MACTAC session and I believe it's  
23 cadre over in Northern as well so --

24           DEAN HENNESY: Yeah, a couple of years  
25 ago, NHP hosted us to come up to Northern Nevada to

1 do some training for their guys. We also were  
2 fortunate to have some outstanding NHPs up there to  
3 join us. I believe some of them were from Stark,  
4 from Reno, a couple of other places were there, Elko  
5 and Ely were around there as well so they are coming  
6 to do senior training as well so we have some cadre  
7 members up there and NHP stays pretty well trained.  
8 I know that they would like us to see us get back up  
9 there and do some work for them but, as I said  
10 before, I'd love to see this go statewide for sure  
11 and, I mean, it wouldn't break my heart if the whole  
12 Southwest region, to tell you the truth.

13           So we do these -- some of the attendees we  
14 have our officers from each area command, we teach  
15 officers from specialized units as well to come in  
16 and work with it and then the other jurisdictions as  
17 well as you see. Not only is the law enforcement on  
18 our side but we have a real good working  
19 relationship with the Nellis Air Force Base and the  
20 Army Reserve Center. We have gone out and trained  
21 with them. They are kind of on the same page with  
22 us. Nellis does drills now to involve officers so  
23 we come in and they will operate the same way we  
24 will and they can get in that active assailant  
25 formation with us and move through.

1                   Now, on the other side, we teach all our  
2 law enforcement people.

3                   Everybody should know about this entire  
4 department about this but we also go out and we will  
5 teach to the public. We'll -- it's kind of our  
6 community outreach thing. We do presentations to  
7 large companies, pretty much anybody who wants them  
8 and the reason behind this is, there is that 12-  
9 minute gap between when these calls come in and law  
10 enforcement can respond to them, that they have to  
11 fend for themselves but we want to give them the  
12 best chance to fend for themselves and prepare for  
13 us to come and we want to give these presentations.  
14 We tell them what the law enforcement means, what we  
15 require of them and what we would like to see from  
16 them. We let them know what we are going to be  
17 doing so they're not put off by it, things like  
18 that. We show them the run, hide, fight video which  
19 I think is a fantastic video to show their people.

20                   We talk about go bags. Go bags is  
21 something that we need from those businesses, the  
22 casinos here in town. MJ, Bellagio, any of them  
23 down there. We all have go bags with them. They  
24 know that, if we show up, they've got something to  
25 give us so we have access to all kinds of places,

1 all their rooms, locations that we can get into,  
2 maps of the area so that we can get through there  
3 and handle it. It's gone very well. We're also  
4 working on a mapping program and I'll let Sgt. talk  
5 about that because that's kind of his baby and he's  
6 done a real good job with that.

7           FRANK CLARKSON: So we're working with our  
8 critical infrastructure so obviously that gambling  
9 and the resorts are a big deal for us so we want --  
10 if anyone's going to do a casino, the underbelly of  
11 those things is almost impossible to understand so,  
12 the go bags there definitely helped out. We were  
13 ready for communication, had access to keys. I know  
14 The Venetian and Plaza, for example, once provided  
15 pathfinders to help strike teams or assault teams to  
16 get in through that underbelly. If you make a  
17 wrong turn, you could end up on a loading dock which  
18 happened to me several times because it's messy so  
19 having those maps and that stuff too but we're also  
20 doing tabletop discussions with the infrastructure  
21 because, if something happens, we just like, just  
22 like we do presentations, we want to know that they  
23 are ready for us and we are ready for them when the  
24 time comes so, you know, that's part of that MACTAC  
25 concept, the concept of what do but the tabletop



1 access helps. We also -- we have a mapping  
2 program, the department, with several of our  
3 properties and our [INAUDIBLE 4:32:55] parts so they  
4 are reading the same maps that we have and we can  
5 deploy and have our entry points labeled and located  
6 and it's a seamless response as well.

7           So that's really the end of it. The whole  
8 point is, we want our cadre, our officers, our  
9 MACTAC section to spread as much as possible  
10 because, really, if something happens anywhere in  
11 Nevada, there's going to be a response from our  
12 neighboring law enforcement agencies and partners to  
13 help with the issue and it's great training. The  
14 active assailant portion, Rescue, the flight  
15 commands, the ICS portion of it so -- and without  
16 our cadre, we [INAUDIBLE 4:33:46] so that in a  
17 nutshell is MACTAC and hopefully we can push it out  
18 and get back in to Northern Nevada and just kind of  
19 incorporate new ideas and kind of see this thing  
20 through.

21           DEAN HENNESY: Like we said, our vision is  
22 to get this -- at least if we could get it -- if the  
23 commission approves or like to get it into the  
24 academies. We'd like to see it in a day or two in  
25 the academies when they train them and then get it

1 pushed out throughout the whole state. That's it.  
2 That's all I have.

3 [APPLAUSE]

4 RONALD PIERINI: Okay. We can go back on  
5 the record, if we could. If any of the  
6 commissioners would like to ask any questions or  
7 make comment. One thing I'll tell you is that I  
8 think one of the important things is that our POST  
9 academies, we go through a one -- what, one-day with  
10 active shooters or half a day. I'm not sure.  
11 Whatever it may be, there's that training that's  
12 given to the new cadets that are there but what we  
13 need to do is the, I think, the sheriff's and chiefs  
14 ought to do -- they do exactly what you're doing  
15 throughout Nevada and that is that they can go to  
16 the academy and they do a half a day or a day of  
17 that training. If we don't do that every other year  
18 at least, at a bare minimum, then we lose that kind  
19 of information and I think that's really important  
20 that we take that time for training and I think  
21 that's an exceptional one there and, for up north,  
22 we would like to participate with that for sure.

23 DEAN HENNESY: We'd love to help out.  
24 Like I said, it's -- I tell it to the public when we  
25 talk to them but it holds the same true to all of us

1 in law enforcement. This is not Las Vegas Metro is  
2 Nevada. This is our Nevada. And we need to take  
3 care of it and, if we get the public on the side and  
4 know what to do and we get out law enforcement on  
5 the same side, we're just ahead of the 8-ball, if  
6 you will, so as far as when tragedy comes.

7           RON PIERINI: True.

8           FRANK CLARKSON: That's why we want to  
9 push the Cadre as well because we talk about the use  
10 of our cadre in our training. The cadre course  
11 explains pretty much everything that we cover in our  
12 one-day response training for our academy and it's  
13 something that I think can easily be pushed into the  
14 curriculum and I can tell you honestly, every time  
15 we do the training for the academies, hands down,  
16 they love it, especially the scenario at the end and  
17 seeing how they react to the incidents so it's real  
18 good stuff.

19           MICHAEL SHERLOCK??: Mr. Clarkson, just so  
20 you know, I think -- I believe our staff's trying to  
21 get you guys up in the spring. We'd like to have --  
22 at least include the concepts in our academy after  
23 you guys get up there so, get it up north.

24           FRANK CLARKSON: That's up to [INAUDIBLE  
25 4:36:32]

1           RONALD PIERINI:  Okay.  Well, again, we  
2 appreciate your time.  Thank you very much.

3           FRANK CLARKSON:  thank you, sir.

4           RONALD PIERINI:  Okay.  We're going to go  
5 onto number 6 now.  Discussion and public comment  
6 and for possible action.  Request from the Nye  
7 County Sheriff's, a waiver pursuant to NAC 289.370,  
8 of all running-related portions of the state  
9 physical fitness examination which a peace officer  
10 is required to pass to certify the commission -- by  
11 the commission.  And as pursuant to NAC-289.201 (c)  
12 per Undersheriff Brent Moody.

13           The running portions of the state physical  
14 fitness examination set out in NAC-289.205 includes  
15 300 meter runs, 1.5 mile walk/run, and LG run.  The  
16 commission may vote to close a portion of the  
17 meeting to consider the character, alleged  
18 misconduct, professional competence and physical or  
19 mental health of the person.  If the commission goes  
20 into a closed session, the commission will convene  
21 a open session to delegate and to take action, if  
22 any, on any other question waiver so, what we've got  
23 here is we've got to ask -- oh, there you are.  You  
24 snuck up on me there, Sheriff.

25           SHERIFF WEHRLY:  I did.

1                   RONALD PIERINI: So you're going to be the  
2 representative at this point?

3                   SHERIFF WEHRLY: Well, I'm going to  
4 formally ask for a waiver at this point. I am going  
5 to ask for that waiver because he injured himself  
6 when he was going through them. The fact that he is  
7 a truly a first responder and so this board knows  
8 that he is an Executive Position and I'd like to ask  
9 for that waiver under 289.510 that says that any  
10 administrator may ask or any portion of this chapter  
11 to be waived and I'd also like to ask for it as a  
12 reasonable accommodation for [INAUDIBLE 4:39:02]  
13 and, at this point, I'd like to introduce Lisa  
14 CHAMLEE:, Mr. Moody's or Undersheriff Moody's  
15 attorney, who will present his case to you.

16                  RONALD PIERINI: Okay. If you would like  
17 to come up, we'd appreciate that. Would you say  
18 your name, please?

19                  LISA CHAMLEE: Thank you. Good afternoon.  
20 I am perfectly retained counsel for Undersheriff  
21 Brent Moody and I am here to present --

22                  RONALD PIERINI: May we have your name,  
23 please?

24                  LISA CHAMLEE: Oh, Lisa Chamlee. I  
25 apologize.

1                   RONALD PIERINI: Thank you.

2                   LISA CHAMLEE:: I'm here to present facts  
3 and evidence and some legal argument in support of  
4 Sheriff Wehrly's request for the waiver of certain  
5 provisions of the POST certification for the  
6 physical fitness requirements. What you have in  
7 front of you that I just passed out to you is a  
8 packet of information. You'll first see a resume  
9 for Undersheriff Moody which highlights his  
10 extensive background and experience in law  
11 enforcement. As you will see, he has been employed  
12 in various law enforcement positions for 41 years.  
13 He was POST certified in both Alaska and Minnesota.

14                  RONALD PIERINI: May I interrupt for a  
15 second, please?

16                  LISA CHAMLEE:: Yes.

17                  RONALD PIERINI: Did you say that was in  
18 Alaska and what was the other one?

19                  LISA CHAMLEE:: Minnesota.

20                  RONALD PIERINI: And do you have a  
21 certificate there saying that he has a --

22                  LISA CHAMLEE:: I do not. I don't but I  
23 can present that to you if you would like me to get  
24 that to you after the meeting today.

25                  RONALD PIERINI: After the meeting. You

1 don't have it with you right now.

2 LISA CHAMLEE: I don't have it with me.

3 RONALD PIERINI: Okay.

4 LISA CHAMLEE: But I do see in the resume  
5 and I have spoken to --

6 RONALD PIERINI: Okay. Just to make sure  
7 that I'm clear on this then that the actual  
8 certificate that you have is like a POST certified  
9 academy that he went through?

10 LISA CHAMLEE: He was POST certified in  
11 both Alaska and Minnesota. I believe that actually  
12 in Minnesota he possesses a license to serve as a  
13 peace officer. Now, my understanding is that,  
14 after your certification to serve as a peace  
15 officer, after it's been not used for five years,  
16 you're no longer eligible to do what Nevada  
17 recognizes as a lateral transfer so, Undersheriff  
18 Moody is now -- he's been required to go through the  
19 requirements under NAC, the chapter that I referred  
20 to in my letter.

21 GARY SCHOFIELD: Mr. Chairman, can I ask a  
22 question?

23 RONALD PIERINI: Yes, sir.

24 GARY SCHOFIELD: Gary Schofield, for the  
25 record. In Alaska and Minnesota, he was POST

1 certified. Do you know the years?

2 LISA CHAMLEE: Well, I'm actually going to  
3 get into testimony so you can ask my client about  
4 those questions. He was first POST certified -- his  
5 law enforcement career began in Minnesota. I think  
6 he first began working as a law enforcement officer  
7 in Minnesota in -- just a second -- in 1971, I want  
8 to say. Well, I'll put him under oath and then you  
9 can ask him those questions directly. I don't have  
10 that information available to you. My primary  
11 purpose for coming today is to present -- I have  
12 presented to Sheriff Wehrly, I have two other  
13 employees of the Nye County Sheriff's Office who are  
14 going to testify and we have a unique set of facts  
15 here in this case that would require that POST issue  
16 a waiver of the running portions of the physical  
17 fitness testing requirements. What you will see  
18 after you hear the testimony of Undersheriff Moody  
19 and Sheriff Wehrly is that he has a long history in  
20 the career of law enforcement. He's highly  
21 experienced. He is absolutely qualified to serve as  
22 a peace officer in Nevada.

23 What you will also find, after you hear  
24 his testimony, is that, in addition to the medical  
25 documents that I've supplied to you with my briefs,



1 you'll hear testimony that he sustained an injury  
2 while he was testing for POST, the physical fitness  
3 requirements. It was in August of 2015 and so,  
4 during this time, he was, I think, working in the  
5 Sheriff's office beginning of mid-January 2015. He  
6 was attending an academy and we will present  
7 testimony too. I know that that was because Mr.  
8 Jensen posed to me that he was not accepted into an  
9 academy. In fact, he was. He attended the Silver  
10 State Academy for about a week after he was unable  
11 to entirely complete the physical testing portion of  
12 the Silver State Academy so you're going to hear  
13 some testimony about the injury that he sustained.

14           What you're going to hear today from our  
15 witnesses is that, despite his injury, he has been  
16 able to completely satisfy the essential functions  
17 of his position. Sheriff Wehrly is going to testify  
18 that, for the entire time that he has been the  
19 undersheriff of the Nye County Sheriff's Office, he  
20 has managed to fulfill every component of his job.  
21 He has assisted in patrol, he has assisted in  
22 investigations.

23           Now, I know that another issue that's come  
24 up in my conversations with Mr. Jensen is that the  
25 commission has proposed perhaps he can serve as a

1 civil administrator without a POST certification.  
2 That is not going to enable him to satisfy the  
3 essential requirements of his job. As you will see,  
4 attached to my brief, his job description requires  
5 that he assist with patrol, with investigations and  
6 you will hear some testimony from the sheriff in  
7 addition to the two other employees in the Sheriff's  
8 office, that the Sheriff's office has undergone  
9 quite a bit of change in its internal administration  
10 and its chain of command and, as part of these  
11 changes, what Sheriff Wehrly has attempted to do is  
12 get -- she's eliminated a lot of mid-level  
13 management so Undersheriff Moody is coming in not as  
14 your typical undersheriff. He's not serving in, you  
15 know, a large agency like Metro perhaps where an  
16 undersheriff is basically sitting behind a desk, is  
17 not getting out there and assisting in the field.  
18 What we have is a very small Sheriff's office with  
19 very limited resources but many problems. We have a  
20 lot of violence in Nye County so Undersheriff Moody  
21 has been hired specifically because of his  
22 experience out in the field. He's also a medic.  
23 That provides a valuable asset to the Nye County  
24 Sheriff's Office and he is out there required as  
25 part of his job to assist in patrol and in

1 investigations. You will hear testimony that he  
2 goes out to serve search warrants. He acts as  
3 backup.

4 Now, I understand that the commission  
5 obviously has concerns that, you know, he can't  
6 fulfill the physical fitness requirements here but  
7 he's not going to be able to serve as a peace  
8 officer. Let me assure you and you will hear  
9 evidence today that he is never going to be placed  
10 in a situation where he's going to have to be the  
11 initial patrol deputy reporting to a call. He's  
12 simply acting as a backup officer when needed and  
13 you'll hear some evidence today that his presence  
14 out in the field is absolutely essential to the  
15 operations of the Sheriff's office.

16 RONALD PIERINI: I understand that but, if  
17 I could just say, you look what each one of these  
18 people who enter law enforcement as a career and  
19 they go to the Academy. They know what's expected  
20 from them to be able to get that certification. Is  
21 that true?

22 LISA CHAMLEE: Yes, I would agree with  
23 that.

24 RONALD PIERINI: And things that happened  
25 in the past and then all of a sudden that doesn't

1 have that -- can't renew that because he's not able  
2 to do that because of physical problems. Is that  
3 what I'm hearing?

4 LISA CHAMLEE: He sustained an injury  
5 while he was trying to meet the requirements for the  
6 POST fitness test which precludes him from running.  
7 And as you will see attached to my brief, there are  
8 letters from two workers comp doctors. Now, I know  
9 and I would like to bring to your attention the fact  
10 that they released him to full duty, understanding  
11 the specific requirements associated with his job.  
12 You have another doctor, Dr. Reiner, a very  
13 prominent doctor in Pahrump, Nevada who expressed  
14 his opinion that Undersheriff Moody falls within the  
15 auspices of the Americans with Disabilities Act so  
16 what we are arguing here today is that, for the POST  
17 commission to remain in compliance with the  
18 Americans with Disabilities Act and additional  
19 federal regulation, we are asking you to issue this  
20 waiver. I mean, you've certainly given yourselves  
21 the authority under NAC 289.370 to grant a waiver on  
22 behalf of any administrator of an agency and we have  
23 the Sheriff today. She's asking you to invoke that  
24 discretion.

25 Now, I've reviewed the entire NAC chapter

1 289 in its entirety and there is no language in that  
2 code that limits your authority to limit the scope  
3 of the waiver. I've discussed with Mr. Jensen the  
4 fact that we would be willing to submit to a very  
5 limited waiver that would combine the certification  
6 for POST strictly to when Sheriff Undersheriff Moody  
7 is serving alongside with Sheriff Wehrly and if  
8 Sheriff Wehrly were to leave office, then his POST  
9 certification would be canceled. He has no interest  
10 in going to any other law enforcement agency in the  
11 state. He has no interest in working under any  
12 other sheriff in the state. He only wants to work  
13 with Sheriff Wehrly so that is -- it's an  
14 alternative proposition that I would like to submit  
15 to the commission.

16 RONALD PIERINI: Okay. Well, thank you.  
17 What I should do is I should first ask the -- Mr.  
18 Sherlock, if you would like to say anything or any  
19 questions you may have or Mr. Jensen, would you like  
20 to do that?

21 MIKE JENSEN: This is Mike Jensen for the  
22 record. I definitely have a couple of questions.  
23 I'm not sure how you prefer to proceed with this. I  
24 know you have some witnesses where --

25 LISA CHAMLEE: I do.

1                   MIKE JENSEN:  -- there can be a potential  
2 closed session.

3                   LISA CHAMLEE:  Yes.

4                   MIKE JENSEN:  I definitely have a few  
5 comments and questions I would like to ask but I'm  
6 not sure at this point if that makes sense or maybe  
7 after all the information is presented that it might  
8 be a more appropriate time to talk about this.

9                   LISA CHAMLEE:  I would tend to agree with  
10 Mr. Jensen.  I think that's probably appropriate.  I  
11 would like to present everything that we have today  
12 and then, if the commission has any individual  
13 questions of any of the witnesses or myself, we  
14 would be more than happy to answer them.

15                   So at this point, I think that I'm  
16 probably going to have Undersheriff Moody come up  
17 here and share information.  I think we will  
18 probably be getting into some confidential protected  
19 health information.  It might be appropriate perhaps  
20 to make a motion to close the meeting at this  
21 juncture.

22                   MIKE JENSEN:  Mike Jensen, for the record.  
23 Mr. Chairman, this is a little bit new territory,  
24 especially for new members of the commission.  It's  
25 pretty unusual for the POST commission to close a

1 meeting. It's unlikely, well, if you would like,  
2 Mr. Chairman, to talk about the requirements to  
3 close a meeting, what has to happen. The open  
4 meeting law does permit a closed session to occur  
5 for consideration by a board of commission of the  
6 physical health of an individual, in this case, in  
7 conjunction with his request for a waiver of the  
8 running components of the physical fitness  
9 examination and so there's a provision for that to  
10 occur. If the commission makes a motion and votes  
11 to do that, to go in closed session, that might -  
12 legal opinion may be a good idea given, you know,  
13 that we are going to be talking about some sensitive  
14 medical issues of an individual. Once that -- as  
15 part of that motion, the commission is supposed to  
16 indicate the scope of what's going to be talked  
17 about in that closed meeting which, in this case,  
18 would be the physical health of Mr. Moody in  
19 relation to his waiver request and also state the  
20 authority under which the meeting would be closed  
21 which would be under the open meeting law under NRS  
22 241 and this is .030 is the section that allows for  
23 the meeting to be closed for that purpose and so  
24 it's permitted if the commission wants to do that.

25 The other issue that would have to be

1 addressed is who would be permitted to be in the  
2 closed session. The open meeting law generally  
3 states that the individual that's being talked about  
4 is to be allowed into the meeting with their  
5 attorney and potentially a representative and that  
6 the chairperson has the ability with the commission  
7 to decide if anybody else would be permitted in the  
8 meeting as well as those individuals and certainly  
9 we would ask for input from Mr. Moody's attorney on  
10 concerns about anyone that might be considered  
11 beyond those three individuals.

12 To do a closed session, you have to put it  
13 on the agenda and, as you've seen on this particular  
14 agenda, we indicated that that may occur today. It  
15 also requires that a notice be served on Mr. Moody  
16 indicating that this could happen today and it's my  
17 understanding that that occurred that he was given  
18 notice. Is that correct?

19 LISA CHAMLEE: That's correct.

20 MIKE JENSEN: And does he have any problem  
21 with us going into a closed session?

22 LISA CHAMLEE: No. He would prefer that.

23 MIKE JENSEN: And so that's essentially,  
24 Mr. Chairman, and commission, how that works. And  
25 there would have to be a motion to close the meeting



1 just for the consideration of those health issues.  
2 Mr. Moody, you would be required to come back into  
3 open session to discuss and deliberate any potential  
4 waiver.

5 RONALD PIERINI: Okay. I'm going to ask  
6 some of the commissioners, any comments or any  
7 motion that you would like to make or any idea?

8 GARY SCHOFIELD: I'd like to make a  
9 motion.

10 RONALD PIERINI: All right. Go ahead.

11 GARY SCHOFIELD: Mr. Gary Schofield, Las  
12 Vegas Metropolitan Police Department. I make a  
13 motion that, under NRS 241.030, the open meeting  
14 law, that we close this session of the Nevada POST  
15 Commission to consider the public physical health  
16 issues concerning Mr. Moody and that that portion of  
17 the hearing allow his attorney to be present with.

18 RONALD PIERINI: Thank you. All right.  
19 Is there any second?

20 MULTIPLE VOICES: Second.

21 RONALD PIERINI: Thank you very much. And  
22 do we have any other questions or anything like  
23 that? Everybody okay with that?

24 I think one of the things that maybe I can  
25 mention a little bit too is that we have the

1 attorney here for Mr. Moody and then we may have one  
2 other person. Should I guess we talk a little bit  
3 that if there are others that should be in there if  
4 they're asking or go through the first motion first?  
5 What would you think?

6 LISA CHAMLEE: We have no objection to  
7 Sheriff Wehrly being present. She's certainly aware  
8 of the medical facts that we're going to be going  
9 into but anybody else I --

10 GARY SCHOFIELD: I'm going to make the  
11 motion so my question for him concerns health trust.  
12 By doing that, does Mr. Moody understand that his  
13 HIPAA rights are being void for his sheriff, if he's  
14 okay with that, then I'm okay with it. But I'd like  
15 that on the record.

16 [INAUDIBLE 4:55:34]

17 LISA CHAMLEE: For the record, this is my  
18 client, Undersheriff Brent Moody.

19 RONALD PIERINI: Mr. Moody.

20 BRENT MOODY: I am Brent C. Moody and I am  
21 an undersheriff for Nye County.

22 [INAUDIBLE 4:55:58]

23 BRENT MOODY: I do not object to have  
24 Sheriff Wehrly.

25 [INAUDIBLE 4:56:05]

1                   RONALD PIERINI:  So we have a motion and  
2 we have a second and all in favor?

3                   MULTIPLE VOICES:  Aye.

4                   RONALD PIERINI:  All right.  Anybody  
5 opposed?  All right.  So carried.  So what we have  
6 to do at this point, if we could have everyone leave  
7 the room, we would appreciate it except for these  
8 two.

9                   LISA CHAMLEE:  Thank you.

10 [CLOSED MEETING 4:56:37 to 5:22:36]

11 [BREAK]

12                   RONALD PIERINI:  We're back on, please.  
13 We're back in session.  The recorder is on.  Okay.  
14 Lisa, did you want to say anything more?

15                   LISA CHAMLEE:  Yes.

16                   RONALD PIERINI:  I'm sure you do.

17                   LISA CHAMLEE:  I would like to -- I'm  
18 sorry.  One moment.

19                   I'd like to --

20                   RONALD PIERINI:  Okay.  This is going back  
21 into the open session right now.

22                   LISA CHAMLEE:  Yes.

23                   RONALD PIERINI:  Okay.  You understand  
24 that.

25                   LISA CHAMLEE:  That's fine.  And we are

1 fine with that.

2 RONALD PIERINI: Okay. Thank you. And we  
3 do have our audience as well.

4 LISA CHAMLEE: What I'd like to do is  
5 elicit some testimony. I don't know if you have to  
6 put my client under oath or if that's necessary here  
7 but I'd like to have him speak and I'll ask him some  
8 questions about his qualifications, his experience  
9 in law enforcement and I would also like to clarify  
10 an error that I made in my previous statement to you  
11 that his POST certification in Minnesota and Alaska  
12 has expired. It was just brought to my attention  
13 that he actually took measures to get that  
14 reinstated prior to coming to Nevada so he does have  
15 an active POST in both of those states. But my  
16 understanding from the Sheriff Wehrly is that he is  
17 going to have to go through an Academy because he  
18 was not able to complete the run within 12 weeks so  
19 resuming his position.

20 UNDERSHERIFF MOODY: Okay. Maybe I can  
21 just clarify that a little bit. When I first moved  
22 to Nevada and was asked to be undersheriff, we went  
23 through a course on how to be a Sheriff, an  
24 undersheriff that POST put on. At that time, I  
25 discussed my certifications with Mr. Sherlock and

1 he was helpful in that regard. And one of the  
2 things that I told him is that, really technically  
3 speaking, I really hadn't had a five-year period. I  
4 had worked for a week as a sworn officer doing an  
5 audit for a law enforcement agency in Alaska and had  
6 been on the payroll as a commissioned policeman for  
7 about a week. He said, well, in that case, if I  
8 accept that, you would have to go through a two-week  
9 class and then complete your PT test within 11 weeks  
10 and I said there is no way I can pass it a PT test  
11 in 11 weeks so, rather than play a bunch of games, I  
12 chose -- it wasn't anybody else's choice but my  
13 choice to go to the full Academy and give me the  
14 time to get into shape and to start, you know, going  
15 after the test. So I just wanted to -- really  
16 technically speaking, it didn't expire, okay, but I  
17 didn't want to play games so I went on and, you  
18 know, agreed to go to a full Academy and that was my  
19 choice.

20 RON PIERINI: Okay.

21 LISA CHAMLEE: Any questions on those  
22 statements? Okay.

23 Undersheriff Moody, how -- when were you  
24 first POST certified and in what state?

25 UNDERSHERIFF MOODY: I was certified in

1 Minnesota in 1973.

2 LISA CHAMLEE: Okay. And how many years  
3 did you work in law enforcement in Minnesota?

4 UNDERSHERIFF MOODY: 1969 to December of  
5 '84.

6 LISA CHAMLEE: Okay. And when you  
7 obtained your POST certification in Minnesota, can  
8 you just describe to the members, some of the  
9 physical fitness requirements that you were required  
10 to complete and pass?

11 UNDERSHERIFF MOODY: Well, we went through  
12 riot training, we went through defensive tactics and  
13 it was a little different in those days than it is  
14 now but nightstick work and body bags and grappling  
15 and all the typical stuff that policemen do.

16 LISA CHAMLEE: Okay. And after you left  
17 Minnesota, did you become POST-certified in Alaska?

18 UNDERSHERIFF MOODY: I did.

19 LISA CHAMLEE: Okay. And had to go  
20 through some --

21 UNDERSHERIFF MOODY: That would have been  
22 1984, right after I left Minnesota with a job in  
23 [INAUDIBLE 5:35:08], Alaska so --

24 LISA CHAMLEE: Okay. And did you go  
25 through the same type of testing that --

1                   UNDERSHERIFF MOODY: No, actually, this  
2 testing was for what they called an out-of-state  
3 officer test and it was a two week thing, probably  
4 very similar to what they do here in Nevada for  
5 out-of-state officers but [INAUDIBLE 5:35:24].

6                   LISA CHAMLEE: Okay. And so you were  
7 POST-certified for how long in Alaska?

8                   UNDERSHERIFF MOODY: Well, I left in '05,  
9 2005. I went to Iraq.

10                  LISA CHAMLEE: Okay. Now, can you  
11 describe to the commission members some of the  
12 training and experience, your qualifications, in  
13 your 41-year career as a law enforcement officer?

14                  RONALD PIERINI: Can I interrupt you just  
15 for a second, please? I don't think we need to do  
16 that but, what I do think is we need to have Mr.  
17 Sherlock has done some kind of back, I think, some  
18 information about his history and if he could share  
19 that with us.

20                  MICHAEL SHERLOCK: Yeah. I just first  
21 would like to clarify what the regulation says. If  
22 you're coming in on reciprocity, you have 16 weeks  
23 to pass the PPFT, POST physical fitness test, 16  
24 weeks from the date of hire.

25                  In contrast of that, if you're coming in

1 as, not as a reciprocity, not as a lateral from  
2 another state, you have one year to be certified,  
3 which would include an Academy and PPFT and other  
4 requirements so I just want to clear that up.

5           Now, one thing I do know, Mr. Moody did  
6 initially inquire as to whether or not he was  
7 eligible to come in as a reciprocity officer. We  
8 did, in fact, I did advise him that, if you come in  
9 as reciprocity in terms of the PPFT, you have 16  
10 weeks to pass that PPFT, that physical fitness test.  
11 In addition, we made inquiries to both Alaska and  
12 Minnesota and -- to determine whether or not he was  
13 eligible under reciprocity. If you understand  
14 reciprocity, reciprocity applies only if you are  
15 certified in another state or had been certified in  
16 another state and employed as a peace officer within  
17 the last 60 months, prior 60 months.

18           I don't have the numbers in front of me.  
19 I did write down some as I left, what was notified  
20 to us, both from Alaska and Minnesota. I know in  
21 Alaska, they reported to us that Mr. Moody was  
22 employed from 1984 to 1985, I believe. You may be  
23 able to confirm that. He was not certified at that  
24 time. He was again employed by an Alaska agency in  
25 1988 and I don't know the period. I believe it was



1 still 1993. He was not certified at that point. He  
2 was then again employed at another agency in Alaska,  
3 '95, something like that. I don't remember the  
4 month, at another agency, applied for and received  
5 his Alaska certificate at that point. I can't  
6 comment as to why there was no certificate prior to  
7 that. He -- I believe he worked there and was  
8 certified and employed because that's what's  
9 required under our regulations until 2000, left  
10 there, joined another department, still good  
11 certificate and full-time peace officer employment  
12 until 2005, clearly, way outside the 60 months.

13           We inquired into Mr. Moody's statement  
14 that he went back and worked for one week at an  
15 agency. Alaska POST reported to us that the one  
16 week of employment was not law enforcement and did  
17 not meet their standard for certification, that a  
18 certificate is expired and it was not a full-time  
19 peace officer position.

20           For that reason, Mr. Moody was not  
21 eligible for reciprocity. Alaska or Minnesota is a  
22 licensing agency. Our inquire to -- with them was  
23 Mr. Moody had not worked there since the '80s, well  
24 beyond the 60-month requirement that we have here in  
25 Nevada. Apparently, Minnesota is a licensing

1 agency. If you pay your fees, the way they  
2 explained it to us, your POST certificate remains  
3 active as long as those fees are paid. I don't know  
4 any of any other requirements on Minnesota but it  
5 was not relevant to us because it's based on  
6 employment as a peace officer within the last 60  
7 months and so he was not eligible for reciprocity,  
8 if that clarifies.

9 RONALD PIERINI: Thank you.

10 [OFF RECORD DISCUSSION]

11 MICHAEL SHERLOCK: And, again, this is  
12 just was told to us. I don't have any knowledge,  
13 personal knowledge. That's just what they provided  
14 to us.

15 LISA CHAMLEE: Okay.

16 RONALD PIERINI: Lisa, I would think it  
17 would be pretty fair for me to ask, to suggest, at  
18 least, that we understand that he has a background  
19 in law enforcement.

20 LISA CHAMLEE: Yes.

21 RONALD PIERINI: That's not going to fix  
22 this problem that we're dealing with 100%.

23 LISA CHAMLEE: No, it's not.

24 RONALD PIERINI: But I do understand what  
25 you're saying what his background is because of time

1 and for all the other things that we have to do and  
2 we've got to move on.

3 LISA CHAMLEE: Okay.

4 RONALD PIERINI: So what I'm asking you  
5 is, is there anything here anybody here that you  
6 want to have come up and make any comments or do you  
7 have any other thing that you want to do on that end  
8 of it?

9 LISA CHAMLEE: I think I will have Sheriff  
10 Wehrly come up and make a statement to the  
11 commission --

12 RONALD PIERINI: Okay.

13 LISA CHAMLEE: -- unless there is anything  
14 else you wanted to say?

15 UNDERSHERIFF MOODY: No.

16 LISA CHAMLEE: Okay. And I would just ask  
17 the members to please look at his resume and see  
18 that he has a lot of training and experience so I'm  
19 not going to get into those specific questions.

20 RONALD PIERINI: Okay. Thank you.  
21 Sheriff, would you like to come up?

22 LISA CHAMLEE: Sheriff Wehrly, you've been  
23 acting as the Sheriff of Nye County since January of  
24 2015. Correct?

25 SHERIFF WEHRLY: Yes.

1           LISA CHAMLEE: Okay. And can you explain  
2 to the commission members how you came to select  
3 Undersheriff Moody as your undersheriff and why?

4           SHERIFF WEHRLY: I have a selection  
5 criteria and that criteria was that they must not  
6 have worked for Nye County for five years, that they  
7 had to have a squeaky clean background, and they had  
8 to have a good to excellent law enforcement  
9 background and I found that he met those  
10 qualifications.

11          LISA CHAMLEE: Okay. So you were looking  
12 for somebody that didn't have any ties, any biases,  
13 about the operations within Nye County.

14          SHERIFF WEHRLY: Correct.

15          LISA CHAMLEE: And you've made a lot of  
16 administrative changes within the Sheriff's office  
17 since you took office. Isn't that correct?

18          SHERIFF WEHRLY: That's correct.

19          LISA CHAMLEE: Okay. Now, why did you  
20 choose to make these changes and why is it important  
21 to your application here today?

22          SHERIFF WEHRLY: Some of the changes I  
23 made were made formally. Other changes I made were  
24 because of the budget and the culture in Nye County  
25 and I wanted to change that culture.

1                   RONALD PIERINI:  Again, I'd like to  
2  interrupt.  You know, this has nothing to do with  
3  what we are dealing with, the health problems.

4                   SHERIFF WEHRLY:  I agree with you.

5                   RONALD PIERINI:  I think we've got to move  
6  on.

7                   LISA CHAMLEE:  Okay.  I --

8                   RONALD PIERINI:  I understand your  
9  relationship and you've done - you hired him and you  
10 like him and he's done a good job.  I'm not  
11 suggesting --

12                  SHERIFF WEHRLY:  Well, I think there's one  
13 thing that you need to know, I did not know him  
14 before I hired him.

15                  RONALD PIERINI:  Again, that's okay.  I  
16 don't care.

17                  SHERIFF WEHRLY:  I understand.

18                  RONALD PIERINI:  You know, that's fine.  
19 We just have to move on.

20                  LISA CHAMLEE:  I want you -- but I want  
21 the commission members to understand and I don't  
22 want to speak for my - the people that are here to  
23 speak to you, is that we are asking for this waiver  
24 and it is critical to Undersheriff Moody being able  
25 to satisfy the essential functions of his job.  The

1 reason this is important and why I'm asking her  
2 these questions is, she's eliminated, as I stated  
3 earlier, mid-level management so the structure in  
4 the chain of command within the Sheriff's office  
5 requires that you have an undersheriff, unlike  
6 larger agencies, where he's out on the street and  
7 he's out assisting, serving search warrants, putting  
8 himself in situations where the need for a POST  
9 certification is critical. He's not going to be  
10 able to do his job but, if you want to -- if you  
11 don't want me to get into that line of questioning,  
12 you'll accept my representations as fact and that's  
13 fine. I'll move this along.

14 GARY SCHOFIELD: Okay. Mr. Chairman, Gary  
15 Schofield, for the record. Counselor, on the  
16 exhibit you presented us, it says class title,  
17 undersheriff, County of Nye. Do you see that  
18 exhibit?

19 LISA CHAMLEE: Yes.

20 GARY SCHOFIELD: Where did that come from?

21 LISA CHAMLEE: I obtained that from  
22 Sheriff Wehrly.

23 SHERIFF WEHRLY: That came from HR.

24 GARY SCHOFIELD: Okay. From the HR from  
25 Nye County?

1           SHERIFF WEHRLY:  Yes.  And that was  
2 written for an undersheriff in 1991.

3           GARY SCHOFIELD:  So this is -- okay.

4           SHERIFF WEHRLY:  It has not been updated.

5           GARY SCHOFIELD:  Ma'am, this is the  
6 current job classification specifications for the  
7 position of undersheriff for Nye County.

8           SHERIFF WEHRLY:  Yes.

9           GARY SCHOFIELD:  And it doesn't state  
10 anything as has been asked before about category 1  
11 police officer certification.

12          SHERIFF WEHRLY:  That's very true.

13          GARY SCHOFIELD:  Okay.

14          SHERIFF WEHRLY:  At the time that was  
15 written, it was written for a -- an officer that was  
16 not POST certified.  He became POST certified, I  
17 believe, in 1993, according to POST records that I  
18 was provided.

19          GARY SCHOFIELD:  But just so I understand  
20 as much within Nye County, is he an employee of Nye  
21 County?

22          SHERIFF WEHRLY:  Yes.

23          GARY SCHOFIELD:  So he is an employee of  
24 Nye County.

25          SHERIFF WEHRLY:  Yes.

1 GARY SCHOFIELD: Okay. Thank you.

2 RONALD PIERINI: Thank you, Gary.

3 LISA CHAMLEE: Is Undersheriff Moody  
4 required to have a POST certification according to  
5 your job description, Sheriff Wehrly?

6 SHERIFF WEHRLY: Yes.

7 LISA CHAMLEE: And why is that?

8 SHERIFF WEHRLY: Because he takes my place  
9 when I'm gone and he also backs up people in the  
10 field on a regular basis as I do.

11 TROY TANNER: Troy Tanner for the record.  
12 So you said that job description has to have a POST  
13 certificate. Where is that job description?

14 SHERIFF WEHRLY: That job description does  
15 not.

16 TROY TANNER: Oh, okay. So just your own  
17 --

18 SHERIFF WEHRLY: I have not rewritten the  
19 job description.

20 TROY TANNER: Okay.

21 SHERIFF WEHRLY: That's a 1991 job  
22 description.

23 RONALD PIERINI: Have you read what our  
24 regulations are under peace officer standards and  
25 training and do you understand what our regulations



1 are --

2 SHERIFF WEHRLY: Absolutely.

3 RONALD PIERINI: -- and what is required?

4 You understand that?

5 SHERIFF WEHRLY: Yes.

6 RONALD PIERINI: Okay. Go ahead.

7 LISA CHAMLEE: Has Undersheriff Moody been  
8 able to, after sustaining his injury, has he been  
9 able to perform all the functions that he is  
10 required to on the job?

11 SHERIFF WEHRLY: Yes, he has.

12 LISA CHAMLEE: And so he has continued  
13 until his extension was elapsed, was he able to go  
14 out and assist on patrol and investigations?

15 SHERIFF WEHRLY: Yes, he has.

16 LISA CHAMLEE: And you previously moved to  
17 have the commission grant his six-month extension.  
18 Correct?

19 SHERIFF WEHRLY: Yes, I did.

20 LISA CHAMLEE: Okay. Unless you have  
21 anything else you want to offer in support of your  
22 application, I think those conclude my questions.

23 RONALD PIERINI: All right. Thank you  
24 very much. But I also want to get -- any other  
25 commissioners like to have any other questions right

1 here dealing with this or are we moving on or what  
2 do you think?

3 GARY SCHOFIELD: I have no other  
4 questions. Gary Schofield, for the record, of the  
5 Sheriff. Thank you for your testimony, ma'am.

6 SHERIFF WEHRLY: You're welcome.

7 RONALD PIERINI: Thank you very much.  
8 Okay. What we're going to do right now is that  
9 there may be some people in the audience that would  
10 like to come up and make some comments.

11 LISA CHAMLEE: I do have two other  
12 officers here that are here to talk about --

13 RONALD PIERINI: Oh, I'm sorry. I didn't  
14 understand that.

15 LISA CHAMLEE: -- specific insinstances  
16 where Undersheriff Moody has gone out to calls.

17 RONALD PIERINI: Just don't forget.  
18 Please, don't -- what I'm saying is I understand he  
19 does a good job out there on the street. That's  
20 what we get. I understand that.

21 LISA CHAMLEE: Okay.

22 RONALD PIERINI: So if you're going to do  
23 this, we've got to do it fairly fast.

24 LISA CHAMLEE: Okay.

25 RONALD PIERINI: Thank you.

1           LISA CHAMLEE: would like to have Sgt.  
2 Eisenloffel come up and make a statement.  
3           RONALD PIERINI: Please say your name.  
4           SGT. MIKE EISENLOFFEL: Michael  
5 Eisenloffel, sir.  
6           RONALD PIERINI: And where do you work,  
7 Sir?  
8           SGT. MIKE EISENLOFFEL: I'm a detective  
9 sergeant with the Nye County Sheriff's Department.  
10          RONALD PIERINI: Go ahead please, Sir.  
11          SGT. MIKE EISENLOFFEL: Thank you.  
12          LISA CHAMLEE: When did you receive your  
13 POST certification in Nevada?  
14          SGT. MIKE EISENLOFFEL: I received it in  
15 June of 2008.  
16          LISA CHAMLEE: And how long have you been  
17 employed with the Sheriff's office?  
18          SGT. MIKE EISENLOFFEL: Since about a  
19 year prior to that.  
20          LISA CHAMLEE: Okay. And have you gone  
21 out on calls with Undersheriff Moody since he's  
22 begun working at the Sheriff's office?  
23          SGT. MIKE EISENLOFFEL: Absolutely, very  
24 many frequent calls of different varieties.  
25          LISA CHAMLEE: Can you describe a few

1 instances where he's gone out to back you up on  
2 calls or serving search warrants for the commission  
3 members?

4 SGT. MIKE EISENLOFFEL: Absolutely. I  
5 won't take much time but I would like to illustrate  
6 with a couple or three or four examples.

7 One of them occurred July 24 of last year.  
8 It was a homicide scene. Patrol officers came  
9 across a dead body that was obviously there. A  
10 homicide had occurred. It was an intentional act.  
11 As myself and one -- only one other detective were  
12 processing the scene, we needed someone to stay on  
13 the outside and hold the perimeter. Our resources  
14 are very limited. Undersheriff Moody voluntarily  
15 took up that position to assist us. During this  
16 time, the suspect actually showed up on the scene.  
17 He was instrumental in obviously detaining that  
18 suspect until we could have done -- investigated  
19 further. That was a very, very important function  
20 obviously.

21 Another example occurred in October of  
22 last year. As you may or may not be familiar, the  
23 outlining or the outlay of Nye County is very  
24 remote, very remote area. Around midnight, I was in  
25 the town of Beatty which is about 65 miles from

1 Pahrump. I was there all by myself and I was the  
2 only sworn law enforcement officer on duty at that  
3 time. I was dispatched to another town between  
4 Pahrump and Beatty called Amargosa where, again,  
5 there was nobody else on duty. It involved a rather  
6 volatile call and I was dispatched to go to it by  
7 myself. Nobody else was available at that time.  
8 Again, a limited amount of resources we have.  
9 Sheriff -- Undersheriff Moody was notified and  
10 elected to get out of bed in the dead of night to  
11 come back me up. It turned out to be that it  
12 involved a felon, a possession of an illegal firearm  
13 at that time. Undersheriff Moody, during the course  
14 of that investigation, assisted me and he himself  
15 took the individual into custody and transported him  
16 to the jail in Pahrump which, again, is  
17 approximately 45 to 50 miles away from where we were  
18 at, a very volatile call and I couldn't have done it  
19 without his assistance.

20 Another quick example involved a --

21 RONALD PIERINI: We get that. It's fine.  
22 We've got to move on.

23 LISA CHAMLEE: Okay. And just one final  
24 question. Since you have changed your POST  
25 certification, that was in 2008, you said?

1                   SGT. EISENLOFFEL: Yes, ma'am.

2                   LISA CHAMLEE: Have you been required to

3 do any other physical fitness requirements?

4                   SGT. EISENLOFFEL: No, ma'am.

5                   LISA CHAMLEE: And you are still currently

6 POST certified in Nevada.

7                   SGT. EISENLOFFEL: Yes, I am.

8                   LISA CHAMLEE: Okay. That's it. Thank

9 you.

10                  SGT. EISENLOFFEL: Thank you.

11                  RONALD PIERINI: All right. Do you have

12 someone else?

13                  LISA CHAMLEE: Det. Cox. And that will be

14 my last witness.

15                  RONALD PIERINI: Your name, sir?

16                  DET. ALEX COX: Det. Alex Cox.

17                  RONALD PIERINI: And where do you work?

18                  DET. ALEX COX: Nye County Sheriff's

19 office.

20                  RONALD PIERINI: Okay.

21                  LISA CHAMLEE: Can you describe for the

22 commission just a couple of examples where

23 Undersheriff Moody has acted out in the field to

24 assist you on backup or patrol or any calls?

25                  ALEX COX: Sure. While working on patrol

1 division, I responded to a physical domestic battery  
2 in progress. Upon arrival, we had merely  
3 encountered a combative subject. Undersheriff Moody  
4 and Sgt. James McCray responded as backup. Sheriff  
5 Moody and Sgt. McCray were able to subdue the  
6 suspect and handcuff him and detain him. While  
7 conducting my investigation, basically what  
8 happened, the female was battered, the children were  
9 being abused, I found methamphetamine, numerous  
10 narcotics. Sheriff Moody, Undersheriff Moody used  
11 force to help subdue the subject.

12 In another instance, patrol division had a  
13 domestic battery call. The suspect had broken a  
14 female victim's thumb and fled the scene.  
15 Undersheriff Moody was involved in a 72-mile  
16 pursuit, reference that suspect. At the end of the  
17 pursuit, Undersheriff Moody helped back up a rookie  
18 officer that Undersheriff Moody and the rookie  
19 officer took the suspect into custody at that time.

20 LISA CHAMLEE: Okay.

21 RONALD PIERINI: Thank you very much.

22 LISA CHAMLEE: Thank you.

23 RONALD PIERINI: Okay. Are you done now?

24 LISA CHAMLEE: Yes.

25 RONALD PIERINI: Are you okay?

1                   LISA CHAMLEE: I'm just going to give you  
2 a few legal arguments.

3                   RONALD PIERINI: Sure.

4                   LISA CHAMLEE: As you have in your packet,  
5 I also provided you, I think, Mr. Jensen did, points  
6 and authorities, legal authority, that applies to  
7 our application or Sheriff Wehrly's application.

8                   The ADA requires, number 1, that the  
9 covered individual has to qualify as having a  
10 disability and it's our position today that  
11 Undersheriff Moody is a protected individual under  
12 the ADA because he has been diagnosed as a doctor,  
13 by a doctor, Dr. Reiner, as having a disability.  
14 It's impeded with his major life activities of  
15 walking, bending, and, to a certain degree, for a  
16 period of working. He has not been able to go out  
17 on calls. He is not able to act as a peace  
18 officer in the community so we would submit to you  
19 that he meets definition number 1.

20                   Quickly just citing to the Littlefield  
21 case which is in my brief, the Littlefield court,  
22 which is the federal court here in Southern Nevada,  
23 held that, in that case, the NHP officer who was  
24 terminated, did not -- the NHP decision to terminate  
25 him on the basis of not meeting the binocular vision



1 violated the ADA and what's interesting in that  
2 particular case and how it applies to this situation  
3 is NHP was the employer there. NHP made the  
4 decision that he did not meet the criteria to work  
5 for their organization. This wasn't a POST  
6 requirement that he have binocular vision. It was  
7 an NHP requirement and so he was terminated and what  
8 the court found in Littlefield is that NHP violated  
9 that the employee had proven a prima facie case  
10 which means you basically overcome the first legal  
11 hurdle and the case is going to go to trial, that  
12 NHP had violated the ADA by terminating this  
13 individual because he did not meet that specific  
14 blanket requirement that they have binocular vision  
15 in both eyes.

16 Well, in this particular instance, you've  
17 heard Sheriff Wehrly, she's actually submitted the  
18 application to you to issue a waiver which is within  
19 your discretion. It's within your authority. She  
20 is submitting to you, and I have all of the  
21 evidence in my brief here and we've presented  
22 testimony, that he can satisfy the essential  
23 functions of his job so, if you look at the  
24 Littlefield case and also the other two cases, the  
25 night circuit case, which -- give me just a minute

1 and I'll find it -- Bates, it's a night circuit case  
2 which deals with the ADA and then also the US  
3 Supreme Court court case, USA versus Etcha  
4 Zabaugh??[5:56:13].

5           If you look at the test in those  
6 particular cases, Undersheriff Moody meets the  
7 requirements on -- for ADA protection and it would  
8 be our position today that you should exercise your  
9 discretion as you've given yourself under the NAC  
10 section 289 to issue a waiver and we are happy to  
11 enter into any negotiation, a contract that's  
12 binding that limits the scope of that POST  
13 certification only when he's serving under Sheriff  
14 Wehrly and, if she were to leave office, he would  
15 happily re-sign and he would submit that his POST  
16 certification is no longer valid. And that pretty  
17 much sums up our presentation.

18           I thank you for taking the time to listen.

19           RONALD PIERINI: Thank you.

20           Okay. What I would, again, is ask the  
21 commissioners, any other questions, any comments,  
22 you would like to make? Or Mr. Jensen or Mr.  
23 Sherlock, would you like to say anything?

24           MR. JENSEN: Yeah. We've been on this item  
25 a long time so I'll try to be really brief but I

1 just had a couple of legal issues to raise in terms  
2 of this particular item that I wanted to bring it up  
3 to the commission. Obviously because we are in an  
4 open session and I'm not going to be sharing  
5 attorney-client privilege material with you guys but  
6 I wanted to lay out a couple of the principles that  
7 are involved in an ADA claim like this that I think  
8 are important and I appreciate the briefing that was  
9 done and I would agree with the majority of the  
10 things that were cited in that brief in terms of the  
11 rules for determining whether someone has a  
12 disability and whether someone is a qualified  
13 individual with a disability which is I think is the  
14 critical point in this particular matter is whether  
15 or not Mr. Moody is a qualified person with a  
16 disability which means that he can meet those  
17 essential functions, not of his job. They are not  
18 here asking him to be Undersheriff of Nye County.  
19 It's the critical functions that a category 1 peace  
20 officer is what this POST commission certifies  
21 individuals to do. It also requires that the  
22 individual coming before you meets the eligibility  
23 requirements for the license or certification that  
24 they are asking for.

25 In this particular case, you have heard

1 testimony that Mr. Moody has not attended a basic  
2 training Academy yet and has not passed the state  
3 certification exam yet and has only attempted the  
4 state physical fitness exam and so, in terms of  
5 determining whether or not he is a qualified  
6 individual with a disability, you would take into  
7 consideration whether he's met the eligibility  
8 requirements for the certification which, if he  
9 hasn't done those other two prongs, the basic  
10 training course and the state certification exam, he  
11 has not met the eligibility requirements yet for  
12 certification and so I think that's an important  
13 thing to bring up.

14           The other is the EEOC and the regulations  
15 have specifically provided that licensing boards and  
16 employers can have testing for job applications if  
17 certain requirements are met. If your testing tends  
18 to disqualify people with disabilities, your testing  
19 has to be shown to be job-related, in this case,  
20 related to the job's critical task of a category 1  
21 peace officer and a business necessity so those are  
22 the two elements, if you're going to have a test  
23 like we do here in Nevada where you - we say to be  
24 certified as a category 1 peace officer, you have to  
25 pass a state -- we call it a physical fitness

1 examination. It's probably more accurately called a  
2 job readiness test or examination but that, as long  
3 as those elements are met and your test disqualifies  
4 certain people with disability, it's still a valid  
5 test and is something that a commission or board can  
6 do and so, to the extent that there's an argument  
7 being made that you can't have a test that  
8 disqualifies people that are -- that have  
9 disabilities, I would disagree with that. That is  
10 allowed as long as you have a validated job-related  
11 test and, in Nevada, we have a job-related validated  
12 test for the physical fitness examination that we  
13 have here in Nevada and I think it's important for  
14 the commission to be aware of that. We provided the  
15 executive summary of that testing that was done in  
16 2009 and I think Mike can give you just a quick real  
17 quick overview of that.

18           MICHAEL SHERLOCK: I can again and, again,  
19 now that we're in public and I have my notes, maybe  
20 I can be a little clearer but again, from the  
21 commission standpoint, when we originally did our  
22 current validated test, the goal of validating a  
23 physical test is first and foremost to create a  
24 standard that gives us the best chance of certifying  
25 those who can successfully perform the essential

1 functions, including the critical task of the job  
2 class for which they are to be certified.

3 I hope the commission understands that  
4 what the commission does is we certify by job class  
5 and, when a person meets the standards created by  
6 this commission at that time of certification, we  
7 issue the certificate. It's based on that day and  
8 so we do that.

9 Of course, the second objective when POST,  
10 the POST commission authorized the spending of money  
11 to validate was to create a test that is defensible  
12 from a legal standpoint. Obviously, Mike is our  
13 legal expert so I won't speak to that but, from a  
14 layman's term, that is one of the reasons that we've  
15 created the validated test or had that done.

16 Again, our test was validated -- this  
17 particular test was validated in 2009, 2010. It was  
18 accomplished by the use of Hoffman and Associates  
19 which is a well-respected expert in the area of  
20 police and fire physical job-related tests. Prior  
21 to that, we had the Cooper standard and a bifurcated  
22 test out of Idaho that we knew would not satisfy  
23 that legal standard.

24 Nevada to do this, to validate, surveys  
25 were conducted regarding the physical aspects of the

1 job, including critical tasks. Critical tasks are  
2 those activities that may be done, may not be done  
3 everyday or be called repetitive but are  
4 requirements of that job class. These surveys at  
5 the time of the validation were vetted by  
6 supervisors and managers of law enforcement agencies  
7 across the state and compared to national norms to  
8 validate those actual physical critical tasks.

9           The -- based on the - those critical task  
10 job simulation tests were, which Mike spoke about  
11 earlier, were developed. Those are the things that  
12 Mike was talking about, pushing the car, chasing  
13 someone, handcuffing someone, that kind of thing.  
14 Based on those job simulation tests from those  
15 surveys on critical tasks, the PPFT was developed.  
16 The PPFT or the physical fitness test, our physical  
17 tests that are meant to simulate the critical task  
18 requirements and that's where our PPFT was  
19 developed.

20           A couple of things about the PPFT. First,  
21 it is one test. There are six components to our  
22 PPFT but there is only one test. The entire test is  
23 what we have validated. The test must be done in  
24 three hours and it has to be done in certain orders.  
25 That's what the validation is about. If you remove

1 any portion of that, which was our problem  
2 originally with the Idaho test, the test is no  
3 longer valid and it's not a validated test.

4           The last thing I really want to say about  
5 it is, our exact test is used all over the country  
6 now, either as a POST requirement or a hiring  
7 requirement of an individual agency. I can tell you  
8 that Wisconsin just completed a lengthy and very  
9 expensive validation transportability study as of  
10 this year. They require both a PT test and an  
11 academy entrance test which is exactly ours and in a  
12 transportability validation test, these experts look  
13 at other state requirements across the country.  
14 They determine whether the critical tasks are the  
15 same for their job class in their state and whether  
16 or not the test is defensible. What they  
17 determined, at least in Wisconsin, if we can say  
18 because they adopted Nevada's test is they felt at  
19 that time that it was a good representation of the  
20 critical tasks in their state and the defensibility  
21 of that particular PPFT test so I just want the  
22 commission to be aware that it is used across the  
23 country. Many states use it. Wisconsin just  
24 studied it and validated it again for their state  
25 using our exact cutoff scores, exact test so I'll



1 leave it at but that's what our -- that's how our  
2 PPFT came about.

3 RONALD PIERINI: Okay. Thank you, Mike.

4 LISA CHAMLEE: I'd like to respond just  
5 briefly. We are not disputing that the physical  
6 fitness requirements that the POST commission has  
7 created here. We certainly agree that it is  
8 necessary for patrol deputies, for people that are  
9 coming in with very little experience who are going  
10 to be first responders on a scene. That's not what  
11 we are submitting to you.

12 What we're asking for and why I wanted to  
13 get into the facts about Undersheriff Moody's prior  
14 experience, the unique lack of resources that we  
15 have in Nye County. You know, it's a very small  
16 Sheriff's office. We have a lot of problems and so  
17 this is a unique set of facts. You have a very  
18 experienced undersheriff who is required to go out  
19 there. It's not the same situation that would apply  
20 to the standards namedd in your study here and Mr.  
21 Jensen was gracious enough to provide me with a  
22 copy. I did read that.

23 What my question to you is, you have the  
24 Sheriff submitting to you here that Undersheriff  
25 Moody performs the essential functions of his job so

1 I understand that POST level I certification applies  
2 to all basic police officers. I know that there are  
3 different levels here but he has got to have that  
4 and why would the POST commission give themselves  
5 the authority to grant a waiver? You've given  
6 yourselves that authority. We're asking you to  
7 exercise your authority and issue a limited waiver.  
8 It would satisfy -- it would enable him to do his  
9 job and it would ensure compliance with the ADA so  
10 I'm not disputing what's in the study here. I agree  
11 and my client and Sheriff Wehrly would agree that  
12 it is absolutely necessary for patrol deputies to  
13 have -- to meet those physical fitness requirements.

14 RONALD PIERINI: Okay. Thank you. Gary?

15 GARY SCHOFIELD: Gary Schofield for the  
16 record. Counselor, I think that your arguments are  
17 well put together. My question for you is, in your  
18 letter to us on October 24, 2016, it says, you're  
19 asking for a limited waiver. If I'm hearing you  
20 right, what you want us to do is, are you asking us  
21 to grant a category 1 POST certification?

22 LISA CHAMLEE: No. And I apologize.

23 GARY SCHOFIELD: What --

24 LISA CHAMLEE: -- if I have missed spoken.  
25 What I'm asking for is a limited waiver of just the

1 running portions of the physical fitness test.

2 GARY SCHOFIELD: So then to follow me on  
3 that. So then the next thing would be, it would be  
4 up to the Silver State Academy or whatever police  
5 Academy with that limited waiver from the commission  
6 to put the individual, in this case, a distinguished  
7 undersheriff of Nye County, through the training.  
8 Is that what you're saying?

9 LISA CHAMLEE: Yes.

10 GARY SCHOFIELD: And if, during that  
11 training, he does not complete the training  
12 appropriately, would you be back in front of this  
13 commission again?

14 LISA CHAMLEE: Well, I don't know if the  
15 POST has -- if the commission here has any authority  
16 to order Silver State Academy to waive certain  
17 parts of their Academy in the physical fitness  
18 requirements. He cannot run. He cannot do any of  
19 the running portions of the Academy so --

20 GARY SCHOFIELD: This commission does set  
21 the standards for entry into different police  
22 academies throughout the state of Nevada.

23 LISA CHAMLEE: Okay.

24 GARY SCHOFIELD: So as an individual that  
25 runs one of those academies, then the other question

1 that I would ask you is, in your letter to us, it  
2 says undersheriff is disabled under the ADA. I  
3 don't want to go back into the closed session stuff  
4 but that determination is not made by this  
5 commission nor in the testimony before has it made  
6 by Nye County.

7 LISA CHAMLEE: I agree.

8 GARY SCHOFIELD: Okay. And follow me  
9 along that. It says Nevada POST commission is  
10 required to provide a reasonable accommodation. We  
11 are not the employer of the undersheriff.

12 LISA CHAMLEE: I agree with that. You are  
13 not the employer but you have -- you are in a  
14 position where you can issue a waiver that will  
15 allow my client to receive the POST certification  
16 which is necessary for him to continue his  
17 employment so --

18 GARY SCHOFIELD: Would possibly allow him  
19 because he would still have to make it through all  
20 of the training that he needs to do, including any  
21 defensive tactics training and not to get back into  
22 the closed session again, there is a certain amount  
23 of physicality that goes into that so somebody's  
24 going to be accepting that risk but it's not the  
25 commission. It would be --

1           LISA CHAMLEE: It would be the county.

2           GARY SCHOFIELD: -- Nye County.

3           LISA CHAMLEE: Yes.

4           GARY SCHOFIELD: Okay.

5           LISA CHAMLEE: And so to clarify, I guess  
6 my request or sheriff's request for a waiver would  
7 apply to any physical fitness requirements as part  
8 of an Academy at Silver State.

9           MIKE JENSEN: This is Mike Jensen, for the  
10 record. That isn't even an agenda item on the  
11 agenda today.

12          LISA CHAMLEE: Well --

13          MIKE JENSEN: So --

14          RONALD PIERINI: Yeah, we're going way  
15 ahead of ourselves on that.

16          MIKE JENSEN: Yeah.

17          RONALD PIERINI: Okay, does anybody else  
18 have any questions? Any comment? All right. Thank  
19 you.

20          LISA CHAMLEE: Okay. Thank you.

21          RONALD PIERINI: Now, it's, I think, time  
22 for public comment. Is there anybody in the  
23 audience that would like to make a comment on this  
24 particular agenda item? Does anyone -- coming up.  
25 Is there anybody else?

1           I want to make it real clear though is  
2 that we need to do it very short and I want it to be  
3 accurate. Okay? Thank you.

4           SHANE HODGE: Shane Hodge on behalf of the  
5 public. I'd like to thank you and the fellow  
6 commissioners in taking the time to speak with me  
7 tonight. As you know, Sheriff Wehrly has submitted  
8 a request to waive a portion of the physical fitness  
9 requirements. I'm here to request the commission to  
10 deny that. The basis for that denial is, last year,  
11 this commission met on the same issue and an  
12 extension was granted. That extension was set to  
13 expire July 12, 2016 and that is in the meeting  
14 notes from the commission and her communication  
15 correspondence between the Sheriff and Mike  
16 Sherlock.

17           On August 3 of this year, Undersheriff  
18 Moody participated in a felony arrest. That is  
19 outside of his extension period of time. I filed  
20 an internal affairs complaint with the Nye County  
21 Sheriff's Office, IA Investigator Sgt. Thomas  
22 Klenczar. He responded in his finding saying that  
23 Undersheriff Moody was a citizen assisting law  
24 enforcement to effect an arrest.

25           That is extremely troublesome as, based

1 off of my feelings as well as many others, based off  
2 if he was in possession of his influence of  
3 authority, driving an unmarked unit, wearing a  
4 badge, with weapon drawn.

5           Moving forward now, it is my request that  
6 this be denied, again. I have spoken with Mike  
7 Sherlock. I have submitted a request for records.  
8 In that request for extension, Sharon Wehrly gave  
9 the date of February 2 as Brent Moody's hire date.  
10 I have a letter from the Nye County human resources,  
11 an e-mail from them, saying that his hire date as  
12 undersheriff and as a category 1 officer was January  
13 12 so that information was given to the commission  
14 as well as given into his employment personnel  
15 action report as well. February 2 is the date that  
16 Brent Moody was given his oath of office. That oath  
17 is still in effect. She has yet not revoked that.  
18 Sheriff Wehrly consistently says that Brent Moody is  
19 certified in Alaska as a peace officer and he has  
20 met reciprocity. I have a newspaper article back in  
21 - I have spoken with Bob Griffis, the executive  
22 director in Alaska. He states that Brent Moody has  
23 not been certified in Alaska and his last date of  
24 employment with Alaska was March 31 of 2005.

25           Back to what Mike Sherlock was talking

1 about earlier with regards to the employment in  
2 Alaska, I have a letter that was submitted to the  
3 Nye County Sheriff's Office regarding that -- those  
4 dates that Brent Moody worked in Alaska.

5           We are, based on Alaska's record, Brent  
6 Moody's Alaska police officer certification lapsed  
7 on March 30, 2006, one year after his last  
8 employment as a peace officer with the police  
9 department. In speaking with Seward Police  
10 Department, Chief Tom Clemons, which is that  
11 question, the week period that he was employed in  
12 Alaska, Mr. Moody, there was -- it is said that  
13 there was no intent for Mr. Moody to perform the  
14 duties of a police officer. He was hired to do  
15 administrative duties. If not speaking with the  
16 chief, the commission in Alaska would have no  
17 knowledge of his employment.

18           Now, here we are a year later and this is  
19 continuously, you know, gone on. He has violated  
20 the extension by affecting a felony arrest on August  
21 3. He is listed on the DA's report as a responding  
22 officer, not as a civilian, as well as the  
23 declaration of arrest. That should be extremely  
24 troublesome and the Sheriff has now said that it's  
25 an essential function for him to be certified as a



1 police officer. You've read his job description as  
2 have I. Nowhere in that job description does it say  
3 that he needs to be certified as a category 1  
4 officer to effect his duties. He could be an  
5 administrative personnel. He does not need to be  
6 out in the street. It is not a necessity. They can  
7 hire, reach out, hire other officers and promote  
8 within but they -- he can work as an administrator  
9 there. That leadership is still there. He -- that  
10 doesn't mean he loses his job. It just means he is  
11 not certified.

12           The physical fitness is a basic function  
13 of any officer. Every officer here had to go  
14 through that at one point. Any new officer has to  
15 retake that physical fitness. If an officer needs  
16 help and is out and there is a suspect hurting  
17 another officer, he can't run after that to help  
18 him. If that officer dies, that's -- where does the  
19 liability land on that? Extremely -- it's extremely  
20 troublesome that the audacity of the Sheriff to  
21 continuously drag this out and quite frankly waste  
22 the time of the commission.

23           RONALD PIERINI: Okay. Thank you very  
24 much

25           SHANE HODGE: All right. Thank you for

1 your time.

2 RONALD PIERINI: Is there anything else  
3 from the -- anybody here like to make a comment?  
4 Okay. See none. Close that up and if I -- would like  
5 to ask any of the commissioners, do you have any  
6 questions or any comments you would like to make now  
7 before we do our motion?

8 KEVIN MCKINNEY: I have a question for  
9 Dir. Sherlock. Kevin McKinney, for the record.

10 Mr. Sherlock, you've been the Executive  
11 Director for a year now and you were with the  
12 commission or with the POST for several years prior  
13 to that. Right?

14 MICHAEL SHERLOCK: That is correct, five  
15 years prior to that.

16 KEVIN MCKINNEY: Have -- has this  
17 commission or POST ever granted a certificate to an  
18 applicant who was unable to pass the physical  
19 fitness portion of the test?

20 MICHAEL SHERLOCK: No.

21 RONALD PIERINI: Anyone else like to make  
22 a comment or question?

23 MIKE JENSEN: This is Mike Jensen, for the  
24 record. I would just like to throw out a couple of  
25 potential recommendations here to the commission on

1 this item. I think, given the information that has  
2 been provided today that Mr. Moody hasn't met all of  
3 the eligibility requirements for POST certification,  
4 certainly one of the ways the commission could go is  
5 to require him to hold off on this and require him  
6 to go meet those other eligibility requirements  
7 first and then come back and ask for this kind of a  
8 waive later if he is able to do that.

9           Also, in the meantime, we heard some  
10 testimony in closed session about limitations that  
11 aren't clear in terms of his medical situation.  
12 Certainly, I would hope, before the commission made  
13 a decision on whether or not to give him a waiver  
14 that you would have up-to-date information on  
15 whether he can perform the essential functions of a  
16 category 1 peace officer and we really haven't  
17 received that information. I asked some questions  
18 about whether he could do those job-critical tasks  
19 but we don't really have any medical documentation  
20 to support that so that, I would think, would be  
21 something the commission might want to have before  
22 making a decision on what to do.

23           And finally, if he is able to get to that  
24 point potentially offering an opportunity to do the  
25 job simulation testing that is provided for in the

1 validation study which, I think, the physical  
2 standards were built off of.

3 RONALD PIERINI: Okay. Gary?

4 GARY SCHOFIELD: I would just like to say  
5 couple of things for the record. Gary Schofield  
6 again. Without a doubt, Undersheriff Moody has a  
7 lengthy and distinguished career, Sir, so all that  
8 being said, a couple of things that I would like us  
9 to consider is the Minnesota POST and the Alaska  
10 POST, I don't see anything in the record as to  
11 formal documentation from them as to what exactly  
12 was the certification. I mean, I'm looking at a  
13 lengthy resume. It's a little hard to sort of look  
14 at what I'm looking at is a POST certification, POST  
15 certification, you know, when was it there at the  
16 same time?

17 I do agree with what our counsel has said.  
18 I'm a little disturbed as to I can't make a decision  
19 without knowing county, making a decision on the  
20 issue of disability and the reason for  
21 accommodations because, without that final decision  
22 being made, we are just making decisions based on  
23 pieces of paper that are there.

24 And then, from Nye County as far as what  
25 the job specifications are, that is an issue between

1 the sheriff in Nye County. Job specifications  
2 change and job specifications come and go. We do  
3 thousands of them in the size of our agency on a  
4 routine basis based on new things that come up so  
5 there's a couple of things that are troubling before  
6 we make a final decision, either saying yes or no.

7 RONALD PIERINI: Okay. Anyone else who  
8 would like to make a comment or have any questions?

9 Okay. We're going to look for a motion  
10 and request from Nye County sheriff for the waiver,  
11 whether or not they move forward or not so or  
12 whatever we want to do as far as a motion so I am  
13 looking for a motion if I could.

14 GARY SCHOFIELD: I'll make a motion that,  
15 at this time, we hold the request by the Nye County  
16 Sheriff, you know, if that's the right word. The  
17 terms are down here, on a couple of things that we  
18 need to have as a commission, research on the  
19 Minnesota POST, research on Alaska POST, a final  
20 decision in writing to us from Nye County from  
21 whoever that authority is in Nye County has to what  
22 they considered to be the duty status of an  
23 undersheriff, that it would be brought back in front  
24 of the commission if the sheriff so sees fit at that  
25 time and those pieces of documents are in our

1 possession. That's my motion.

2 RONALD PIERINI: Can I have a second?

3 TROY TANNER: Troy Tanner, I second.

4 RONALD PIERINI: Okay. I would like to  
5 ask any other questions or any kind of comments you  
6 would like to make on that motion? Okay. All in  
7 favor?

8 MULTIPLE VOICES: Aye.

9 RONALD PIERINI: Anybody opposed? So  
10 carried. Thank you.

11 [DISCUSSION ABOUT THE GAME]

12 RONALD PIERINI: All right. So we're  
13 going to go on to number 7 if we could. All right.  
14 This is a discussion, public comment, and for  
15 possible action. Request from the Southern Nevada  
16 Adult Mental Health. The employee has a six-month  
17 extension, passed a one-year requirement in order to  
18 meet the requirements of certification for the  
19 following employees.

20 I want to turn that over to Scott and, if  
21 you can go ahead and give exactly which one of those  
22 employees that are being questioned and also what we  
23 are doing.

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

1           The agency has requested 11 officers that  
2 are listed here and I'll just go through the names.  
3 Joel Akens, Brittany Bailey-Duan, Rebecca Breeland,  
4 Russell Black. I'm probably not going to get this  
5 one right -- Yucely Carvajal.

6           UNIDENTIFIED MALE: Carvajal.

7           SCOTT JOHNSTON: Robert Gomez, Corey  
8 McKnight, Jerome Mitchell, Maurice Patterson,  
9 Michael Powell, David Pratt, and Jeffrey Tyndall.

10           We had recently been notified that they  
11 are withdrawing Mr. Gomez and Mr. Powell as they are  
12 no longer employed with them and it's not an issue.

13           RONALD PIERINI: Okay. Thank you, Scott.  
14 Is there anybody from the Southern Nevada Adult  
15 Health?

16           DAVID JOSEPH: Yes.

17           RONALD PIERINI: Will you please come up,  
18 please? And please state your name and the agency  
19 and your rank. There you go.

20           DAVID JOSEPH: All right. For the record,  
21 I'm David Joseph. I'm the correctional sergeant for  
22 Southern Nevada Department of Health. Just a little  
23 back history, I suppose, on this. We -- the  
24 facility itself was designed and opened as part of a  
25 federal lawsuit. The only other facility that

1 provided these services in Nevada was Legacy  
2 Crossing up until now. We created this from the  
3 ground up so we started accepting clients in July.  
4 The actual forensics specialist positions were not  
5 created until October and we didn't get anybody pass  
6 the physicals and backgrounds until the end of  
7 October so, at that time, we only had I want to say  
8 10 people and we had up to 20 clients were inmates.  
9 It needs the safety of the building. We had to use  
10 Silver State Law enforcement so we had officers  
11 working on the floor while attending the Academy and  
12 those guys have been absolutely wonderful, by the  
13 way. They worked with us tremendously. They  
14 created a category 3 program specifically tailored  
15 for our needs and it was amazing for them to go  
16 through that and do that for us.

17           We just -- we did everything that we  
18 could. We worked with the Department of Corrections  
19 and we've been trying to get guys through academies  
20 and basically, up to this point, if we get the  
21 extension granted for these 10, my hopes is to not  
22 come back in front of you asking for anything else.  
23 I'm hopeful that we get these guys through and we  
24 are being proactive. We are doing this as well.  
25 Some of them should be attending the next Academy



1 coming up in January.

2 RONALD PIERINI: You do realize, too, if I  
3 may, that you only have 18 months at the very max.

4 DAVID JOSEPH: Yes, Sir.

5 RONALD PIERINI: Okay. You understand  
6 that.

7 DAVID JOSEPH: Yes.

8 RONALD PIERINI: Okay. So hopefully you  
9 can get all that done. Huh?

10 DAVID JOSEPH: Yes, Sir. I'm very  
11 hopeful.

12 RONALD PIERINI: All right. Scott, do you  
13 want to make any other comments or any other  
14 questions?

15 SCOTT JOHNSTON: Yes, Scott Johnston, for  
16 the record. Just call the attention to the  
17 commissioners that, on each one of these employees,  
18 their hire date was either in 2015 to 2016 and the  
19 six-month extension passed the one-year requirement.  
20 For most of them, it puts them well into 2017 which  
21 is -- the sergeant had mentioned that they are  
22 scheduled to attend the programs so that they -- all  
23 of these people will meet the requirements and be  
24 able to perform their duties with the agency.

25 RONALD PIERINI: Okay. Good.

1                   DAVID JOSEPH: Yes. I've actually had  
2 permission from my administration to send 10 to the  
3 next Silver State Academy that starts in January  
4 and, after that I finally gained permission from  
5 the OCD guys of our services.

6                   RONALD PIERINI: Well, I appreciate your  
7 coming here and telling us that. I appreciate that  
8 very much. That's something we require.

9                   DAVID JOSEPH: Thank you.

10                  RONALD PIERINI: All right. We are  
11 looking for a motion.

12                  TROY TANNER: Troy Tanner, for the record.  
13 Why don't they have to do a pretest and [INAUDIBLE  
14 6:26:41] That's not required for the PT before they  
15 start attending?

16                  DAVID JOSEPH: We had, Sir.

17                  TROY TANNER: Okay.

18                  DAVID JOSEPH: Yeah, we had to get  
19 everything. That's why we're -- the position was  
20 created October 1 legislatively, it was funded, and  
21 we didn't actually get people employed until mid-,  
22 like mid-, end of October, because of the  
23 requirements.

24                  TROY TANNER: Okay.

25                  DAVID JOSEPH: The background checks and

1 everything. We had to set all of that up so --

2 TROY TANNER: Okay.

3 RONALD PIERINI: All right. Trying again  
4 for a motion or any other comment? Maybe I should  
5 do that first. No. Well, okay. Do I have a  
6 motion? Gary, you are good at it, buddy. Just go  
7 for it.

8 GARY SCHOFIELD: I've already made enough  
9 motions today.

10 MICHELE FREEMAN: I have one quick  
11 question, if I may.

12 RONALD PIERINI: Yes, please.

13 MICHELE FREEMAN: Michele Freeman. So  
14 overall, how many people are off of this list? I'm  
15 sorry, some of these came off. Correct?

16 DAVID JOSEPH: There's two.

17 UNIDENTIFIED MALE: Two.

18 DAVID JOSEPH: Gomez and Powell. So that  
19 leaves 10 remaining.

20 MICHELE FREEMAN: Okay. So 10 people were  
21 looking for extensions?

22 DAVID JOSEPH: That is correct.

23 MICHELE FREEMAN: Okay.

24 KEVIN MCKINNEY: I'm Kevin McKinney. And  
25 you said you'll have 10 going to -

1                   DAVID JOSEPH: Yes.

2                   KEVIN MCKINNEY: Silver State. Is that  
3 correct?

4                   DAVID JOSEPH: The next Academy, yes. I'm  
5 trying to be a little bit proactive in seeking this  
6 many because I know I can only do it one time and I  
7 know there's extenuating circumstances that can  
8 occur. One of them, I just found out the other day  
9 had some medical concerns as well but if I get the  
10 extension granted, that should be of concern as  
11 well.

12                   MICHELE FREEMAN: I'll make a motion.

13                   RONALD PIERINI: Please.

14                   MICHELE FREEMAN: Michele Freeman, motion  
15 to extend until -- what are we -- until January.

16                   DAVID JOSEPH: Six months.

17                   MICHELE FREEMAN: Okay. Six months. So  
18 they would go into the January Academy extending it  
19 for six months.

20                   DAVID JOSEPH: Yes.

21                   MICHELE FREEMAN: Got it. That's my  
22 motion.

23                   RONALD PIERINI: Thank you. Do I have a  
24 second? Thank you. Any other questions, comments?  
25 All in favor?

1                   MULTIPLE VOICES:  Aye.

2                   RONALD PIERINI:  Any opposed?  So carried.

3  Thank you, Sir.

4                   DAVID JOSEPH:  Thank you.

5                   RONALD PIERINI:  Okay.  We go to number 9,

6  huh?

7                   MULTIPLE VOICES:  8.

8                   RONALD PIERINI:  I'm trying to push it.

9  Okay, guys?

10 [DISCUSSION ABOUT GAME SCORE.]

11                   RONALD PIERINI:  Okay, number 8 is  
12  discussion, public comment and for a possible  
13  action, request is from Esmerelda County Sheriff's  
14  Office for employee Dallas Terry for a six-month  
15  extension past the one-year requirement to August  
16  10, 2017 in order to meet the requirements of  
17  certification.

18                   KEN ELGAN:  Yeah.

19                   RONALD PIERINI:  Sure.

20                   KEN ELGAN:  Ken Elgan, Sheriff, Esmerelda  
21  County.  Yeah.  Deputy Terry is enrolled in the  
22  Academy class starting in January.  His year expires  
23  in February, no, November.  So that's why we're  
24  trying to get the extension so we can make sure we  
25  get him into class.

1 RONALD PIERINI: Okay, sure.

2 KEN ELGAN: And I have two deputies going  
3 with him and one other for the [INAUDIBLE 6:29:30].

4 RONALD PIERINI: All right.

5 GARY SCHOFIELD: Make a motion that we  
6 approve this.

7 RONALD PIERINI: May I just interrupt just  
8 for a second --

9 GARY SCHOFIELD: Oh, I'm sorry.

10 RONALD PIERINI: -- please, Gary.

11 GARY SCHOFIELD: I thought you wanted a  
12 motion.

13 RONALD PIERINI: Scott, looking at you.  
14 Are you okay with everything?

15 SCOTT JOHNSTON: Scott has no problem.

16 RONALD PIERINI: Okay. Gary, you're up.

17 GARY SCHOFIELD: I make a motion to  
18 approve.

19 TROY TANNER: Troy tanner, I second.

20 GARY SCHOFIELD: Request for extension.

21 RONALD PIERINI: Thank you. All in favor?

22 MULTIPLE VOICES: Aye.

23 RONALD PIERINI: Anybody opposed? So  
24 carried. Thank you.

25 [INAUDIBLE 6:29:55]

1           RONALD PIERINI:  Hey, Sheriff Furlong, we  
2  put that from number 9 to number 17.  I'm sorry.

3           Okay.  Number 9.  Discussion, public  
4  comment, and for possible action.  Requester is the  
5  Carson City Sheriff's Office for their employee,  
6  Bruce Pendron?  Is that how you say that?

7           SHERIFF FURLONG:  Pendragon.

8           RONALD PIERINI:  Okay.  For a six-month  
9  extension past the one-year requirement to April 2,  
10 2017 in order to meet the requirements for  
11 certification.

12          SHERIFF FURLONG:  Right.  Deputy  
13 Pendragon was hired on October, let me see here,  
14 date of hire October 2, 2015 and he was in the  
15 Academy and was injured and released as a result of  
16 those injuries and we anticipate him to go back into  
17 the Academy.  He is scheduled to attend the January  
18 of 2017 academy.

19          RONALD PIERINI:  Thank you.  Scott, are we  
20 okay?

21          SCOTT JOHNSTON:  We are good on that.

22          RONALD PIERINI:  All right.  Does anybody  
23 have questions or comments?

24          UNIDENTIFIED MALE:  I don't have any  
25 comments or questions.  I make a motion to approve

1 the six-month extension.

2 RONALD PIERINI: Thank you, Chief. Do I  
3 have a second?

4 MICHELE FREEMAN: Michele Freeman, second.

5 RONALD PIERINI: Thank you, Michele. All  
6 in favor?

7 MULTIPLE VOICES: Aye.

8 RONALD PIERINI: Anybody opposed? So  
9 carried. Thank you. Kenny?

10 UNIDENTIFIED MALE: The next one is --

11 RONALD PIERINI: Number 10 is --

12 UNIDENTIFIED MALE: What's that? There  
13 you go.

14 RONALD PIERINI: Discussion, public  
15 comment, possible action, requested by Carson City  
16 Sheriff's office to employee Daniel Henneberger?

17 SHERIFF FURLONG: Got it.

18 RONALD PIERINI: Got it. All right, I got  
19 that right. Okay. For a six-month extension past a  
20 one-year requirement on April 2, 2017 in order to  
21 meet the requirements for certification.

22 SHERIFF FURLONG: Daniel Henneberger, Dep.  
23 Henneberger, was hired on October 23 of 2015 as a  
24 result of a grant that we did by the chief. We had  
25 over -- we had more officers than we anticipated.



1 We were fortunate. We got a school resource  
2 officer program grant and, as a result of that, we  
3 just were not capable of meeting the prescribed  
4 period of time. We are anticipating him. He is  
5 scheduled for the January of 2017 POST Academy.

6 RONALD PIERINI: Thank you, Kenny. Mr.  
7 Scott? Are we okay?

8 SCOTT JOHNSTON: The staff's  
9 recommendation is to approve.

10 RONALD PIERINI: Okay. Looking for a  
11 motion?

12 TROY TANNER: Troy Tanner, make a motion  
13 to approve.

14 RONALD PIERINI: Thank you, Chief. Do I  
15 have a second?

16 MICHELE FREEMAN: Michele Freeman, second.

17 RONALD PIERINI: Thank you very much. All  
18 in favor?

19 MULTIPLE VOICES: Aye.

20 RONALD PIERINI: Anybody opposed? So  
21 Kerry. Thank you. We've got another one.

22 UNIDENTIFIED MALE: [INAUDIBLE 6:32:20]

23 RONALD PIERINI: Discussion, Public  
24 comment, and probable action. Requested by Carson  
25 City Sheriff's office, for employee Jeremy Garcia

1 for a six-month extension past a one-year  
2 requirement to June 11, 2017, in order to meet the  
3 requirements for certification. Kenny?

4 KENNY FURLONG: Deputy Garcia was hired on  
5 December 11, 2015. He was anticipated to enter into  
6 the Academy on October 10. However, due to a family  
7 medical emergency, we were not able to meet that  
8 schedule. The emergency was verified and  
9 validated. He is scheduled to attend the January  
10 2017 POST Academy.

11 RONALD PIERINI: Thank you, Sir. Scott?

12 SCOTT JOHNSTON: The staff has --  
13 recommends approval.

14 RONALD PIERINI: Okay. Thank you.

15 TROY TANNER: Troy Tanner makes a motion  
16 to approve.

17 RONALD PIERINI: Thank you, Troy.

18 MICHELE FREEMAN: Michele Freeman, second.

19 RONALD PIERINI: Thank you. All in favor?

20 MULTIPLE VOICES: Aye.

21 RONALD PIERINI: Anybody opposed? So  
22 Kerry. Thank you, Kenny.

23 MULTIPLE VOICES: Thank you.

24 RONALD PIERINI: Number 12 is -- thank  
25 you. Discussion, public comment and possible action

1 requested by Metropolitan Police Department for the  
2 employee of Capt. Shawn Anderson, an executive  
3 certificate. So do we have anybody from Las Vegas  
4 here?

5 [INAUDIBLE 6:33:34]

6 RONALD PIERINI: I think I probably  
7 should. Thank you. Okay, Gary?

8 GARY SCHOFIELD: Why can't I just  
9 [INAUDIBLE 6:33:34]

10 RONALD PIERINI: Maybe we should start  
11 probably first, Gary, before you do if you wouldn't  
12 mind, Mr. Sherlock.

13 MICHAEL SHERLOCK: Certainly. We received  
14 an application for the issuance of an executive  
15 certificate for Capt. Shawn Anderson of the Las  
16 Vegas Metropolitan Police Department. The staff  
17 reviewed that application and found that it met all  
18 the requirements and recommend issuing that  
19 executive certificate.

20 GARY SCHOFIELD: Gary Schofield, Las Vegas  
21 Metropolitan Police Department, deputy chief of  
22 professional standards division. I highly recommend  
23 that Capt. Shawn Anderson be given this certificate.  
24 He is doing a solid job within the department and he  
25 is in charge of our office of internal oversight

1 which does a lot of the work with officer-involved  
2 shootings and the DOJ so he's well deserved.

3 RONALD PIERINI: Thank you, Gary. Looking  
4 for a motion.

5 TROY TANNER: Troy Tanner, I make a  
6 motion. Actually, Shawn is a real good friend of  
7 mine so I really want to make this motion.

8 RONALD PIERINI: Okay.

9 MICHELE FREEMAN: Michele Freeman, second.

10 RONALD PIERINI: Thank you. And Gary,  
11 you're going to --

12 GARY SCHOFIELD: [INAUDIBLE 6:34:40]

13 RONALD PIERINI: Thank you. All in favor?

14 MULTIPLE VOICES: Aye.

15 RONALD PIERINI: Any opposed? So carried.

16 Thank you. We've got the certificate here. He is  
17 not here so maybe Gary can get that to him.

18 GARY SCHOFIELD: I will, wonderful.

19 RONALD PIERINI: Thank you. Okay. We are

20 now going to 13. Discussion, public comment and for  
21 possible action, hearing pursuant to NAC

22 289.290(1)(e) and revocation of Solomon Coleman,

23 formerly Las Vegas Metropolitan Police Department,

24 certification based on gross misdemeanor, convicted

25 of capturing an image of a private area of another

1 person. The commission will decide whether to  
2 revoke Mr. Coleman's category 1 basic certificate  
3 and, Mike, it is yours.

4           MIKE JENSEN: Okay. Thanks. Mike Jensen,  
5 for the record. This time and place set for the  
6 revocation hearing for Mr. Coleman. Just a reminder  
7 that the interest where working under is 289.510  
8 that provides for the commission to adopt minimum  
9 standards for certification and decertification of  
10 officers in the NAC 289, 290 that authorizes the  
11 commission to revoke, refuse, or suspend the  
12 certificate of a peace officer, in this case, based  
13 on a gross misdemeanor conviction.

14           There are a number of exhibits in each of  
15 your binders or electronically in front of you and  
16 I'll just briefly go through those and ask that they  
17 be admitted and made a part of the record in support  
18 of any action that the commission may take today  
19 with regard to this item.

20           Exhibit A, you will see is the amended  
21 notice of intent to revoke. This is a notice that  
22 was sent to Mr. Coleman informing him of the  
23 commission's intent to potentially revoke his peace  
24 officer's certificate based on that count that was  
25 described in the agenda item, capturing an image of

1 a private area of another individual, a gross  
2 misdemeanor. It was filed here in District Court in  
3 Clark County. He was advised of his ability to  
4 attend this particular meeting to present any  
5 evidence and examine and cross-examine any witnesses  
6 and. He was required of the requirement to inform  
7 the commission within 15 days of the letter of his  
8 intended action and it is my understanding that he  
9 has not communicated with the commission with regard  
10 to the intended action. The scope of the hearing  
11 today is to determine whether his POST certification  
12 should be revoked for a gross misdemeanor  
13 conviction.

14 Exhibit D is the service document showing  
15 that Mr. Coleman was served with the notice of  
16 potential revocation or intent to revoke on August  
17 24, 2016.

18 Exhibit C is the personnel action report  
19 showing that Mr. Coleman was involuntarily separated  
20 from his employment as a peace officer and that was  
21 effective in December of 2011 -- of 2013. Under the  
22 comment section, it states that there was an  
23 involuntary separation when he was arrested on a  
24 felony and three gross misdemeanor charges.

25 Exhibit D is the certified copy of his

1 category 1 basic certificate which is at issue  
2 today.

3           Exhibit E is the certified copy of the  
4 indictment which shows that Mr. Coleman was charged  
5 with two counts of oppression under color of office,  
6 a gross misdemeanor, capturing an image of a private  
7 area of another in violation of 201.210 and two  
8 counts of open and gross lewdness, a gross  
9 misdemeanor and finally with indecent exposure, a  
10 gross misdemeanor in violation of 201.220.

11           Exhibit F is a certified copy of the  
12 judgment of conviction showing that Mr. Coleman was  
13 convicted of Count 2 which was capturing an image  
14 of the private area of another person, a gross  
15 misdemeanor. It provides the factual basis and his  
16 complaint was that -- in the indictment was that Mr.  
17 Coleman did then and there willfully and unlawfully  
18 knowingly and an intentionally capturing an image of  
19 a private area of another person to wit the name has  
20 been excluded, because I believe it is a juvenile,  
21 without their consent and under circumstances in  
22 which that person had a reasonable expectation of  
23 privacy by recording videos from that individual  
24 cell telephone which included images of her exposed  
25 breasts and genital areas. He was sentenced to six

1 months in the Clark County Detention Center. That  
2 was suspended and he was placed on probation for an  
3 indeterminate period, not to exceed two years, with  
4 standard terms and conditions which include things  
5 that disqualify him from being able to act as a  
6 peace officer like having no association with  
7 someone on probation or who has been convicted of a  
8 felony.

9           The evidence shows Mr. Coleman was  
10 convicted of that gross misdemeanor charge that  
11 arose out of his activities as a peace officer in a  
12 peace officer capacity. Clearly, these are serious  
13 criminal activity that's inconsistent and  
14 incompatible with him being placed in a position of  
15 a peace officer and violates the public's trust that  
16 is placed in peace officers and, based on that  
17 evidence, I would recommend that Mr. Coleman's basic  
18 certificate be revoked.

19           RONALD PIERINI: Again, the exhibits are  
20 also accepted and I'd like to ask is there anybody  
21 in the audience for Mr. Coleman or anybody accept  
22 that are there to make a topic on it or talk about  
23 it? Nobody? Okay. I'm seeing none.

24           All right. Do we have any comments or any  
25 kind of questions that our commissioners have? All



1 right. I'm looking for motion.

2 UNIDENTIFIED MALE: I'll make a motion.

3 RONALD PIERINI: All right. Gary, would  
4 you like to say anything? I'm sorry.

5 GARY SCHOFIELD: No. I'm just  
6 representing the Las Vegas Metropolitan Police  
7 Department. This is Gary Schofield, Deputy Chief.  
8 We would recommend highly to the Commission that  
9 this certification be revoked from this individual.

10 RONALD PIERINI: Okay. Thank you, Gary.

11 KEVIN MCKINNEY: Kevin McKinney. I'll  
12 make a motion that we revoke his certification at  
13 this time.

14 RONALD PIERINI: Thank you, Sir.

15 UNIDENTIFIED MALE: Second.

16 RONALD PIERINI: I have a second. All in  
17 favor?

18 MULTIPLE VOICES: Aye.

19 RONALD PIERINI: Okay. So approved.

20 Thank you. One more to go.

21 MIKE JENSEN??: All right. I promise.

22 It's the last one.

23 RONALD PIERINI: Okay. We are on 14.

24 This is, again, discussion, public comment, and for  
25 a possible action. Hearing pursuant to NAC 289.290

1 180, again, Saverio Scarlata. How do you say that?

2 UNIDENTIFIED MALE: I don't know.

3 RONALD PIERINI: S-A-V-E-R-I-O and then S-  
4 C-A-R-L-A-T-I, II, formerly of the Mineral County  
5 Sheriff's Office, certification based on a  
6 misdemeanor convicted of false report by a peace  
7 officer, public officer, I should say. The  
8 commission is -- we will decide whether or not to  
9 revoke his category 2 -- 1 basic certificate. Mike?

10 MIKE JENSEN: Mr. Chairman, again, we are  
11 proceeding under the same authority that we stated  
12 on the last item, interest 289.510 and 289 -- NAC  
13 289.290. This is again a gross misdemeanor  
14 conviction. The exhibits that I would present are  
15 in your binders and I would present those today and  
16 ask that they be admitted and made part of the  
17 record in support of any action that might be taken  
18 by the commission.

19 Exhibit A is amended notice of intent,  
20 again, informing Mr. Scarlata of the -- this  
21 intended action. At the time and place of this  
22 particular hearing, the conviction that any action  
23 be based on the legal requirement that he inform the  
24 commission within 15 days of his intended action  
25 which I understand there has been no communication

1 with the commission on the intent to appear today  
2 and the scope of the hearing, his ability to present  
3 a witness and cross-examine any witnesses.

4           Exhibit B is certified copy of the  
5 declaration of service showing that he was served  
6 with that notice of intent on October 19, 2016. The  
7 commission, therefore, has complied with the legal  
8 notice requirements.

9  
10           Exhibit C is the personnel action report  
11 showing that Mr. Scarlata was terminated from his  
12 employment as a peace officer effective August 12,  
13 2014.

14           Exhibit D is Mr. Scarlata's category 1  
15 basic certificate.

16           Exhibit E is a certified copy of the  
17 criminal complaint charging Mr. Scarlata with  
18 unlawful taking of a controlled substance, a  
19 category C felony, a false report by a public  
20 officer, a gross misdemeanor, and violation of a  
21 temporary restraining order for protection against  
22 staling and harassment, a gross estimator.

23           Exhibit F is a certified copy of the court  
24 information charging Mr. Scarlata with one count of  
25 false report by a public officer, a gross

1 misdemeanor, in violation of NRS 197.130. In that  
2 information, it alleges that Mr. Scarlata, on or  
3 between the 2<sup>nd</sup> and 6<sup>th</sup> days of August of 2014 in  
4 Mineral County and while employed as a Mineral  
5 County Sheriff's Deputy, did knowingly make false or  
6 misleading statements in an official report or  
7 statement to which -- to wit that Mr. Scarlata did  
8 report to his superiors and/or investigators from  
9 the Department of Public Safety that he suspected  
10 that an individual by the name of Madley Holts was  
11 stealing prescription drugs of an inmate from the  
12 Mineral County Jail which he knew to be false  
13 statements.

14           Exhibit G is a certified copy of the  
15 guilty plea agreement where Mr. Scarlata has agreed  
16 to plead guilty pursuant to offer to making a false  
17 report to a public officer, a gross misdemeanor.

18           Exhibit H is a certified copy of the  
19 judgment of conviction showing that he was, in  
20 fact, convicted of the offense of making a false  
21 report by a public officer, a gross misdemeanor.

22 The court then sentenced Mr. Scarlata to  
23 imprisonment in the Mineral County Jail for a term  
24 of 364 days which was suspended, placed again on  
25 probation, as the previous case, with the usual

1 terms and conditions including not misusing  
2 prescription drugs or being in any establishments  
3 where alcohol is served except for employment.

4 Mr. Chairman, I would ask that exhibits A  
5 through H be admitted into evidence in support of  
6 any action taken today.

7 RONALD PIERINI: They are accepted.

8 MIKE JENSEN: The evidence in this case  
9 shows that Mr. Scarlata was convicted of a gross  
10 misdemeanor by making a false report as a public  
11 officer. Again, this is a very serious activity.  
12 It appears that the activity occurred in his  
13 capacity as a peace officer where he appears to be  
14 making an allegation against a fellow officer about  
15 stealing prescription drugs, very serious  
16 allegations and conduct that he has been convicted  
17 for and is a clear violation of the public's trust  
18 in him as a peace officer and, based on the  
19 information submitted, I would recommend his POST  
20 certificate be revoked.

21 RONALD PIERINI: Thank you, Mr. Jensen.  
22 Anybody in the audience that would like to make a  
23 comment? Okay. Seeing none, looking for motion.

24 JAMES KETSAA: Jim Ketsaa for the record.  
25 I make a motion that the POST Commission revoke.

1 RONALD PIERINI: Thank you, Sir. Second?

2 TROY TANNER: Troy Tanner, second. He  
3 couldn't even finish his motion you're in such a -

4 JAMES KETSAA: I haven't even made a  
5 motion all night and I get cut off.

6 RONALD PIERINI: All right. We can start  
7 all over.

8 UNIDENTIFIED MALE: No.

9 RONALD PIERINI: I think we're all ready  
10 to go. I apologize. My hearing is limited at best  
11 and that's a long ways from me. Okay. All in  
12 favor?

13 MULTIPLE VOICES: Aye.

14 RONALD PIERINI: Anybody opposed? So  
15 carried. Public comments. Anybody out in the  
16 audience that would like to make any type of  
17 comments on any items that was decided, what we  
18 have done on the items? Okay. Is he standing up to  
19 come up and make a comment. No? Okay. Cool. All  
20 right. How about we schedule for the next meeting.  
21 Do we even have any ideas on that?

22 MICHAEL SHERLOCK: Chairman,  
23 traditionally, we have a meeting late in February,  
24 early March, considering that we may have continuous  
25 of one agenda item. We are suggesting February 23.

1 We want to -- staff wants to make sure that we can  
2 get a quorum and -- for that date so we will put  
3 something out in an e-mail. Again, February or  
4 March is usually up North at POST.

5 RONALD PIERINI: Okay. Thank you. Of  
6 course, we'll notify -- we will get notified. And  
7 actually we're going to find out what kind of agenda  
8 we have too. That's always an important thing.

9 UNIDENTIFIED MALE: Will there be snow on  
10 the ground and stuff:

11 RONALD PIERINI: Yes.

12 MICHAEL SHERLOCK: We hope so.

13 RONALD PIERINI: Okay. Discussion  
14 probably coming for adjournment. Do I have anybody  
15 that wants to make a motion to adjourn?

16 MIKE JENSEN: Make a motion to adjourn.

17 MICHELE FREEMAN: Second.

18 RONALD PIERINI: All right. Thank you.

19 [MEETING IS ADJOURNED AT 6:48.]

20 [END OF AUDIO]

21

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## COMMISSION MEETING AGENDA ITEM 2

### INFORMATION Executive Director's report.

- a. Basic Training
- b. Advanced Training
- c. Standards
- d. Report: Voluntary Surrender of Basic Certificate
  - 1) Andrew Casacca, formally with the Washoe County Sheriff's Office. Surrendered his Category I Basic Certificate to POST pursuant to NAC 289.235(1)(b), as part of a guilty plea agreement to a misdemeanor charge of Misconduct by Public Officer.

Robert P. Fahrendorf†  
Thomas E. Vioria\*  
R. Shawn Oliphant  
Raymond E. Oster  
Nathan J. Aman

Patrick R. Millsap  
James J. Barnes  
Stephanie K. Funk  
Jeremy B. Clarke  
Joseph D. Fahrendorf\*

†Of Counsel  
\*Also Admitted in CA

FAHRENDORF,  
VILORIA,  
OLIPHANT  
& OSTER LLP.

ATTORNEYS  
AND  
COUNSELORS  
AT LAW

Office: 775-284-8888  
Fax: 775-284-3838  
[www.renonvlaw.com](http://www.renonvlaw.com)



September 30, 2016

Mike Sherlock  
Executive Director, Nevada Commission on P.O.S.T.  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

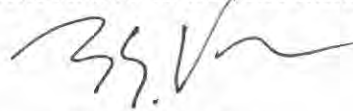
Re: Andrew G. Casacca

Dear Mr. Sherlock:

Enclosed please find the Voluntary Surrender of Basic Certificate which has been executed by Mr. Casacca. Our office will accept proof of acceptance of the voluntary surrender on behalf of Mr. Casacca as set forth in NAC 289.235 (3). Thank you for your assistance in this regard.

Sincerely yours,

FAHRENDORF, VILORIA,  
OLIPHANT & OSTER L.L.P.



Thomas E. Vioria, Esq.

TEV: mk  
Enclosure

cc: Andrew G. Casacca  
Roy Stralla, Deputy District Attorney

VOLUNTARY SURRENDER OF BASIC CERTIFICATE

To: Mike Sherlock, Executive Director Nevada Commission Peace Officer Standards and Training.

I, Andrew G. Casacca do hereby voluntarily surrender my Basic Certificate to the Commission in accordance with NAC 289.235 (1)(b) as part of a plea bargain in a criminal proceeding against me;

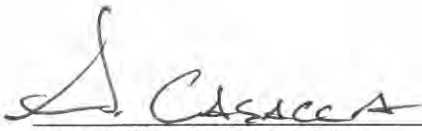
The effective date of my surrender is October 10, 2016 and is a permanent surrender. The reason for the surrender is the terms of the plea bargain relating to criminal charges against me in State of Nevada v. Andrew Casacca, Case No. RCR2016-087293 in the Reno Justice Court require the surrender of my Basic Certificate within 30 (Thirty) days of September 12, 2016. In the criminal case, I entered a guilty plea to the Amended Charge of Misconduct By Public Officer, a violation of NRS 197.220, a misdemeanor. I was sentenced to pay fines, fees and assessments totaling \$740 and required to permanently surrender my P.O.S.T. Basic Certificate. A file stamped copy of the of the Waiver of Appearance and Trial and Consent to Entry of Plea of Guilty is attached hereto;

I understand that the surrender of my Basic Certificate shall be deemed to include the voluntary surrender of all other basic certificates that I may hold regardless of the training categories in which the basic certificates were awarded; and

I understand and have knowledge of the consequences of the voluntary surrender, including pursuant to NAC 289.235 (4)(b), I may apply to reinstate my Basic Certificate 60 (Sixty) months after the effective date of the voluntary permanent surrender as set forth in NAC 289.235 (5)(6) and (7).

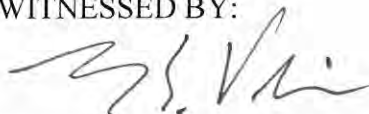
Dated 30<sup>th</sup> day of September, 2016

**SUBSCRIBED and SWORN** to before me  
this 30<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
ANDREW G. CASACCA

  
\_\_\_\_\_  
NOTARY PUBLIC

WITNESSED BY:

  
\_\_\_\_\_  
THOMAS E. VILORIA  
Attorney for Andrew G. Casacca



FILED

IN THE JUSTICE COURT OF RENO TOWNSHIP  
IN AND FOR THE COUNTY OF WASHOE

16 SEP 12 PM 2:18

STEVE TUTTLE  
RENO JUSTICE COURT

BY [Signature]  
DEPUTY

THE STATE OF NEVADA,  
  
Plaintiff,

vs.

Case No. RCR 2016-087293  
Department No. 5

Andrew Casacca  
Defendant.

Roy Stralla, Esq.  
STATE'S COUNSEL

Tom Vitoria, Esq.  
DEFENDANT'S COUNSEL

WAIVER OF APPEARANCE AND TRIAL AND CONSENT TO ENTRY OF  
PLEA OF GUILTY OR NOLO CONTENDERE TO

AMENDED OFFENSE OF MISCONDUCT BY PUBLIC OFFICER, A MISDEMEANOR

I am the Defendant named in this case. At this time I am charged with the following offense(s): Misconduct of Public Officer, a violation of NRS 197.110, a Felony, which is amended to Misconduct By Public Officer, a violation of NRS 197.220, a misdemeanor that on March 14, 2014, the defendant, Andrew Casacca did willfully disobey the law by allowing third parties run vehicle registration checks in violation of the law. which I do not wish to contest, and I hereby consent to entry by the Court of my plea of:

Guilty  
 nolo contendere

to the charge(s) set forth in the Criminal Complaint on file with the court. My consent to entry of my plea is given with the following having been read and understood by me:

- 1. I am giving up each of the following constitutional rights in entering my plea in this case:
  - (a) The right to a speedy trial;
  - (b) The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
  - (c) The right to confront and question all witnesses against me;
  - (d) The right to subpoena witnesses on my behalf and compel their attendance; and
  - (e) The right to remain silent and that I could not be compelled to testify if there were a trial.
- 2. I have the right to appear before a judge to enter my plea but I do not wish to do so.
- 3. The maximum penalty for each misdemeanor charge to which I am pleading is six months in the Washoe County Detention Facility and a \$1,000.00 fine. The Court may impose any penalty up to the maximum penalty.
- 4. If there were a trial, the State could factually prove the charge(s).

de 5.

Upon acceptance of my plea, the Court will impose the following sentence and no other Fine \$600 + 120 + 10 + 7 + 3 for  
a total of \$740<sup>th</sup> due by October 12, 2016. Permanently  
Surrender P.O.S.T Certificate and provide proof of surrender  
to the Nevada Commission on Peace Officer Standards and  
Training on or before October 12, 2016 by filing  
the same with the Reno Justice Court

*A. Casacca*  
DEFENDANT'S SIGNATURE

9/17/16  
DATE

ANDREW CASACCA  
DEFENDANT'S NAME (PRINTED)

[REDACTED]  
DEFENDANT'S DATE OF BIRTH

[REDACTED]  
DEFENDANT'S ADDRESS

RENO NV 89523  
CITY, STATE, ZIP

The Court finds, based upon the foregoing, that the Defendant's plea in this case to the charge(s) set forth in the complaint on file herein is knowingly, voluntarily and intelligently entered, and there is a factual basis for the plea. The Court hereby accepts the Defendant's plea to the charge(s) in this case and enters it in the Court's official records. The Defendant is hereby sentenced to the penalty or penalties set forth in paragraph 5 above subject to the terms and conditions set forth in that paragraph.

*F. Jansch*  
JUSTICE OF THE PEACE

9/12/16  
DATE

\*NO WAIVER OF PUBLIC DEFENDER FEE\*


- REMANDED
- RELEASED

TO PAY PUBLIC DEFENDER REIMBURSEMENT

Contact Washoe County Collection Division  
(775) 328-2552 1001 E 9<sup>th</sup> St. Room D-120, Reno, NV 89512

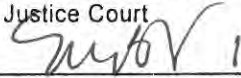
I hereby certify that the document to which this certificate is affixed is a full, true and correct copy of the original document found in the records or files of the Reno Justice Court.

Dexter Thomas, Clerk of the Court  
Reno Justice Court

By:  11/14/16  
Deputy Clerk of the Court

I further certify that this is a copy of a 2 page Original and that each page of this copy is a true and correct copy of the corresponding Original document found in the records or files of the Reno Justice Court.

Dexter Thomas, Clerk of the Court  
Reno Justice Court

By:  11/14/16  
Deputy Clerk of the Court

RENO CRIMINAL  
**CASE SUMMARY**  
CASE NO. RCR2016-087293

The State of Nevada  
vs.  
Andrew Casacca

§  
§  
§  
§  
§  
§

Location: **Reno Criminal**  
Judicial Officer: **Clifton, David**  
Filed on: **06/22/2016**  
Agency Number: **FBI194D-LV-4236133**  
District Attorney Number: **15-6610**

CASE INFORMATION

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Misdemeanor</b>
1. Public officer or other person disobey laws regulating official conduct ACN: FBI 194D-LV-4236133	M	03/14/2014	Case Status:	<b>10/11/2016 Concluded</b>
<i>Filed As:</i> Misconduct of public officer	E	6/22/2016		
Arrest:	FBI - Federal Bureau of Investigation			

**Statistical Closures**

09/13/2016 Guilty Plea with Sentence (before trial)

**Warrants**

Arrest Warrant - Casacca, Andrew (Judicial Officer: Clifton, David )  
06/30/2016 12:45 PM Returned  
06/23/2016 4:41 PM Executed  
06/22/2016 9:42 AM Issued  
06/22/2016 8:13 AM Pending Clerk Review  
Fine: \$0  
Bond: \$0

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	RCR2016-087293
Court	Reno Criminal
Date Assigned	06/22/2016
Judicial Officer	Clifton, David

PARTY INFORMATION

**Plaintiff**      **The State of Nevada**

*Lead Attorneys*  
**Stralla, Roy L.**  
775-328-3200 x3239(W)




**Defendant**      **Casacca, Andrew**

**Viloria, Thomas E.**  
*Retained*  
775-348-9999(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

06/22/2016	 Criminal Complaint Filed \$5,000.00
06/22/2016	 Affidavit in Support of Warrant Filed
06/22/2016	 Warrant of Arrest Issued
06/23/2016	Warrant Executed
06/24/2016	<b>Arraignment</b> (10:00 AM) (Judicial Officer: Sferrazza, Peter) <i>Parties Present: Attorney Viloria, Thomas E.</i>







RENO CRIMINAL  
**CASE SUMMARY**  
CASE NO. RCR2016-087293

**Defendant** Casacca, Andrew  
Total Charges  
Total Payments and Credits  
**Balance Due as of 11/15/2016**

740.00  
740.00  
**0.00**

I hereby certify that the document to which this certificate is affixed is a full, true and correct copy of the original document found in the records or files of the Reno Justice Court.

Dexter Thomas, Clerk of the Court  
Reno Justice Court

By: MTB 11/14/16  
Deputy Clerk of the Court

I further certify that this is a copy of a 3 page Original and that each page of this copy is a true and correct copy of the corresponding Original document found in the records or files of the Reno Justice Court.

Dexter Thomas, Clerk of the Court  
Reno Justice Court

By: MTB 11/14/16  
Deputy Clerk of the Court

### **COMMISSION MEETING AGENDA ITEM 3**

#### **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and take possible action to continue the rule making process to revise training subjects for Categories I, II, III, and Reserve Basic Training programs by consolidating similar topics in each category with Category I.

**NAC 289.140 Minimum standard of training: Training category I. (NRS 289.510, 289.600)** The minimum standard of training for officers in training category I is successful completion of a basic course that includes 480 hours of training in:

1. Law and legal procedures, specifically:
  - (a) Civil liability;
  - (b) Constitutional law;
  - (c) Crimes against persons;
  - (d) Crimes against property;
  - (e) Juvenile law;
  - (f) Laws governing coroners;
  - (g) Laws relating to arrest;
  - (h) Laws relating to drugs, including, without limitation, current trends in drugs;
  - (i) Miscellaneous crimes;
  - (j) Probable cause;
  - (k) Rights of victims;
  - (l) Search and seizure;
  - (m) Searches of offender institutions;**
  - ~~(n)~~ **(n) Traffic laws; and**
  - ~~(o)~~ **(o) Use of force; and**
  - (p) Laws relating to correctional institutions.**
  
2. Patrol operations and investigations, specifically:
  - (a) Abuse of ~~elderly~~ **older** persons;
  - (b) ~~Accident-Crash~~ investigations;
  - (c) Basic patrol procedures;
  - (d) Child abuse and sexual abuse of a child;
  - (e) Domestic violence, ~~and~~ **stalking and aggravated stalking;**
  - (f) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
  - (g) Principles of investigation;
  - (h) Techniques of interviewing and interrogation;
  - (i) The DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration; and
  - (j) Unknown-risk and high-risk vehicle stops.
  
3. Performance skills, specifically:
  - (a) ~~Health, fitness and wellness;~~ **Lifetime fitness**
  - (b) Interpersonal communications;
  - (c) Operation of emergency vehicles;
  - (d) Provision of emergency first aid and cardiopulmonary resuscitation;
  - (e) Searching of buildings;
  - (f) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
  - (g) Training concerning active assailants;
  - (h) Training in the use of firearms; ~~and~~
  - (i) Writing of reports;
  - (j) Fire safety and use of equipment; and**
  - (k) Public and media relations.**
  
4. The functions of a peace officer, specifically:
  - (a) Care of persons in custody;
  - (b) Community policing;
  - (c) Counter-terrorism and weapons of mass destruction;
  - (d) Courtroom demeanor, including, without limitation, the giving of testimony;

- (e) Crisis intervention;
- (f) Ethics in law enforcement;
- (g) Handling of persons with mental illness;
- (h) History and principles of law enforcement;
- ~~(i) Management of stress;~~
- ~~(j) National Crime Information Center procedures;~~
- ~~(k) Survival of peace officers;~~
- ~~(l) Systems of criminal justice; and~~
- ~~(m) The realities of law enforcement.~~
- (n) Gangs and cults;**
- (o) Supervision of offenders;**
- (p) Classification and receiving of offenders;**
- (q) Records of offenders in institutions;**
- (r) Games offenders play;**
- (s) Modern correctional philosophy; and**
- (t) Cultural awareness.**

5. Course administration and examinations.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R100-02, 11-12-2002; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008)

**NAC 289.150 Minimum standard of training: Training category II. (NRS 289.510, 289.600)** The minimum standard of training for officers in training category II is successful completion of a basic course that includes 200 hours of training in:

1. Law and legal procedures, specifically:

- (a) Civil liability;
- (b) Constitutional law;
- (c) Crimes against persons;
- (d) Crimes against property;
- (e) Juvenile law;
- (f) Laws relating to arrest;
- (g) Laws relating to drugs, including, without limitation, current trends in drugs;
- (h) Miscellaneous crimes;
- (i) Probable cause;
- (j) Rights of victims;
- (k) Search and seizure;
- (l) Searches of offender institutions; and**
- ~~(m) Use of force; and~~
- (n) Laws relating to correctional institutions.**

2. Operations and investigations, specifically:

- (a) Abuse of ~~elderly~~ **older** persons;
- (b) Child abuse and sexual abuse of a child;
- (c) Domestic violence, ~~and~~ **stalking and aggravated stalking;**
- (d) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
- (e) Principles of investigation; and
- (f) Techniques of interviewing and interrogation.

3. Performance skills, specifically:

- (a) ~~Health, fitness and wellness;~~ **Lifetime fitness**

- (b) Interpersonal communications;
- (c) Provision of emergency first aid and cardiopulmonary resuscitation;
- (d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
- (e) Training concerning active assailants;
- (f) Training in the use of firearms; ~~and~~
- (g) Writing of reports;
- (h) Fire safety and use of equipment; and**
- (i) Public and media relations.**

4. The functions of a peace officer, specifically:

- (a) Care of persons in custody;
- (b) Counter-terrorism and weapons of mass destruction;
- (c) Courtroom demeanor, including, without limitation, the giving of testimony;
- (d) Crisis intervention;
- (e) Ethics in law enforcement;
- (f) Handling of persons with mental illness;
- (g) History and principles of law enforcement;
- ~~(h) Management of stress;~~
- (h) National Crime Information Center procedures;**
- (i) Survival of peace officers;**
- (j) Systems of criminal justice; and**
- (k) The realities of law enforcement;**
- (l) Gangs and cults;**
- (m) Supervision of offenders;**
- (n) Classification and receiving of offenders;**
- (o) Records of offenders in institutions;**
- (p) Games offenders play;**
- (q) Modern correctional philosophy; and**
- (r) Cultural awareness.**

5. Course administration and examinations.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; R024-97, 10-1-97; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008)

**NAC 289.160 Minimum standard of training: Training category III. (NRS 289.510, 289.600)** The minimum standard of training for officers in training category III is successful completion of a basic course that includes 160 hours of training in:

1. Legal subjects, specifically:

- ~~(a) Civil rights of offenders;~~ **Civil Liabilities**
- ~~(b) Searches of offender institutions;~~
- ~~(c) Laws relating to correctional institutions; and;~~
- ~~(d) Laws relating to stalking, and aggravated stalking; and~~
- ~~(e)~~ **(d) Use of force.**

2. Procedures in the field, specifically:

- (a) Gangs and cults;
- (b) Supervision of offenders;
- (c) Classification and receiving of offenders;
- ~~(d) Transportation of offenders~~ **Care of persons in custody;**
- (e) Crisis intervention;

- (f) Records of offenders in institutions; and
  - (g) Games offenders play.
3. Skills of officers, specifically:
- (a) Writing of reports ~~for correctional institutions;~~
  - (b) Fire safety and use of emergency equipment;
  - ~~(c) Fingerprinting;~~
  - ~~(d) (c) Defensive tactics~~ ***Tactics for the arrest and control of suspects, including, without limitations, methods of arrest and the use of less than lethal weapons;***
  - ~~(e) Introduction of restraints;~~
  - ~~(f) (d) Physical conditioning~~ ***Lifetime fitness;*** and
  - ~~(g) (e) Training concerning active assailants-;~~ ***and***
  - (f) Training in the use of firearms.***
4. Investigation, specifically:
- (a) ~~Crime scene and evidence~~ ***Investigation of crime scenes, collection and preservation of evidence and fingerprinting;***
  - (b) ~~Investigation of narcotics and abuse of controlled substances~~ ***Laws relating to drugs, including, without limitation, current trends in drugs;***
  - (c) ~~Investigation of allegations of~~ ***Domestic violence,*** stalking and aggravated stalking; and
  - (d) ~~Personality disorders and prevention of suicide~~ ***Handling of persons with mental illness.***
5. Community relations, specifically:
- (a) Ethics ~~for correctional officers~~ ***in law enforcement;***
  - (b) Cultural awareness;
  - (c) Interpersonal communications; and
  - (d) Public and media relations.
6. Miscellaneous subjects, specifically:
- (a) Modern correctional philosophy;
  - (b) ~~First aid;~~ ***Provision of emergency first aid and cardiopulmonary resuscitation;***
  - ~~(c) Cardiopulmonary resuscitation;~~
  - ~~(d) Criminal justice system~~ (c) ***Systems of criminal justice;*** and
  - ~~(e) (d) Counter-terrorism and weapons of mass destruction.~~
7. Course administration and examination.
- (Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90, eff. 7-1-91; R024-97, 10-1-97; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R110-08, 8-26-2008; R066-12, 9-14-2012)

**NAC 289.170 Minimum standard of training: Reserve officers. (NRS 289.510, 289.600)** The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hours of training in:

- 1. Law and legal procedures, specifically:
  - (a) Civil liability;
  - (b) Constitutional law;
  - (c) Crimes against persons;
  - (d) Crimes against property;
  - (e) Juvenile law;
  - (f) Laws relating to arrest;
  - (g) Laws relating to drugs, including, without limitation, current trends in drugs;
  - (h) Miscellaneous crimes;
  - (i) Probable cause;

- (j) Search and seizure;
  - (k) Traffic laws; and
  - (l) Use of force.
2. Patrol operations and investigations, specifically:
    - (a) Abuse of ~~elderly~~ **older** persons;
    - (b) Basic patrol procedures;
    - (c) Child abuse and sexual abuse of a child;
    - (d) Domestic violence, ~~and~~ stalking **and aggravated stalking**;
    - (e) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
    - (f) Principles of investigation; and
    - (g) Unknown-risk and high-risk vehicle stops.
  3. Performance skills, specifically:
    - (a) ~~Health, fitness and wellness~~ **Lifetime fitness**;
    - (b) Provision of emergency first aid and cardiopulmonary resuscitation;
    - (c) Searching of buildings;
    - (d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
    - (e) Training concerning active assailants;
    - (f) Training in the use of firearms; and
    - (g) Writing of reports.
  4. The functions of a peace officer, specifically:
    - (a) Community policing;
    - (b) Counter-terrorism and weapons of mass destruction;
    - (c) Courtroom demeanor, including, without limitation, the giving of testimony;
    - (d) Crisis intervention;
    - (e) Ethics in law enforcement;
    - (f) Handling of persons with mental illness;
    - (g) History and principles of law enforcement; and
    - (h) Survival of peace officers.
  5. Course administration and examinations.  
 (Added to NAC by Peace Officers' Standards & Training Comm'n by R066-03, eff. 12-4-2003; A by R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008)

## CERTIFICATES

**NAC 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)**

1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:
  - (a) Satisfactorily completed the basic training course for basic certification;
  - (b) Passed the state certification examination with a score of at least 70 percent; and
  - (c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.



2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

- (1) Abuse of ~~elderly~~ **older** persons;
- (2) **Training concerning** ~~A~~ active assailants;
- (3) Child abuse and sexual abuse of a child;
- (4) Civil liability;
- (5) Constitutional law;
- (6) Counter-terrorism and weapons of mass destruction;
- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence, ~~and~~ **stalking and aggravated stalking**;
- (11) Ethics in law enforcement ~~or for correctional officers~~;
- (12) Juvenile law;
- (13) Laws relating to arrest;
- (14) Laws relating to drugs, including, without limitation, current trends in drugs;
- (15) Miscellaneous crimes;
- (16) Probable cause;
- (17) Rights of victims;
- (18) Search and seizure;
- (19) ~~Sexual harassment~~; **Searches of offender institutions; and**
- (20) Use of force.
- (21) **Searches of offender institutions**;
- (22) **Laws relating to correctional institutions**;
- (23) **Fire safety and use of equipment**;
- (24) **Public and media relations**;
- (25) **Gangs and cults**;
- (26) **Supervision of offenders**;
- (27) **Classification and receiving of offenders**;
- (28) **Records of offenders in institutions**;
- (29) **Games offenders play; and**
- (30) **Modern correctional philosophy.**

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for a reserve certificate;
- (b) Passed the state certification examination with a score of at least 70 percent; and
- (c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2, not later than 16 weeks after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

↳ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. If the certification of such a person is on inactive status for more than 5 consecutive years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

10. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.

[Peace Officers' Standards & Training Com., § VI, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R005-01, 11-1-2001; R100-02, 11-12-2002; R066-03, 12-4-2003; R127-04, 11-8-2004; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008; R118-09, 1-28-2010; R079-14, 10-24-2014)



## **COMMISSION MEETING AGENDA ITEM 4**

### **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the 11<sup>th</sup> Judicial District Youth And Family Services for their employee Nicole Mathias, for a 6 month extension past the one year requirement, to November 30, 2017, in order to meet the requirements for certification.



Eleventh Judicial District  
Youth & Family Services  
PERSHING-LANDER-MINERAL

**JIM C. SHIRLEY**  
District Court Judge

**CRAIG L. TIPPENS**  
Chief Juvenile Probation Officer

**BERNARD E. SCHNEIDER**  
Pershing County Juvenile Court Master

**MAX BUNCH**  
Lander County Juvenile Court Master

**VIC TRUJILLO**  
Mineral County Juvenile Court Master

December 20, 2016

To: POST Executive Director, Mike Sherlock  
Nevada State POST Commission Chairman, Ron Pierini

The 11<sup>th</sup> Judicial District Youth And Family Services would like to be placed on the Agenda for the next available POST Commission Meeting. Please consider this a formal request to be placed on the Agenda for discussion, public comment and for possible action.

Pursuant to NRS 289.550, the 11<sup>th</sup> Judicial District Youth And Family Services is seeking a 6 month extension past the one year requirement, to November 30, 2017, in order to meet the requirements for certification for Nicole Mathias who was hired on May 30, 2016. Nicole enrolled in the POST Academy of July 2016, she met the entrance standards and began the process to meet certification as a Category II Peace Officer (Juvenile Probation Officer).

Due to a knee injury, Nicole was placed on restricted physical activity by her Dr. After a couple of weeks Nicole, due to that injury had to withdraw from the Academy. She will be unable to obtain certification within the time frame as outlined in NRS 289.550.

If the waiver is granted, Nicole would participate in the July 2017 Academy.

Your consideration is appreciated,

A handwritten signature in black ink, appearing to read "Craig L. Tippens".

Craig L. Tippens  
Chief Juvenile Probation Officer

**PERSHING COUNTY**  
P.O. Box 501 / 795 Western Ave.  
Lovelock, NV 89419  
Tel. (775) 273-2769  
Fax (775) 273-5113

**LANDER COUNTY**  
50 State Route 305  
Battle Mountain, NV 89820  
Tel. (775) 635-2117  
Fax (775) 635-2146

**MINERAL COUNTY**  
P.O. Box 1167 / 525 West 9th St.  
Hawthorne, NV 89415  
Tel. (775) 945-3393  
Fax (775) 945-0719

## COMMISSION MEETING AGENDA ITEM 5

### **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Nevada Gaming Control Board for their employee Justin Yuhus, for a 6 month extension past the one year requirement, to November 2, 2017, in order to meet the requirements for certification.



BRIAN SANDOVAL  
Governor

## NEVADA GAMING CONTROL BOARD

1919 College Parkway, P.O. Box 8003, Carson City, Nevada 89702  
555 E. Washington Avenue, Suite 2600, Las Vegas, Nevada 89101  
3650 S. Pointe Circle, Suite 203, P.O. Box 31109, Laughlin, Nevada 89028  
557 W. Silver Street, Suite 207, Elko, Nevada 89801  
9790 Gateway Drive, Suite 100, Reno, Nevada 89521  
750 Pilot Road, Suite I, Las Vegas, Nevada 89119

A.G. BURNETT, *Chairman*  
SHAWN R. REID, *Member*  
TERRY JOHNSON, *Member*

January 12, 2017

Reno  
(775) 823-7250  
Fax: (775) 823-7272

Mr. Mike Sherlock  
Executive Director  
Nevada Commission on Peace Officer Standards & Training  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

Mr. Sherlock,

This is a request for a 6 month extension to the requirement that an employee hired in a peace officer position obtain their POST certification within the first year of employment.

The Nevada Gaming Control Board (NGCB) hired Enforcement Agent Justin Yuhas on May 2, 2016. He was scheduled to attend the POST academy beginning July 25, 2016. However, on June 29<sup>th</sup>, during an NGCB required run through of the POST agility course, Agent Yuhas tripped and fell fracturing his right little finger. A worker's comp claim was completed and the week after the injury, Agent Yuhas had surgery on the finger to include several pins to hold the bones in place during the healing process. This prevented him from attending the July 2016 POST academy and it was planned for him to attend the one beginning on January 23, 2017. Between the injury date and present, Agent Yuhas has attended physical therapy several times weekly and had a second surgical procedure to remove scar tissue that was developing. At Yuhas' most recent doctor's meeting on January 4, 2017, Dr. Kirk Kaiser, at Reno Orthopedic Clinic concluded; "patient is full duty but cannot attend the police academy this round, he may attend the next session." In Dr. Kaiser's comments to Yuhas, he indicated that he was still concerned with the long term mobility of the finger and felt more physical therapy was warranted. Kaiser believes the rigors of training in the POST academy at this time would increase the chance of re-injuring the finger and possibly causing permanent immobility.

The next POST academy is scheduled to begin July 17, 2017, after Agent Yuhas' one year employment anniversary date with the NGCB. The NGCB is planning on Agent Yuhas attending this academy.

Thank you very much for your time and consideration. If you have any questions or concerns, please feel free to contact me. My direct phone number is 775-823-7265.

Sincerely,

David Andrews, Deputy Chief  
Enforcement Division, Northern Nevada Offices  
Nevada Gaming Control Board

DA:th



**COMMISSION MEETING AGENDA ITEM 6**

**DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Las Vegas Metropolitan Police Department for their employee Captain Fred W. Meyer for an Executive Certificate.

# State of Nevada - POST Professional Certificate Application

POST ID# 11127

Officer's Name Meyer Fred W

III

**Select the Professional Certificate and choose the applicant's qualifications for the certificate.**

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

**Meets the following requirements:**

Intermediate (NAC 289.240)

**Has an Intermediate Certificate and meets the following requirements:**

Advanced (NAC 289.250)

**Meets the following requirements:**

Supervisor (NAC 289.255)

**Has Advanced and Supervisor Certificates and meets the following:**

Management (NAC 289.260)

**Has a Management Certificate and meets the following:**

Executive (NAC 289.270) 6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

**Click the Attachments button to submit Only the following documents as REQUIRED:**

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

**Additional Information or comments:**

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

**Submitters Name:**

**Submitters Phone:**

**Submitters E-Mail:**

Submission number: 48596

**\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\***

Education	Credit Hours	Date Achieved
<input type="text"/>	<input type="text"/>	<input type="text" value="//"/>

Approved By:

Comments:

Certification Date:

**Meyer III, Fred W. (11127)**

**Certification**

<b>Date</b>	<b>Status</b>	<b>Certified</b>	<b>Expires</b>	<b>Probation</b>	<b>Cert #</b>
Professional: Management 6-28-2010	Active	6-28-2010			
Professional: Advanced 6-15-2006	Active	6-15-2006			
Professional: Intermediate 6-15-2006	Active	6-15-2006			
Basic: Category III 10-13-1999	Active	10-13-1999			

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT

JOSEPH LOMBARDO, Sheriff

Partners with the Community

December 21, 2016

Nevada POST  
5587 Wa-Pei-Shone Ave  
Carson City, Nevada 89701

*In Response, Please Reply To:*  
Richard Suey, Deputy Chief  
702 828 2202

Re: Fred Meyer POST Executive  
Certificate

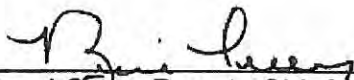
To Whom It May Concern:

Captain Fred Meyer is a Corrections Captain for the Las Vegas Metropolitan Police Department. He has met or exceeded all his requirements for completing probation and has been serving in his current position for approximately fourteen months.

Captain Meyer is the Captain of the South Tower Bureau, where he supervises five lieutenants, sixteen sergeants and approximately 220 officers. He is also assigned as the Administrator for our Medical Services contract which accounts for approximately twenty million dollars per year out of our general budget.

I highly recommend and request your approval for Captain Meyer's POST Executive Certificate. If you have any questions, please feel free to contact me.

Respectfully,

  
\_\_\_\_\_  
Richard Suey, Deputy Chief  
Las Vegas Metropolitan Police Department  
Detention Services Division



**OFFICE OF THE SHERIFF**  
**Joseph Lombardo**  
 Connie Gandulla  
 3231/3232

**OFFICE OF FINANCE**  
 CPO Richard Hoeghan  
 Tanika Wilson  
 1365/1366

**OFFICE OF INTERGOVERNMENTAL SERVICES**  
 Dir. Chuck Callaway  
 Neo Vidal  
 5537/5538

**UNDERSHERIFF**  
**Kevin McMahon**  
 Kathy Hawkins  
 3438/3439

**OFFICE OF GENERAL COUNSEL**  
 GIC Lisa Freedman  
 Claire Murphy  
 3310

**POLICE EMPLOYEES ASSISTANCE PROGRAM (PEAP)**  
 Dir. Lisa Hank  
 3357

**PUBLIC INFORMATION OFFICE (PIO)**  
 Dir. Carla Aiston  
 Michelle Alley  
 4083/2748

**INTERNAL AFFAIRS BUREAU**  
 Cpt Nichole Splinter  
 Kristi Langford  
 3425/4432

**LAW ENFORCEMENT ADMINISTRATION AND DETENTION GROUP**  
 Asst. Sheriff Todd Fasulo  
 Lori Emery  
 1528/1523

**OFFICE OF LABOR RELATIONS**  
 Dir. Jamie Frost  
 Maria Jennings  
 3993/4989

**LAW ENFORCEMENT INVESTIGATIONS AND SUPPORT GROUP**  
 Asst. Sheriff Thomas Roberts  
 Patsy Serrano  
 8380

**INTERNAL OVERSIGHT AND CONSTITUTIONAL POLICING BUREAU**  
 Cpt John McGrath  
 Tracy Matsum  
 5644/8432

**LAW ENFORCEMENT OPERATIONS GROUP**  
 Asst. Sheriff Tim Kelly  
 Daine Gonzales  
 3702/3707

**PROFESSIONAL STANDARDS DIVISION**  
 D/C Gary Schofield  
 W/ Dominique  
 3820/5650

**DETENTION SERVICES DIVISION**  
 D/C Richard Sney  
 Janet Raizer  
 828-2302/2303

**HOMELAND SECURITY DIVISION**  
 D/C Christopher Jensen  
 Debbie Cairns  
 3370/3495

**INVESTIGATIVE SERVICES DIVISION**  
 D/C Matthew McCann  
 Gayle Mueller  
 5508/3511

**SUPPORT DIVISION**  
 D/D Barbara Doran  
 Stacy Meyer  
 9152/0150

**COMMUNITY POLICING DIVISION**  
 D/C Brett Zimmerman  
 Irene Moreno  
 5695/5762

**TOURIST SAFETY DIVISION**  
 D/C Charles Hamt  
 Tade Polak  
 5755/5754

**OFFICE OF HUMAN RESOURCES**  
 Cpt Jason Letwinicz  
 Rowena Kohe  
 1672/2023

**CENTRAL BOOKING BUREAU**  
 Cpt Andrew Perata  
 Danielle Wooden  
 671-3939/3954

**EMERGENCY OPERATIONS BUREAU**  
 Cpt Peter Borfell  
 Irene Garcia  
 7283/8363

**CRIMINALISTICS BUREAU**  
 Cpt David Lewis  
 Kelley Denny  
 3809/3972

**COMMUNICATIONS BUREAU**  
 Cpt Daniel Zolander  
 Leanne Shaw  
 717/27186

**BOLDEN AREA COMMAND**  
 Cpt Robert Plummer  
 Lucia Nelson  
 3221/4951

**AIRPORT BUREAU**  
 Cpt Glen Lowe  
 Doreen Reynolds  
 8387/8389

**ORGANIZATIONAL DEVELOPMENT BUREAU**  
 Cpt Jack Owen  
 Evangelina Jackson  
 3053/4572

**NORTH TOWER BUREAU**  
 Cpt Gary Ditscoll  
 Gloria Major  
 671-3453/3956

**ORGANIZED CRIME BUREAU**  
 Cpt Todd Raybuck  
 Ana Chavez  
 3253/8385

**HOMICIDE AND SEX CRIMES BUREAU**  
 Cpt Shawn Andersen  
 Marilyn Seider  
 8376

**INFORMATION TECHNOLOGIES BUREAU**  
 Dir. William Sagel  
 Renee Cadocas  
 8386/2380

**NORTHEAST AREA COMMAND**  
 Cpt James Larochelle  
 Denise Kae  
 8119/2706

**CONVENTION CENTER AREA COMMAND**  
 Cpt Christopher  
 Tomaine  
 Lisa Weiler  
 4585/4597

**PROJECT MANAGEMENT AND VIDEO BUREAU**  
 Dir. Nicole Hart  
 Colleen Lozano  
 2777/0227

**SOUTH TOWER BUREAU**  
 Cpt Fred Meyer  
 Marjula Barba  
 671-3955/3960

**SOUTHERN NEVADA COUNTER-TERRORISM CENTER**  
 Cpt Christopher Darcy  
 Ginger Molesti  
 4046/4022

**MAJOR VIOLATOR/NARCOTICS CRIMES BUREAU**  
 Cpt William Scott  
 Debra Payton  
 5805/5504

**LOGISTICS BUREAU**  
 Dir. John Krueger  
 Margaret Jones  
 3413/4059

**SOUTH CENTRAL AREA COMMAND**  
 Cpt Christopher Little  
 Audrey Lewis  
 8270/8269

**DOWNTOWN AREA COMMAND**  
 Cpt Andrew Walsh  
 Ronald Benson  
 4198/4208

**METRO VOLUNTEER PROGRAM**  
 MVP Coordinator  
 Sharon Harding  
 5609

**STAFF ADMIN OPERATIONS BUREAU**  
 Cpt William Teel  
 Etienne Nully  
 871-3842/3843

**SPECIAL WEAPONS AND TACTICS BUREAU**  
 Cpt Devin Ballard  
 Chris DeMello  
 2713/3195

**THEFT CRIMES BUREAU**  
 Cpt David O'Leary  
 Brenda Tiffin  
 5899/5992

**RADIO SYSTEMS BUREAU**  
 Dir. Vince Puglia  
 Antoinette Turner  
 4174/3870

**SPRING VALLEY AREA COMMAND**  
 Cpt Brian Greenway  
 Elizabeth Valenzuela  
 1358/1359

**SUPPORT OPERATIONS BUREAU**  
 Cpt Sasha Larkin  
 Marie Coleman  
 3569/3573

**CIVIL UNREST BUREAU**  
 Cpt Richard Forbus  
 Becci Johnson  
 455-0892/5359

**DSD RECORDS BUREAU**  
 Dir. Marcie McMahon  
 Kaine Sims  
 671-3913/3914

**RECORDS AND FINGERPRINT BUREAU**  
 Dir. Susana McCurdy  
 Jennifer Riososi  
 8447/4494

**TRAFFIC BUREAU**  
 Cpt Vincent Canino  
 Tom Anderson  
 4073/4074

# LAS VEGAS METROPOLITAN POLICE DEPARTMENT

## MEMORANDUM

**DATE** : October 11, 2016  
**TO** : Sheriff Joseph Lombardo  
**THROUGH** : U/S Kevin McMahill, A/S Todd Fasulo, D/C Richard Suey  
**SUBJECT** : Jail Executive Development Program

The Jail Executive Development Program (JEDP) is a collaboration of the American Jail Association (AJA) and the Correctional Management Institute of Texas at Sam Houston State University (SHSU). I was fortunate to be selected for the inaugural class, which is tailored to executives and those in a position to be seated as a jail executive in the future.

This course consists of three sections: Forty hours of classroom work at SHSU that was completed in September of 2016, six months of intersession work with SHSU via Blackboard, and a final session and presentation at the AJA conference in April of 2017. Major instructional modules include: Leadership Lessons and Experience, Psychology in Leadership, Managing Conflict and Criticism, Effective Communication, Thriving in a Political World, The Jail Workforce and Organizational Climate, and Change Management.

In addition to valuable information sharing and networking, the classroom sessions provided actionable items regarding full integration of Compstat into jail operations, change management in corrections, and operating effectively in a political environment. I have utilized information from other agencies to inform our decision-making and will be sharing information regarding community-based corrections as the class continues over the next several months.

The final project that I have selected is improving mental health services within the Clark County Detention Center. Managing the mentally ill was reported as the biggest challenge for jails by nearly all attendees in this program. I will research and develop a plan to improve our management of the mentally ill within CCDC. This project will culminate in a presentation at the AJA Conference next year and will be published in American Jails magazine.

In summary, this program is professionally relevant and will continue to be challenging over the next several months as I complete all of the remaining requirements. Thank you for providing the opportunity to take advantage of this program and I welcome any questions you may have.

Respectfully submitted,

  
Captain Fred W. Meyer  
Detention Services Division



## Official Transcript

Student ID: 1007173907

Name: Meyer III, Fred W.

11/30/2016

Page 2 of 4

Order Nbr:

000845274

2010 Spring							
CRJ	707	Policing	All	Ehr	Grd		
CRJ	797	Masters Thesis in CRJ	3.00	3.00	A		
			3.00	3.00	B		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			6.00	6.00	12.00	4.00	3.00
Cumulative Totals:			36.00	36.00	119.10	3.87	29.16
2011 Fall							
PAF	701	Origins of Policy	All	Ehr	Grd		
PAF	710	Resch Design in Paf	3.00	3.00	A		
			3.00	3.00	A-		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			6.00	6.00	23.10	3.85	5.10
Cumulative Totals:			42.00	42.00	142.20	3.95	34.20
2012 Spring							
PAF	702	Role Govt in Society	All	Ehr	Grd		
PAF	711	Adv Quant Research in PAF	3.00	3.00	A		
			3.00	3.00	A		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			6.00	6.00	24.00	4.00	6.00
Cumulative Totals:			48.00	48.00	166.20	3.95	40.20
2012 Fall							
PAF	703	Decision Making in Paf	All	Ehr	Grd		
PAF	704	Public Affairs as a Profession	3.00	3.00	A-		
PAF	707	Independent Research	1.00	1.00	S		
			3.00	3.00	A		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			7.00	7.00	23.10	3.85	6.10
Cumulative Totals:			55.00	55.00	189.30	3.94	45.30
2013 Spring							
CRJ	716	Great Readings in Crj	All	Ehr	Grd		
		Repeated - Include Hours and GPA	3.00	3.00	A		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			3.00	3.00	12.00	4.00	3.00
Cumulative Totals:			58.00	58.00	201.30	3.94	48.30

2013 Summer							
EPV	721	Intrv Desc Infr Sta	All	Ehr	Grd		
			0.00	0.00	W		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			0.00	0.00	0.00	0.00	0.00
Cumulative Totals:			58.00	58.00	201.30	3.94	48.30
2013 Fall							
CRJ	712	Punishment & Corrections	All	Ehr	Grd		
PAF	707	Independent Research	3.00	3.00	A		
			3.00	3.00	A		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			6.00	6.00	24.00	4.00	6.00
Cumulative Totals:			64.00	64.00	225.30	3.95	54.30
2014 Spring							
CRJ	704	Prosem On Law & Soc Ctr	All	Ehr	Grd		
PAF	705	Directed Readings	3.00	3.00	A		
			3.00	3.00	A		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			6.00	6.00	24.00	4.00	6.00
Cumulative Totals:			70.00	70.00	249.30	3.95	60.30
2014 Fall							
EPV	718	Qual Research Methodolog	All	Ehr	Grd		
			3.00	3.00	A-		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			3.00	3.00	11.10	3.70	2.10
Cumulative Totals:			73.00	73.00	260.40	3.94	62.40
2015 Spring							
PAF	799	Dissertation Research	All	Ehr	Grd		
			0.00	0.00	X		
			<u>All</u>	<u>Earned</u>	<u>Points</u>	<u>GPA</u>	<u>GP Bal</u>
Term Totals:			0.00	0.00	0.00	0.00	0.00
Cumulative Totals:			73.00	73.00	260.40	3.94	62.40
2016 Spring							
PAF	799	Dissertation Research	All	Ehr	Grd		
			0.00	0.00	X		

THIS OFFICIAL UNIVERSITY TRANSCRIPT DOES NOT REQUIRE A RAISED SEAL



KATIE HUMPHREYS  
OFFICE OF THE REGISTRAR

## Official Transcript

Student ID: 1007173907

Name: Meyer III, Fred W.

11/30/2016

Page 1 of 4

Order Nbr:

000845274

### Degrees Awarded

Degree: Bachelor of Arts  
 Confer Date: 05/14/2005  
 Degree Honors: Cum Laude  
 Plan: Criminal Justice

Degree: Master of Arts  
 Confer Date: 05/08/2010  
 Plan: Criminal Justice

6 CREDITS AWARDED FOR THIS IS  
 ADJUSTMENT TO CORRECTIONAL CONFINEMENT  
 INVESTIGATING THE CORRELATES OF VIOLENCE  
 AND DISORDER IN A JAIL ENVIRONMENT

PHI KAPPA PHI

### Beginning of Graduate Record

#### 2006 Fall

CRJ 702	Quant Applications in Crj	All	Earned	Points	GPA	GP Bal
		3.00	3.00	11.10	3.70	2.10
<b>Term Totals:</b>		3.00	3.00	11.10	3.70	2.10
<b>Cumulative Totals:</b>		3.00	3.00	11.10	3.70	2.10

#### 2006 Spring

CRJ 701	Proseminar On Theory	All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	3.00
<b>Term Totals:</b>		3.00	3.00	12.00	4.00	3.00
<b>Cumulative Totals:</b>		6.00	6.00	23.10	3.85	5.10

#### 2006 Fall

CRJ 611	Comparative Crj Sys	All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	3.00
<b>Term Totals:</b>		3.00	3.00	12.00	4.00	3.00
<b>Cumulative Totals:</b>		9.00	9.00	35.10	3.80	8.10

#### 2007 Spring

CRJ 799	Independent Study in Crj	All	Earned	Points	GPA	GP Bal
		3.00	3.00	3.00	3.00	3.00

Term Totals:	All	Earned	Points	GPA	GP Bal
	3.00	3.00	12.00	4.00	3.00

Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	12.00	12.00	27.10	3.92	11.10

#### 2007 Fall

CRJ 702	Prosem On Resch Methods	All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	3.00

Term Totals:	All	Earned	Points	GPA	GP Bal
	3.00	3.00	12.00	4.00	3.00

Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	15.00	15.00	39.10	3.94	14.10

#### 2008 Spring

CRJ 799	Independent Study in Crj	All	Earned	Points	GPA	GP Bal
		3.00	3.00	3.00	3.00	3.00

Term Totals:	All	Earned	Points	GPA	GP Bal
	3.00	3.00	12.00	4.00	3.00

Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	18.00	18.00	71.10	3.96	17.10

#### 2008 Fall

CRJ 716	Grad Readings in Crj	All	Earned	Points	GPA	GP Bal
		3.00	3.00	3.00	3.00	3.00

SOO 671	Race and Ethnic Relations	All	Earned	Points	GPA	GP Bal
		3.00	3.00	24.00	4.00	5.00

Term Totals:	All	Earned	Points	GPA	GP Bal
	6.00	6.00	24.00	4.00	5.00

Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	24.00	24.00	95.10	3.96	23.10

#### 2008 Spring

CRJ 706	Prosem On Admin of Justice	All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	3.00

Term Totals:	All	Earned	Points	GPA	GP Bal
	3.00	3.00	12.00	4.00	3.00

Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	27.00	27.00	107.10	3.96	26.10

#### 2008 Fall

CRJ 787	Master's Thesis in Crj	All	Earned	Points	GPA	GP Bal
		3.00	3.00	0.00	0.00	0.00

Term Totals:	All	Earned	Points	GPA	GP Bal
	3.00	3.00	0.00	0.00	0.00

Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	30.00	30.00	107.10	3.96	26.10

Fred W. Meyer III  
 50 Blue Fountain Court  
 Henderson, NV 89012  
 United States



THIS OFFICIAL UNIVERSITY TRANSCRIPT DOES NOT  
 REQUIRE A RAISED SEAL

KATIE HUMPHREYS  
 OFFICE OF THE REGISTRAR



## Official Transcript

Student ID: 1007173907

Name: Meyer III, Fred W.

11/30/2016

Page 3 of 4

Order Nbr:

000845274

Term Totals:	All	Earned	Points	GPA	GP Bal
	6.00	0.00	0.00	0.00	0.00
Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	85.00	73.00	280.40	3.94	62.40
Graduate Career Totals:	All	Earned	Points	GPA	GP Bal
	85.00	73.00	280.40	3.94	62.40

Term Totals:	All	Earned	Points	GPA	GP Bal
	9.00	9.00	33.00	3.66	16.00
Cumulative Totals:	All	Earned	Points	GPA	GP Bal
	92.00	82.00	313.40	3.64	78.40

Beginning of Undergraduate Record

College of Du Page  
 Transfer Test Credits  
 TRANSFER CREDIT 53.33

2000 Fall						
CRJ 130	Criminal Law	All	Ehr	Grd		
		3.00	3.00	A		
Term Totals:		All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	6.00
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	6.00

2002 Summer						
CRJ 440	SP: Career Criminals	All	Ehr	Grd		
		3.00	3.00	A		
CRJ 104	Apprec: Crim in Film	All	Ehr	Grd		
		3.00	3.00	B		
Term Totals:		All	Earned	Points	GPA	GP Bal
		6.00	6.00	21.00	3.50	9.00
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		28.00	28.00	101.10	3.61	46.10

2001 Spring						
CRJ 102	Police in America	All	Ehr	Grd		
		3.00	3.00	A		
CRJ 101	Intro Amer Politics	All	Ehr	Grd		
		4.00	4.00	B+		
Term Totals:		All	Earned	Points	GPA	GP Bal
		7.00	7.00	25.20	3.60	11.20
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		10.00	10.00	37.20	3.72	17.20

2003 Spring						
CRJ 450	SEM: Organized Crime	All	Ehr	Grd		
		3.00	3.00	A		
SOC 482	Aging & Soc Policy	All	Ehr	Grd		
		3.00	3.00	A-		
Term Totals:		All	Earned	Points	GPA	GP Bal
		6.00	6.00	23.40	3.66	11.10
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		34.00	34.00	124.20	3.65	56.20

2001 Fall						
CRJ 200	Intro Crim Investig	All	Ehr	Grd		
		3.00	3.00	B+		
Term Totals:		All	Earned	Points	GPA	GP Bal
		3.00	3.00	9.90	3.30	3.90
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		13.00	13.00	47.10	3.62	21.10

2003 Summer						
CRJ 270	Intro to Criminology	All	Ehr	Grd		
		3.00	3.00	A		
Term Totals:		All	Earned	Points	GPA	GP Bal
		3.00	3.00	12.00	4.00	6.00
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		37.00	37.00	136.20	3.66	62.20

2002 Spring						
CRJ 281	World Literature I	All	Ehr	Grd		
		3.00	3.00	A		
CRJ 120	Fund Coll Math	All	Ehr	Grd		
		3.00	3.00	B+		
CRJ 101	Apprec of Theatre	All	Ehr	Grd		
		3.00	3.00	A-		
Term Totals:		All	Earned	Points	GPA	GP Bal
		9.00	9.00	33.00	3.66	15.00
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		46.00	46.00	169.20	3.67	77.20

2003 Fall						
CRJ 445	Police Administration	All	Ehr	Grd		
		3.00	3.00	A		
PHI 102	Reason & Crim Think	All	Ehr	Grd		
		3.00	3.00	B		
SOC 416	Soc of Work & Occup	All	Ehr	Grd		
		3.00	3.00	A		
Term Totals:		All	Earned	Points	GPA	GP Bal
		9.00	9.00	33.00	3.66	15.00
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		46.00	46.00	169.20	3.67	77.20

2004 Spring						
CRJ 301	Resh Methods in Cr	All	Ehr	Grd		
		3.00	3.00	A		
CRJ 432	Crim Justice Proc	All	Ehr	Grd		
		3.00	3.00	A		
SOC 429	Globalization	All	Ehr	Grd		
		3.00	3.00	A		
Term Totals:		All	Earned	Points	GPA	GP Bal
		9.00	9.00	33.00	3.66	15.00
Cumulative Totals:		All	Earned	Points	GPA	GP Bal
		55.00	55.00	202.20	3.67	92.20

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## Official Transcript

Student ID: 1007173907

Name: Meyer III, Fred W.

11/30/2016

Page 4 of 4

Order Nbr:

000845274

	All	Earned	Points	GPA	GP Bal
Term Totals	9.00	9.00	36.00	4.00	18.00

	All	Earned	Points	GPA	GP Bal
Cumulative Totals	55.00	55.00	205.20	3.73	95.20

### 2004 Summer

	All	Earned	Points	GPA	GP Bal
CRJ 488 Women and Crims	3.00	3.00	12.00	4.00	6.00
PEX 107 Gen	1.00	1.00	4.00	4.00	4.00

	All	Earned	Points	GPA	GP Bal
Term Totals	4.00	4.00	16.00	4.00	8.00

	All	Earned	Points	GPA	GP Bal
Cumulative Totals	59.00	59.00	221.20	3.74	103.20

### 2004 Fall

	All	Earned	Points	GPA	GP Bal
CRJ 441 Social Science in Law	3.00	3.00	12.00	4.00	6.00
CRJ 482 Com Based Corrections	3.00	3.00	12.00	4.00	6.00

	All	Earned	Points	GPA	GP Bal
Term Totals	6.00	6.00	24.00	4.00	12.00

	All	Earned	Points	GPA	GP Bal
Cumulative Totals	65.00	65.00	245.20	3.77	115.20

### 2005 Spring

	All	Earned	Points	GPA	GP Bal
CRJ 303 Quant Appl In Crj	3.00	3.00	12.00	4.00	6.00
CRJ 450 Sem In Crj: Sex Offenders	3.00	3.00	12.00	4.00	6.00
CRJ 460 Pub Pol Crims Crim Just	3.00	3.00	12.00	4.00	6.00

	All	Earned	Points	GPA	GP Bal
Term Totals	9.00	9.00	36.00	4.00	18.00

	All	Earned	Points	GPA	GP Bal
Cumulative Totals	74.00	74.00	261.20	3.80	133.20

	All	Earned	Points	GPA	GP Bal
Undergraduate Career Totals	74.00	74.00	261.20	3.80	133.20

End of Official Transcript

THIS OFFICIAL UNIVERSITY TRANSCRIPT DOES NOT REQUIRE A RAISED SEAL



KATIE HUMPHREYS  
OFFICE OF THE REGISTRAR



## Las Vegas Metropolitan Police Department

This is to certify that

**FRED W MEYER**

has satisfactorily completed  
a course of instruction in

**Professional Development - 360 Degree Feedback**  
16 hours

Facilitated by Rick Culley

presented by the  
Las Vegas Metropolitan Police Department

A handwritten signature in black ink, appearing to read "J. Lombardo".

Joseph Lombardo, Sheriff

**04/15/2008**

Class date







## Las Vegas Metropolitan Police Department

This is to certify that

**FRED W MEYER**

has satisfactorily completed  
a course of instruction in

***Executive Presentation Skills***  
7 hours

presented by the  
Las Vegas Metropolitan Police Department

A handwritten signature in black ink, appearing to read "J. Lombardo".

Joseph Lombardo, Sheriff

11/17/2011

Class date



**COMMISSION MEETING AGENDA ITEM 7**

**DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Henderson Police Department for their employee Captain Brian K. Dunaway for an Executive Certificate.

# State of Nevada - POST

## Professional Certificate Application

POST ID#

13608

Officer's Name

Dunaway Brian K

**Select the Professional Certificate and choose the applicant's qualifications for the certificate.**

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance Formatta* form).

**Meets the following requirements:**

Intermediate (NAC 289.240)

**Has an Intermediate Certificate and meets the following requirements:**

Advanced (NAC 289.250)

**Meets the following requirements:**

Supervisor (NAC 289.255)

**Has Advanced and Supervisor Certificates and meets the following:**

Management (NAC 289.260)

**Has a Management Certificate and meets the following:**

Executive (NAC 289.270)

6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

**Click the Attachments button to submit Only the following documents as REQUIRED:**

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced managemet training

**Additional Information or comments:**

Promoted to Captain on 3/18/13

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

**Submitters Name:**

David Linden

**Submitters Phone:**

(702) 267-4529

**Submitters E-Mail:**

david.linden@cityofhenderson.com

Submission number: 39157

**\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\***

**Education**

**Credit Hours**

**Date Achieved**

**Approved By:**

**Comments:**

**Certification Date:**



**CITY OF HENDERSON  
POLICE DEPARTMENT**

**PATRICK MOERS**  
Chief of Police



October 25, 2016

Commission of Peace Officer's Standards and Training  
Records and Certification Section  
State of Nevada  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

To Whom It May Concern:

This is to confirm that peace officer Brian Dunaway holds the position of Captain with the Henderson Police Department and holds a position above the level of first-line supervisor, and supervises two or more persons who are first line supervisors. He also is in charge of a command (division) within our agency.

If you have any questions regarding Captain Dunaway's POST Executive Certification, please contact Officer David Linden, Training Bureau, at 702-267-4529, or the Training Bureau point-of-contact, DeeAnn Bill, at 702-267-4858. You may contact me directly at 702-267-4756.

Regards,

A handwritten signature in cursive script that reads "Patrick E. Moers".

Patrick E. Moers  
Chief of Police

PEM/psw

cc: Brian Dunaway, Captain  
Officer David Linden, Training Bureau  
DeeAnn Bill, Training Bureau

**Dunaway, Brian K. (13608)**

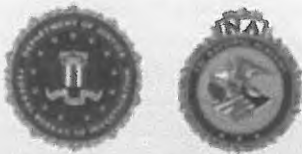
**Certification**

<b>Date</b>	<b>Status</b>	<b>Certified</b>	<b>Expires</b>	<b>Probation</b>	<b>Cert #</b>
Professional: Management 3-30-2011	Active	3-30-2011			
Professional: Advanced 7-07-2003	Active	7-07-2003			
Professional: Intermediate 7-07-2003	Active	7-07-2003			
Basic: Category I 7-01-1995	Active	7-01-1995			





FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE



*Issues this award thereby certifying that*

***Brian Keith Dunaway***

***Henderson Police Department, Henderson, Nevada***

*has completed a general course of instruction afforded by the*

***FBI National Academy***

***United States Department of Justice***

*at Quantico in the State of Virginia for a period of eleven weeks ending this the nineteenth day of December in the year of our Lord two thousand and fourteen and by these presents is entitled to such professional standing as a law enforcement officer as may be properly accorded by reason of the completion of such course of instruction*

*Eric H. Holder*  
*Attorney General*

*James Blomey*  
*Director*

*Dec 19, 2014*

## COMMISSION MEETING AGENDA ITEM 8

### **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Kaleo L. Gedge, formerly of the Nevada Department of Corrections, certification based on two Felony Convictions for Furnishing A Controlled Substance To A State Prisoner and Transport Of A Controlled Substance. The Commission will decide whether to revoke Mr. Gedge's Category III Basic Certificate.



STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa-Pai-Shone Avenue  
Carson City, Nevada 89701  
(775) 687-7678 FAX (775) 687-4911

BRIAN SANDOVAL  
*Executive Director*

MICHAEL D. SHERLOCK  
*Executive Director*

**NOTICE OF INTENT TO REVOKE**

January 10, 2017

Kaleo L. Gedge  
Address Confidential

Dear Mr. Gedge:  
POST PIN #: 32278

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada Peace Officer Certificate that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's POST certification may be revoked pursuant to NAC 289.290(1)(g) based on a conviction for a felony. The conviction(s) which have led to this action are as follows:

**Count I – FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER, NRS 212.160.1a, a Category B Felony.**

**Count II – TRANSPORT OF A CONTROLLED SUBSTANCE, NRS 453.321.2a, a Category B Felony.**

Case No.: C-16-318249-1

Dept No. 20

Jurisdiction: District Court of Clark County, Nevada

You are further advised that you have the right to appear before the POST Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must within fifteen (15) days from the date of the Certified Mail receipt, provide written notice to the POST Commission of your intended action concerning these charges.



Written requests can be made to:

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue  
Carson City, NV 89701

The POST Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: February 9, 2017

Time: 9:30 am

Location: Commission on Peace Officer Standards and Training, classroom #2, 5587 Wa Pai Shone Avenue, Carson City, Nevada.

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing, or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

The hearing will cover the following: NAC 289.290 (1)(g), Revocation of a certificate based upon a felony conviction.

You will be notified of the Commission's decision within 15 days after said hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact P.O.S.T. at (775) 687-7678.

Sincerely,



Michael D. Sherlock, Executive Director  
Peace Officers Standards and Training

MS/dsj

Cc: Sr. Dep. - Attorney General Michael Jensen  
File  
Ron Pierini - Commission Chairman

**Sec. 2.** NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or



similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

⇒ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to

the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.





STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue  
Carson City, Nevada 89701  
(775) 687-7678 FAX (775) 687-4911

BRIAN SANDOVAL  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

**DECLARATION OF SERVICE**

I, PAMELA DEL PORTO, served the foregoing NOTICE OF INTENT TO REVOKE the P.O.S.T. basic certificate, which was issued pursuant to NRS 241.033 and NAC 289.290 which may include matters related to character, alleged misconduct, professional competence, physical or mental health, by personally serving:

Individual's Name: Kaleo Gedge

at LOVELOCK CORRECTIONAL CENTER on this  
*(location)*

19 day of JANUARY, 2017.  
*Day Month Year*

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 19<sup>th</sup> day of JANUARY, 2017.  
*Day Month Year*

Pamela DelPorto  
Signature of person serving the Notice

PAMELA DEL PORTO  
Printed name of person serving the Notice

EXHIBIT  
B

**State of Nevada - POST**  
**UPDATE - Personnel Action Report (PAR)**

Post ID Number:

Last Name:

First Name:

MI:  Suffix:

**Name Change?**

Last Name:

First Name:

MI:  Suffix:

**Address Change?**

Street Address:

City:  State:  Zip Code:

County:  E-Mail:

**Level Change?**     Line     Supervisor     Management     Executive  
                           Part Time     Full Time

**Status Change?**     Deceased     Retired     Separated

**NAC289.290 Notification (Cause For Commission Action )**

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply?     No     Yes

**\*\*If you selected YES, ensure it is correct and provide details in the Comment field.\*\***

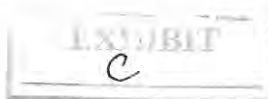
**Comments\Additional Information:**

Effective Date:

Submitters E-Mail:

Submitters Name:

Submitters Phone:



# STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

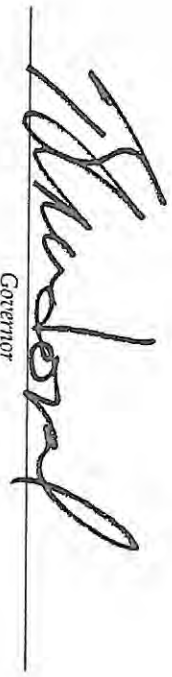
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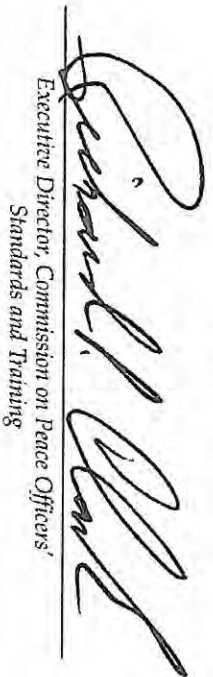
BASIC CERTIFICATE CATEGORY III

To

**Kaleo L. Gedge**

*For having fulfilled the requirements for Certification  
as prescribed by Nevada Administrative Codes.*

  
Governor

  
Executive Director, Commission on Peace Officers'  
Standards and Training

POST ID No.

32278

Presented this 29th day of

August

, 2014

EXHIBIT  
9

  
CLERK OF THE COURT

1 INFM  
2 Adam Paul Laxalt  
3 Attorney General  
4 Samuel R. Kern (Bar No. 10638)  
5 Chief Deputy Attorney General  
6 Jason Gunnell (Bar No. 13997C)  
7 Senior Deputy Attorney General  
8 State of Nevada  
9 Office of the Attorney General  
10 555 E. Washington Ave., Ste. 3900  
11 Las Vegas, Nevada 89101-1068  
12 P: (702) 486-3904  
13 F: (702) 486-2377  
14 Jgunnell@ag.nv.gov

15 Attorneys for Plaintiff

16  
17 **DISTRICT COURT**  
18 **CLARK COUNTY, NEVADA**

19 THE STATE OF NEVADA,  
20 Plaintiff,

21 vs.

22 KALEO GEDGE, ID #5503469,  
23 Aka Kaleo Limaikaia Gedge,  
24 Defendant.

Case No. C-16-318249-1  
Dept. No. 20

Date Of Hearing: September 26, 2016  
Time of Hearing: 10:00 a.m.

25 **INFORMATION**

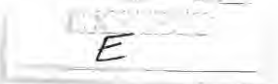
26 ADAM PAUL LAXALT, Attorney General of the State of Nevada, by and through Senior Deputy  
27 Attorney General JASON GUNNELL, informs this Honorable Court that **KALEO GEDGE**, the above  
28 named defendant, has committed the crimes of FURNISHING A CONTROLLED SUBSTANCE TO A  
STATE PRISONER (Category "B" Felony – NRS 212.160(1); NRS 195.020)) and TRANSPORT OF A  
CONTROLLED SUBSTANCE (Category B Felony – NRS 453.321); within the County of Clark, State of  
Nevada, as follows:

29 **COUNT ONE**

30 **FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER**

31 **(Category "B" Felony – NRS 212.160(1); NRS 195.020)**

32 On or about September 5, 2016, the Defendant, without authorization by law, did knowingly,  
33 unlawfully, and feloniously furnish, attempt to furnish, to a prisoner confined in an institution of the



1 Department of Corrections, a controlled substance, to wit: On or about September 5, 2016, the Defendant  
2 transported, and/or furnished or attempted to furnish methamphetamine, to prisoner(s) confined at High  
3 Desert State Prison.

4 **COUNT TWO**

5 **TRANSPORT OF A CONTROLLED SUBSTANCE**

6 **(Category "B" Felony – NRS 453.321)**

7 On or about September 5, 2016, the Defendant did willfully, unlawfully, feloniously, transport  
8 within Clark County, Nevada, a controlled substance, to-wit approximately 62 grams of  
9 Methamphetamine.

10 All of which is contrary to the form, force and effect of statutes in such cases made and provided  
11 against the peace and dignity of the State of Nevada.

12 DATED this 23rd day of September, 2016.

13 ADAM PAUL LAXALT  
14 Attorney General

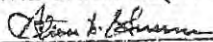
15 By: Jason Gunnell (on behalf of)  
16 Samuel R. Kern  
17 Nevada Bar No. 10638  
18 JASON GUNNELL  
19 Nevada Bar No. 13997C  
20  
21  
22  
23  
24  
25  
26  
27  
28

WITNESS LIST

The following list contains the names and addresses of all witnesses known to the Office of the Attorney General at the time accompanying the filing of this Information:

1. Mr. Steven LeMaire  
Office of the Inspector General  
3955 West Russell Road  
Las Vegas, NV 89118
2. Kevin Solano  
Corrections Officer  
High Desert State Prison  
22010 Cold Creek Rd  
Indian Springs, NV 89018

CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

  
CLERK OF THE COURT

01-05-17



ORIGINAL

16

1 GPA  
Adam Paul Laxalt  
2 Attorney General  
Samuel R. Kern (Bar No. 10638)  
3 Chief Deputy Attorney General  
Jason Gunnell (Bar No. 13997C)  
4 Senior Deputy Attorney General  
State of Nevada  
5 Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
6 Las Vegas, Nevada 89101-1068  
P: (702) 486-3904  
7 F: (702) 486-0660  
JGunnell@ag.nv.gov

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

SEP 28 2016

BY, Kory Schlitz  
KORY SCHLITZ, DEPUTY

8 Attorneys for Plaintiff

9 DISTRICT COURT  
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 KALEO GEDGE,  
Aka Kaleo Limaikaia Gedge, ID #5503469,

14 Defendant.

Case No.: C-16-318249-1  
Dept. No.: 20

15  
16 GUILTY PLEA AGREEMENT

17 I hereby agree to plead guilty to: of FURNISHING A CONTROLLED SUBSTANCE TO A  
18 STATE PRISONER (Category "B" Felony - NRS 212.160(1); NRS 195.020)) and TRANSPORT OF A  
19 CONTROLLED SUBSTANCE (Category B Felony - NRS 453.321), as more fully alleged in the charging  
20 document attached hereto as Exhibit "1."

21 My decision to plead guilty is based upon the plea agreement in this case which is as follows:

- 22 1. The State retains the right to argue.
- 23 2. I agree to waive any defects in the pleadings.
- 24 3. I agree forfeit any and all property seized in connection with this case.
- 25 4. I understand and agree that, if I fail to interview with the Department of Parole and

26 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit  
27 review, confirms probable cause against me for new criminal charges including reckless driving or DUI,  
28 but excluding minor traffic violations, the State will have the unqualified right to argue for any legal

C-16-318249-1  
GPA  
Guilty Plea Agreement  
4588633



11

1 sentence and term of confinement allowable for the crime to which I am pleading guilty, including the use  
2 of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty  
3 (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a  
4 definite twenty-five (25) year term with the possibility of parole after ten (10) years. Otherwise I am  
5 entitled to receive the benefits of these negotiations as stated in this plea agreement.

6 **CONSEQUENCES OF THE PLEA**

7 I understand that by pleading guilty I admit the facts that support all the elements of the offense(s)  
8 to which I now plead as set forth in Exhibit "1."

9 **As to Count I:** I understand that as a consequence of my plea of guilty the Court must sentence me  
10 to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1)  
11 year and a maximum term of not more than six (6) years. The minimum term of imprisonment may not  
12 exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined  
13 up to \$5,000.

14 **As to Count II:** I understand that as a consequence of my plea of guilty the Court must sentence  
15 me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1)  
16 year and a maximum term of not more than six (6) years. The minimum term of imprisonment may not  
17 exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined  
18 up to \$20,000.

19 I understand the law requires me to pay an Administrative Assessment Fee. I understand that, if  
20 appropriate, I will be ordered to make restitution to the victim(s) of the offense(s) to which I am pleading  
21 guilty and to the victim(s) of any related offense(s) being dismissed or not prosecuted pursuant to this  
22 agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my  
23 extradition, if any.

24 I also understand that a conviction of any violation of NRS Chapter 453, the Uniform Controlled  
25 Substance Act, requires that I pay a controlled substance analysis fee.

26 I understand that I am eligible for probation for the offense(s) to which I am pleading guilty. I  
27 further understand that, except as otherwise provided by statute, the question of whether I receive  
28 probation is in the discretion of the sentencing judge.



1 I also understand that I must submit to blood and/or saliva tests under the direction of the Division  
2 of Parole and Probation to determine genetic markers and/or secretor status.

3 I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve  
4 the sentences concurrently, the sentencing judge has the discretion to order the sentences served  
5 concurrently or consecutively.

6 I understand that information regarding charges not filed, dismissed charges, or charges to be  
7 dismissed pursuant to this agreement may be considered by the judge at sentencing.

8 I have not been promised or guaranteed any particular sentence by anyone. I know that my  
9 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my  
10 attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not  
11 obligated to accept the recommendation.

12 I understand the Division of Parole and Probation may prepare a report for the sentencing judge  
13 prior to sentencing. This report will include matters relevant to the issue of sentencing, including my  
14 criminal history. This report may contain hearsay information regarding my background and criminal  
15 history. My attorney and I will each have the opportunity to comment on the information contained in the  
16 report at the time of sentencing. Unless the Attorney General has specifically agreed otherwise, the  
17 Attorney General may also comment on this report.

18 I understand if the offense to which I am pleading guilty was committed while I was incarcerated  
19 on another charge or while I was on probation or parole that I am not eligible for credit for time served  
20 toward the instant offense(s).

21 I understand that if I am not a United States citizen, this criminal conviction will likely result in  
22 serious negative immigration consequences including but not limited to: removal from the United States  
23 through deportation; an inability to reenter the United States; the inability to gain United States citizenship  
24 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate  
25 term of confinement with the United States Federal Government based on my conviction and immigration  
26 status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will  
27 not result in negative immigration consequences and/or impact my ability to become a United States  
28 citizen and/or legal resident.

1 WAIVER OF RIGHTS

2 By entering my plea of guilty, I understand that I am waiving and forever giving up the following  
3 rights and privileges:

4 1. The constitutional privilege against self-incrimination, including the right to refuse to  
5 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my  
6 refusal to testify.

7 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive  
8 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an  
9 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a  
10 reasonable doubt each element of the offense charged.

11 3. The constitutional right to confront and cross-examine any witnesses who would testify  
12 against me.

13 4. The constitutional right to subpoena witnesses to testify on my behalf.

14 5. The constitutional right to testify in my own defense.

15 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or  
16 retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that  
17 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS  
18 174.035.

19 VOLUNTARINESS OF PLEA

20 I have discussed the elements of all the original charges against me with my attorney and I  
21 understand the nature of the charges against me.

22 I understand the State would have to prove each element of the charges against me at trial.

23 I have discussed with my attorney any possible defenses, defense strategies and circumstances  
24 which might be in my favor.

25 All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly  
26 explained to me by my attorney.

27 I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial  
28 would be contrary to my best interest.

1 I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting  
2 under duress or coercion or by virtue of any promises of leniency, except for those set forth in this  
3 agreement.


4 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug  
5 which would in any manner impair my ability to comprehend or understand this agreement or the  
6 proceedings surrounding my entry of this plea.

7 My attorney has answered all my questions regarding this guilty plea agreement and its  
8 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

9 DATED this 28 day of September, 2016.

10  
11   
12 \_\_\_\_\_  
KALEO GEDGE, Defendant

13 AGREED TO BY:

14   
15 \_\_\_\_\_  
16 JASON GUNNELL  
17 Senior Deputy Attorney General  
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CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for KALEO GEDGE named herein and as an officer of the court hereby certify that:

1. I have fully explained to KALEO GEDGE the allegations contained in the charges to which guilty pleas are being entered.

2. I have advised KALEO GEDGE of the penalties for each charge and the restitution that KALEO GEDGE may be ordered to pay.

3. I have inquired of KALEO GEDGE facts concerning KALEO GEDGE's immigration status and explained to KALEO GEDGE that if KALEO GEDGE is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

- a. The removal from the United States through deportation;
- b. An inability to reenter the United States;
- c. The inability to gain United States citizenship or legal residency;
- d. An inability to renew and/or retain any legal residency status; and/or
- e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

Moreover, I have explained that regardless of what KALEO GEDGE may have been told by any attorney, no one can promise KALEO GEDGE that this conviction will not result in negative immigration consequences and/or impact KALEO GEDGE's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by KALEO GEDGE pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to KALEO GEDGE and are in the best interest of KALEO GEDGE:

5. To the best of my knowledge and belief KALEO GEDGE:

- a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.
- b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

1 c. Was not under the influence of intoxicating liquor, a controlled substances or other drug  
2 at the time of the execution of this agreement.

3  
4 DATED this 28 day of November, 2016.

5  
6   
7 MICHAEL SANFT ESQ.  
8 Attorney for KALEO GEDGE  
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# EXHIBIT 1



  
CLERK OF THE COURT

1 INFM  
2 Adam Paul Laxalt  
3 Attorney General  
4 Samuel R. Kern (Bar No. 10638)  
5 Chief Deputy Attorney General  
6 Jason Gunnell (Bar No. 13997C)  
7 Senior Deputy Attorney General  
8 State of Nevada  
9 Office of the Attorney General  
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11 Las Vegas, Nevada 89101-1068  
12 P: (702) 486-3904  
13 F: (702) 486-2377  
14 Jgunnell@ag.nv.gov

15 Attorneys for Plaintiff

16 **DISTRICT COURT**  
17 **CLARK COUNTY, NEVADA**

18 THE STATE OF NEVADA,  
19 Plaintiff,

20 vs.

21 KALEO GEDGE, ID #5503469,  
22 Aka Kaleo Limaikaia Gedge,  
23 Defendant.

Case No. C-16-318249-1  
Dept. No. 20

Date Of Hearing: September 26, 2016  
Time of Hearing: 10:00 a.m.

24 **INFORMATION**

25 ADAM PAUL LAXALT, Attorney General of the State of Nevada, by and through Senior Deputy  
26 Attorney General JASON GUNNELL, informs this Honorable Court that KALEO GEDGE, the above  
27 named defendant, has committed the crimes of FURNISHING A CONTROLLED SUBSTANCE TO A  
28 STATE PRISONER (Category "B" Felony – NRS 212.160(1); NRS 195.020)) and TRANSPORT OF A  
CONTROLLED SUBSTANCE (Category B Felony – NRS 453.321); within the County of Clark, State of  
Nevada, as follows:

29 **COUNT ONE**

30 **FURNISHING A CONTROLLED SUBSTANCE TO A STATE PRISONER**

31 (Category "B" Felony – NRS 212.160(1); NRS 195.020)

32 On or about September 5, 2016, the Defendant, without authorization by law, did knowingly,  
33 unlawfully, and feloniously furnish, attempt to furnish, to a prisoner confined in an institution of the

1 Department of Corrections, a controlled substance, to wit: On or about September 5, 2016, the Defendant  
2 transported, and/or furnished or attempted to furnish methamphetamine, to prisoner(s) confined at High  
3 Desert State Prison.

4 **COUNT TWO**

5 **TRANSPORT OF A CONTROLLED SUBSTANCE**

6 **(Category "B" Felony – NRS 453.321)**

7 On or about September 5, 2016, the Defendant did willfully, unlawfully, feloniously, transport  
8 within Clark County, Nevada, a controlled substance, to-wit approximately 62 grams of  
9 Methamphetamine.

10 All of which is contrary to the form, force and effect of statutes in such cases made and provided  
11 against the peace and dignity of the State of Nevada.

12 DATED this 23rd day of September, 2016.

13 ADAM PAUL LAXALT  
14 Attorney General

15 By: Jason Gunnell (on behalf of)  
16 Samuel R. Kern  
17 Nevada Bar No. 10638  
18 JASON GUNNELL  
19 Nevada Bar No. 13997C  
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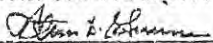


WITNESS LIST

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Office of the Inspector General  
3955 West Russell Road  
Las Vegas, NV 89118
2. Kevin Solano  
Corrections Officer  
High Desert State Prison  
22010 Cold Creek Rd  
Indian Springs, NV 89018

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CLERK OF THE COURT  
01-05-17



CLERK OF THE COURT

1 JOCP

2  
3  
4  
5  
6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8  
9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO. C318249-1

11 -vs-

DEPT. NO. XX

12  
13 KALEO GEDGE aka  
Keleo Limaikaia Gedge  
#5503469

14  
15 Defendant.

16 JUDGMENT OF CONVICTION

17 (PLEA OF GUILTY)

18  
19 The Defendant previously appeared before the Court with counsel and entered a  
20 plea of guilty to the crimes of COUNT 1 – FURNISHING A CONTROLLED  
21 SUBSTANCE TO A STATE PRISONER (Category B Felony) in violation of NRS  
22 212.160(1), 195.020; and COUNT 2 – TRANSPORT OF A CONTROLLED  
23 SUBSTANCE (Category B Felony) in violation of NRS 453.321; thereafter, on the 8<sup>th</sup>  
24 day of December, 2016, the Defendant was present in court for sentencing with counsel  
25 MICHAEL SANFT, ESQ., and good cause appearing,  
26  
27  
28

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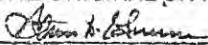
1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
2 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee  
3 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the  
4 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:  
5 COUNT 1 - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole  
6 Eligibility of EIGHTEEN (18) MONTHS; and COUNT 2 - a MAXIMUM of FORTY-  
7 EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of EIGHTEEN (18) MONTHS,  
8 CONCURRENT with COUNT 1; with NINETY-FIVE (95)) DAYS credit for time served.  
9  
10

11 DATED this 15 day of December, 2016

12  
13  
14 

15 ERIC JOHNSON  
16 DISTRICT COURT JUDGE  
17  
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CLERK OF THE COURT  
01-05-17



## **COMMISSION MEETING AGENDA ITEM 9**

### **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Carson City Sheriff's Office for their employee Karlyn Jones, for a 6 month extension past the one year requirement, to August 19, 2017, in order to meet the requirements for certification.



Ken Furlong  
Sheriff

911 E. Musser St.  
Carson City, NV 89701

775-887-2500  
Hearing Impaired: 711  
Fax: 775-887-2026

January 19, 2017

Michael Sherlock, Executive Director  
Nevada Commission on Peace Officers'  
Standards and Training  
5587 Wa Pai Shone Avenue  
Carson City, Nevada 89701

Dear Executive Director Sherlock,

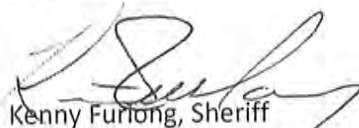
I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension for my employee Deputy Karlyn Jones. Deputy Jones was in an automobile accident on January 06, 2017 resulting in a broken femur. Deputy Jones was scheduled to attend the Department of Corrections Academy on January 17, 2017. However, due to the circumstances of her accident she is unable to attend.

Deputy Jones' date of hire was February 19, 2016, and to be granted a 6-month extension would extend her time to August 19, 2017. She is scheduled to attend POST Academy July 2017.

Therefore, I am requesting this extension past the one year requirement to become POST certified for Deputy Jones.

Thank you for your consideration.

Regards,

  
Kenny Furlong, Sheriff

**COMMISSION MEETING AGENDA ITEM 10**  
**PUBLIC COMMENT**

*The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.*





**COMMISSION MEETING AGENDA ITEMS 11 & 12**

**DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming commission meeting.

**DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.